



CITY OF MARSHALL
City Council Meeting
Agenda

Tuesday, May 28, 2024 at 5:30 PM
City Hall, 344 West Main Street

OPENING ITEMS

1. Introduction of City Administrator Intern

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. Consider Approval of the Minutes from the Regular Meeting Held on May 14th

PUBLIC HEARING

3. Vacation of Utility Easements in Proposed Lockwood Second Addition – 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate Easements
4. Sounds of Summer 2024 – 1) Public Hearing on Private Use of Public Streets and Parking Lots; 2) Approval of Private Use of Public Streets and Parking Lots; 3) Approval of Parade (August 24, 2024)

CONSENT AGENDA

5. Consider Approval of a Garbage/Refuse Haulers License for Sweetman Sanitation
6. Consider an Amendment to Resolution 24-050 for the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
7. Consider Approval of the Bills/Project Payments

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

8. Approve Out-of-State Travel for Liquor Store Manager
9. Lockwood Second Addition - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
10. Peachy Subdivision - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
11. Consider Authorization to Submit MnDOT Grant Request Letter and Purchase Tractor/Loader for Airport
12. Consider Authorization to Purchase Robotic Total Station for Engineering Department and Declaring Existing Unit as Surplus
13. Registration/Zoning for THC Retail Sales

COUNCIL REPORTS

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

STAFF REPORTS

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

INFORMATION ONLY

19. Building Permits

MEETINGS

20. Upcoming Meetings

ADJOURN

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

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, May 28, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from the Regular Meeting Held on May 14th
Background Information:	Enclosed are the minutes from the previous meetings.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on May 14th be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, May 14, 2024**

The regular meeting of the Common Council of the City of Marshall was held May 14, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, James Lozinski, See Moua-Leske, Amanda Schroeder, Steve Meister, and John Alcorn. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Mayor Byrnes requested that an appointment to the Marshall Municipal Utilities Commission be added to the agenda as item 22. There was no opposition to the request.

Consider Approval of the Minutes from the Regular Meeting Held on April 23rd

There were no requests to amend the minutes.

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

Approval of the Consent Agenda

There were no items any Councilmember wished to remove for additional discussion.

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

- Consider Authorization to Declare Vehicle as Surplus Property
- Consider Approval for a Temporary Liquor License for the Knights of Columbus
- Consider Approval to Allow the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
- Preliminary Plat of Peachy Subdivision – Introduction of Preliminary Plat
- Preliminary Plat of Lockwood Second Addition – Introduction of Preliminary Plat
- Vacation of Utility Easements in Proposed Lockwood Second Addition -- Receive Petition for Vacation and Call for Public Hearing
- Set Public Hearing Date for MS4 Permit Program Summary of the 2023 Activities
- Consider Approval Declaring the Sounds of Summer a Community Festival
- Sounds of Summer - Call for Public Hearing for Private Use of Public Streets and Parking Lots for Sounds of Summer (August 22-25, 2024)
- Consider Approval of Executing a Quit Claim Deed and Execution of Related Documents
- Consider a Resolution Approving Low Maintenance of Elaine Park and Michael Park
- Consider Approval of the Bills/Project Payments

Thursdays on Third - Consider Request from Marshall CVB for 07/18, 08/15 and 09/19/2024

Cassi Weiss, Director of the Convention and Visitors Bureau, requested the closure of North Third Street from West Main Street to West Lyon Street for an “Thursdays on Third” event where vendors could sell craft items, produce, flea market items, and have demonstrations or street performances, with possible music vendors as well. The request would also include closure of the alley that crosses North Third Street. The Marshall CVB had been coordinating with the Marshall Downtown Business Association, Farmers Market Association, and the Marshall Chamber of Commerce for the event. Each date of the event coincides with events that were already scheduled (Crazy Days, Lyon County Fair and Prairie Jam). Councilmember Schafer thanked Weiss for the opportunity to let Third Street shine.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve the request for from Marshall CVB for street closure from 5PM-8PM on July 18th, August 15th, and September 19th for “Thursdays on Third”. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-97 One Family Residence District

The city adopted a new comprehensive plan in 2023 and the plan redefined several zoning districts and suggested new ones. City staff had been working to implement the new Plan and the amendments proposed were a part of that work. Additionally, with the new Rental Ordinance recently adopted, staff did not see a reason to limit the number of unrelated adults living in a rented single-family house, which prompted is recommendation for removal. Other changes had a goal of streamlining the ordinance, by eliminating redundancy, and making it more consistent. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 12, 2024, meeting, the Legislative and Ordinance Committee also reviewed the changes and recommended approval.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Lozinski adopting Ordinance 24-007 amending Ch. 86-IV Section 97 R-1 Low Density Residence District and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Repealing Section 86-51 Bed and Breakfast

The city had adopted a new Rental Ordinance in early 2024 that covered Bed and Breakfast facilities as a short-term rental. The rental ordinance already listed specific conditions that were applicable to short-term rentals, so staff did not see a reason to keep a separate section related to Bed and Breakfast facilities. There was also a requirement for an interim use permit for Bed and Breakfast locations in addition to requiring rental registration. Staff did not want redundancy within two difference ordinances, with the rental ordinance being an easier method compared to an interim use permit. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 12, 2024, meeting, the Legislative and Ordinance committee also reviewed the repeal and recommended approval.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski adopting Ordinance 24-006 repealing Ch. 86-II-1 Section 51 Bed and Breakfast and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-107 General Industrial District

The city had several areas outside of agricultural districts that were used for agricultural activity. Currently, such uses are not listed as permitted use in any zoning district other than Agricultural. However, staff believed it was reasonable that owners would want to use open areas for some agricultural business activity prior to development; such business activity may have included growing and harvesting row crops on vacant land. As such, staff added growing row crops as a conditional use to I-2 general industrial district, since there are generally large open areas within the I-2 district, and this kind of activity – would not be an impediment for the area. Staff wanted to present the ordinance change before the growing season started in the spring; the change was not related to the comprehensive plan, so at some point section 86-107 will need to be revised to align with the plan. Some areas used for agricultural activities in the general business district would be dealt with differently than the I-2 district. To avoid a conditional use permit, which would stay with the property, an interim use permit issued for a year or two would be suited for the general business district. All conditional and interim use permits would come before the Planning Commission and the Council for final approval. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval of the amendments. At its March 12, 2024, meeting, the Legislative and Ordinance committee reviewed the changes and recommended approval.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder adopting Ordinance 24-008 amending Ch. 86-IV Section 107 I-2 General Industrial District and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance - Amending Section 86-162 Yard Modification

The last variance application staff had received was requested for a reduced front yard for a garage addition. The house was located at the corner of a street and cul-de-sac, which effectively cut out a back corner of the lot. This was not an uncommon situation for similarly located lots throughout the city. The City Council denied the request following staff recommendation, because the lot was not sufficiently unique, which was one of the conditions for the “practical difficulty” test for granting a variance. However, during the Planning Commission meeting, one of the members questioned the general applicability of the typical front yard requirement to similar situations. Discussions were had internally, and staff reviewed other circles and concluded that reducing the front yard for curved portions to 15 feet instead of the required 25 feet was not going to be detrimental to the neighborhoods. More than likely the reduction would only be pertinent to some corner lots at the cul-de-sac entrance, since other pie-shaped lots would not have long enough frontage to utilize a reduced yard. The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval. At its March 26, 2024, meeting, the Legislative and Ordinance Committee reviewed the amendments and recommended approval. Councilmember Lozinski commented that this ordinance was a good example of citizen involvement and questioning and would be a beneficial change going forward to property owners on corner lots of cul-de-sacs. Councilmember Schroeder also commented that the modification to the ordinance would be good for the future.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder adopting Ordinance 24-009 amending Ch. 86-VI-1 Section 162 Yard Modifications and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Adoption of Ordinance Amending Section 66-55 Procedures and Section 66-53 Required

This is a minor revision to the preliminary plat approval procedure. This section has recently been changed to move a public hearing from the City Council meeting to the Planning Commission meeting. This proposed change will allow conducting a required public hearing at the Council meeting if the Planning Commission does not have a quorum at its regular meeting, which will speed up the process in this case. Section 66-53 removes the requirement for a paper copy of a plat, leaving only digital files. This change was presented at the Planning Commission on April 10, 2024. At its March 12, 2024, meeting, Legislation and Ordinance committee reviewed a change to Section 66-55 and recommended approval.

Motion made by Councilmember Schroeder, Seconded by Councilmember Schafer adopting Ordinance 24-010 amending Ch. 66-II-2 Section 53 Required and Section 55 Procedures and authorizing its summary publication. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Kwik Trip 1273 - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

Kwik Trip had purchased and combined numerous parcels at the corner of West Main Street/TH 68 and North US Highway 59 with the intent of building a new gas station and convenience store at the location. The purpose of the plat was to combine all parcels into one and to ensure that all property issues were addressed prior to building on the site. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments. A public hearing was held on the preliminary plat at the Planning Commission meeting on April 10, 2024 and was recommended for approval. A representative from Kwik Trip indicated that construction was hoped to start on June

10th with a 110 day build out. With a ribbon and grand opening sometime in the fall of 2024. Councilmember Schafer thanked Kwik Trip for their continued investment into our community.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the preliminary plat of Kwik Trip 1273. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve Resolution 24-054 approving the Final Plat of Kwik Trip 1273. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project PK-013 (S.A.P. 139-500-001): RRFB and Trail Extension Project - Consider Resolution Authorizing Execution of MnDOT Cooperative Construction Agreement No. 1056356

The City of Marshall was awarded \$360,381 in Active Transportation (AT) Infrastructure Program grant funding for construction of several city-wide pedestrian improvement projects including an enhanced pedestrian crossing, rectangular rapid flashing beacon (RRFB), at US Hwy 59/A Street, a shared use trail along US Hwy 59 between Boyer Drive & Windstar, and the re-alignment of the Camden Trail at County Road 7 along with an enhanced RRFB crossing. The projects would need to adhere to State Aid standards and require approval from the District State Aid Engineer. City staff had reviewed the cooperative agreement and did not identify any issues or concerns. The city would be responsible for complete ownership and operation of the RRFB units, and the city would also be responsible for typical maintenance activities regarding the new shared use path installation. Project PK-013 consisted of three project areas with an estimated construction cost of \$413,125, including 10% for contingency. All costs outside of the AT Grant are proposed to be paid with Municipal State Aid Street (MSAS) funds. City staff had submitted to advance \$150,000 in MSAS funding for this project.

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to approve Resolution 24-055 authorizing execution of MnDOT Cooperative Agreement No. 1056356. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski

Appointment to the Marshall Municipal Utilities Commission

The Mayor and Council held an interview prior to the regular meeting for an upcoming opening on the Marshall Municipal Utilities Commission. Mayor Byrnes recommended that Kristina Carrow be re-appointed for a second term expiring on May 31, 2029.

Motion made by Councilmember Alcorn, Seconded by Councilmember Meister to appoint Kristina Carrow to the Marshall Municipal Utilities Commission with a term ending May 31, 2029. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Byrnes	SRDC held a public hearing for their annual levy request, and no public comments were received.
Schafer	No report.
Meister	No report.

Schroeder	The Planning Commission considered a request for exterior finishes at 300 West Main Street and held public hearings for the Lockwood Second Subdivision plat and the Peachy Subdivision plat. Public Housing wrapped up discussions about their 2022 capital funds projects and began work on 2023 project proposals. The housing Commission also received a grant from United Community Action Partnership for improvements and reviewed the 2023 audit report.
Alcorn	No report.
Moua-Leske	DEI continued to work on the strategic plan and the Juneteenth celebration. The library provided a short summary of activities and results of their audit and is available at the library for people to see.
Lozinski	No report.

Councilmember Individual Items

Councilmember Schafer wanted to let the citizens know that May 15 was National Peace Officers Memorial Day and the week that May 15th falls on was National Police Week.

Councilmember Meister mentioned that the weather had gotten nicer so to be aware of pedestrians.

Councilmember Alcorn reminded that the first half of property taxes was due on May 15th.

City Administrator

Provided updates on various dates for council to be aware of. Hanson and Director Anderson had a conversation with Schwan's regarding a hanger lease at the airport. Stockwell Engineering was progressing towards 90% plan design for the aquatic center and will be coming to council on July 23rd. A groundbreaking event for the aquatic center was scheduled for the last Friday during Sounds of Summer. Staff would also be meeting with the Democrat and Republican chairs to review political sign placement. The city had also started to replace some of the Minnesota State flags with the new design. The SWWC groundbreaking was also on the schedule for May 29th.

E.J. Moberg reviewed tentative budget timelines and work session meeting dates.

Director of Public Works/City Engineer

Provided updated on the following projects: South Whitney Reconstruction; Addison Parking Lot; mill and overlay; SRE Building; and Minnesota Highway 68.

City Attorney

No report.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:09 PM Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Vacation of Utility Easements in Proposed Lockwood Second Addition – 1) Public Hearing on Resolution Granting Petition to Vacate; 2) Consider Resolution Granting Petition to Vacate Easements
Background Information:	<p>A signed petition for vacation of utility easements has been received from the owners of all the real property that includes the proposed vacated area.</p> <p>A map of the petitioned vacation area is attached.</p> <p>The purpose of the vacation is to for a building addition in proposed Lockwood Second Addition.</p> <p>A copy of the procedure for vacation of streets by resolution, included in Sec. 62-4 of the Marshall Code of Ordinances, is also attached.</p> <p>All utility companies have been notified of the vacation of easements petition and have been directed to coordinate with the property owner and land surveyor regarding the individual requirements, if any, of each utility company.</p>
Fiscal Impact:	The applicant has paid the \$200 escrow for direct costs relating to the petition for vacation, and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1: that the Council close the public hearing.</p> <p>Recommendation No. 2: 2) that the Council adopt RESOLUTION 24-058, which is the Resolution Granting a Petition for Vacation of Utility Easements.</p>

RESOLUTION 24-058

**RESOLUTION GRANTING A PETITION FOR VACATION OF UTILITY EASEMENTS
IN THE CITY OF MARSHALL**

WHEREAS, a petition for vacation of utility easements has been received from the owners of all the real property that includes the proposed area for utility easement in the City of Marshall, County of Lyon, State of Minnesota; legally described in Exhibit A and shown on the map in Exhibit B, to-wit;

AND WHEREAS, such petition was ordered to be filed for record with the City Administrator and a hearing ordered on such petition;

AND WHEREAS, a public hearing was held on May 28, 2024, before the City Council on such petition after due published and posted notice had been given, and all persons interested were given an opportunity to be heard.

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

1. The Mayor and City Clerk/Financial Director hereby resolve the granting of the petition for vacation of the utility easements located in the City of Marshall, County of Lyon, State of Minnesota, as legally described above.
2. A copy of this resolution, after the same shall go into effect, duly certified by the City Administrator, shall be filed for record and duly recorded in the office of the Registrar of Deeds in and for Lyon County, Minnesota.

Passed and adopted by the Council this 28th day of May, 2024.

Robert J. Byrnes, Mayor

ATTEST:

City Clerk

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

EXHIBIT A

The north 10 feet and the east 10 feet of Lot 1, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the west 10 feet and the south 10 feet of said Lot 1.

AND

The west 10 feet of Lot 2, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the north 10 feet and the south 10 feet of said Lot 2.

EXHIBIT B

Certificate of Survey

EAST COLLEGE DRIVE/MN T.H. NO. 19 & 68

UNPLATTED

Lot 1

LOCKWOOD
BLOCK
Lot 2
ADDITION
ONE

LAND DESCRIPTION OF EASEMENTS TO BE VACATED

The north 10 feet and the east 10 feet of Lot 1, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the west 10 feet and the south 10 feet of said Lot 1.

AND

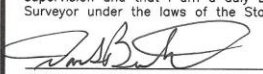
The west 10 feet of Lot 2, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota. EXCEPTING THEREFROM the north 10 feet and the south 10 feet of said Lot 2.

Lot 1
SUNRISE PARK ADDITION

Lot 3


SURVEYOR'S CERTIFICATION

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



DANIEL L. BUELTEL LICENSE NO: 43844

DATE: MAY 27, 2024



Prepared for LOCK PROP LLC

Prepared by
Bueltel-Moseng Land Surveying, Inc.
Marshall, MN 56258 Ph. 507-532-9043
PROJECT NO. 24-4348E

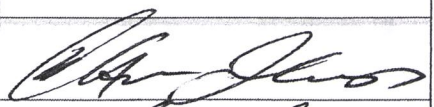
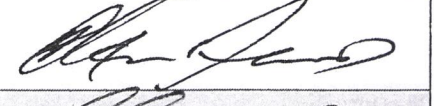
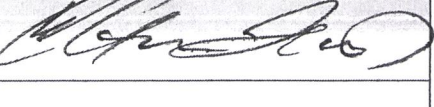
PETITION FOR VACATION OF UTILITY EASEMENTS

Receipt # 14085
Paid 4/15/2024

Marshall, Minnesota
April 2024

To the City Council of Marshall, Minnesota:


I/We, the undersigned, owner(s) of all the real property abutting the utility easement as legally described on the attached Exhibit A and as shown on the attached map as Exhibit B, hereby petition that such utility easements be vacated.

	PARCEL # / ADDRESS / LEGAL DESCRIPTION	OWNER(S)	OWNER(S) SIGNATURE(S)
1.	Lock Prop 1310 E. College Dr.	Lock Prop	
2.	Lock Prop 1306 E. College Dr.	Lock Prop	
3.	Lock Prop 201 Sunrise Ln	Lock Prop	
4.			
5.			
6.			

Purpose of Vacation: building addition

Application Fee and Deposit: \$400.00 -- I hereby submit this Petition for Vacation. I agree to pay the application fee and deposit upon filing. In addition, I understand that these fees are due and payable regardless of approval or denial by the City Council.

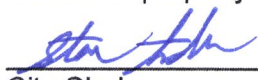
I/We hereby acknowledge the relocation of any utilities (i.e. hydrants, light poles, or communication lines) will be the property owner's expense.

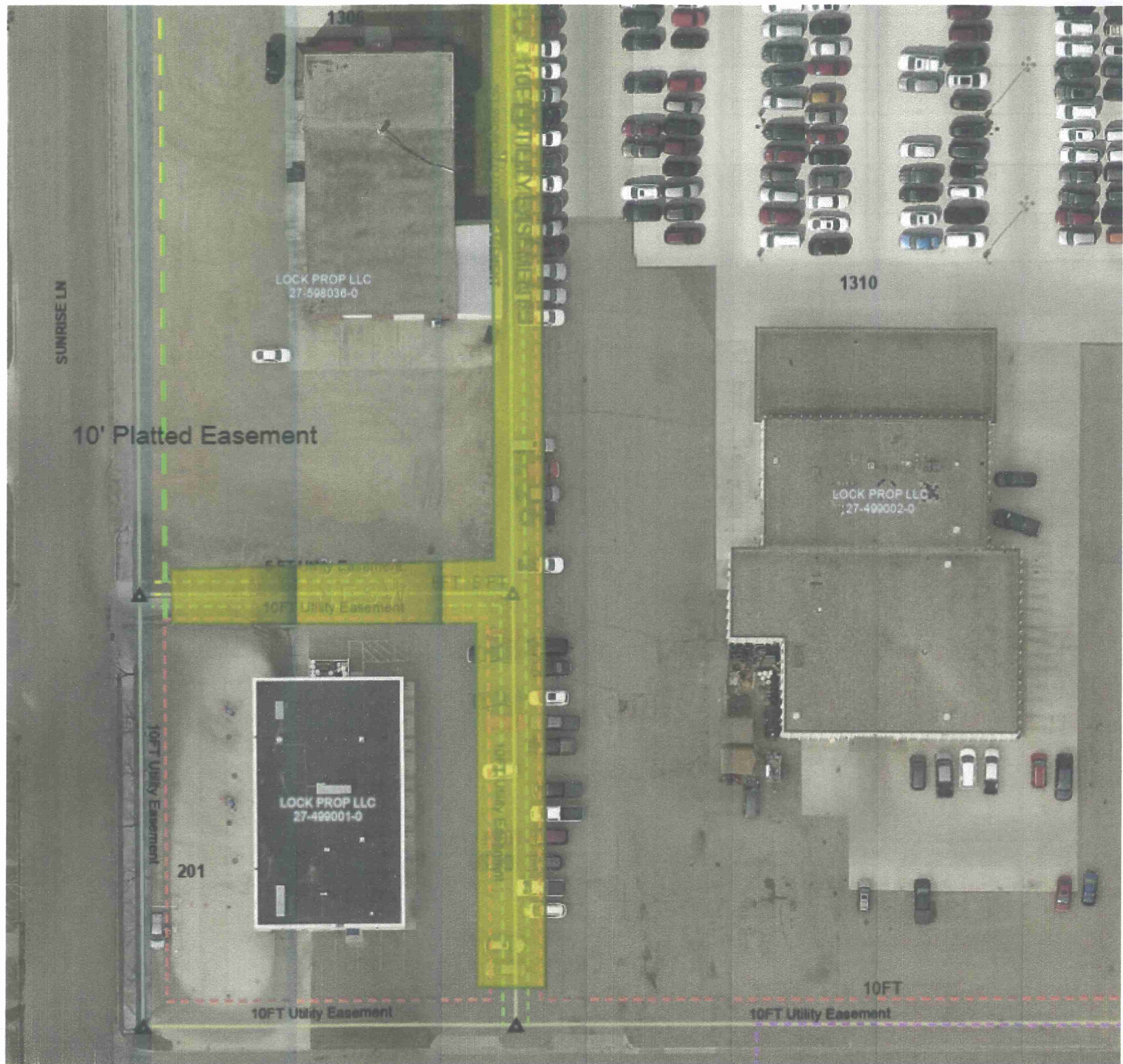

Signature

Chester Lockwood
Printed Name

4-15-24
Date

Examined, checked, and found to be in proper form and to be signed by the required number of owners of property affected by the making of the improvement petitioned for.


City Clerk



Lockwoods Building Addition Cable Relocation

LOCK PROP LLC

Proposed new Transformer location for

- Dealership
- Carwash
- Car Chargers

LOCK PROP LLC

LOCK PROP LLC

CHARLES
AVE
SUNRISE LNS

1401
LYON CTY
DEVELOPMENT
ACHIEVEMENT

Will need to acquire easement in this area

PUBLIC HOUSING
COMM OF THE

MARSHALL
HOUSING
LIMITED

Section 62-4 Vacation Of Streets, Alleys, Thoroughfares, Public Grounds, Easements, Or Any Other Interest In Real Estate, Or Any Part

- (a) No public grounds or streets or other interest in real estate shall be vacated except upon the council's own motion or upon the petition directed to the council of a majority of the owners of property on the line of such property interest residing within the city, and completion of the procedure specified in this section. Such petition shall set forth the reasons for such desired vacation, accompanied by a plat of such property interest proposed to be vacated, and such petition shall be verified by the oath of a majority of the petitioners residing within the city.
- (b) If, in the discretion of the council, it is expedient that the matter be proceeded with, it may order the petition filed for record with the city administrator, order a hearing on such petition and fix the time and place of such hearing.
- (c) The city administrator shall give notice of such hearing by publication once at least ten days in advance of such hearing, and by mail to the last known address of all of the owners of property on the line of such property interest proposed to be vacated at least ten days in advance of such hearing. Such last known addresses shall be obtained from the office of the county auditor. Such notice shall in brief state the object of such hearing; the time, place and purpose of such hearing; and the fact that the council, or a board or commission designated by them shall hear the testimony and examine the evidence of the parties interested.
- (d) The council, after hearing the same, or upon the report of such board or commission designated to hold such hearings, may by resolution, passed by affirmative vote of at least five members, declare such property interest vacated, or deny such petition. The resolution, if granting the petition, shall be certified by the city administrator and shall be filed for record and duly recorded in the office of the registrar of deeds (county recorder) in and for the county.

(Code 1976, § 7.07)

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Sounds of Summer 2024 - 1. Public Hearing on Private Use of Public Streets and Parking Lots (August 22-25, 2024); 2. Approval of Private Use of Public Streets and Parking Lots (August 22-25, 2024); 3. Approval of Parade (August 24, 2024)
Background Information:	<p>Attached is a request from the Sounds of Summer Committee requesting permission for the following:</p> <ul style="list-style-type: none"> - Closure of Saratoga Street (08/22/2024 (Thurs)) Closure of Saratoga Street from West College Drive to Greeley Street from - Closure of West College Drive (TH 19) <u>AND</u> Closure of Saratoga Street (08/23/2024 to 08/25/2024 (Fri-Sun)) Closure of West College Drive from Greeley Street to Saratoga Street and closure of Saratoga Street from West College Drive to Greeley Street on the following dates and times to allow adequate time for clean up after the Saturday evening activities. Please see attached "Exhibit A". <ul style="list-style-type: none"> • Friday 8/23 4 PM-10 PM • Saturday 8/24 12 PM to Sunday 8/25 1 AM - Parade Line-Up (08/24/2024 (Sat)): Closure of East Lyon Street, beginning at the corner of Jewett Street to South Bruce Street on Saturday, August 24, 2024 starting at approximately 12 PM to approximately 6 PM. Line-up would begin at 2 PM. Please see attached "Exhibit B". - Parade (08/24/2024 (Sat)): Closure of East Lyon Street from South Bruce Street to East Main Street and closure of Main Street from East Lyon Street to North 6th Street Saturday, August 24, 2024 from 3 PM to approximately 6 PM. Parade would start at 4 PM with an estimated 5:30 PM end time. Please see attached "Exhibit B". <p>In accordance with Section 62-6 of the Marshall City Code, the Director of Public Works/City Engineer may refer any application for private use of public streets and parking lots on either a temporary or permanent basis to be considered by the Marshall City Council.</p> <p>Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on these requests prior to granting final approval.</p> <p>In the past, the City's Public Safety and Public Works Divisions have worked with applicants on the issues and public safety concerns that would need to be addressed as part of this request.</p>

	In addition, it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.
Fiscal Impact:	There will be costs involved for personnel for set-up and take-down of the detours, barricades, traffic control and street sweeping. Staff is proceeding with plans and not charging fees for this event based on past practice. Costs for operations attributed to the parade only are estimated at less than \$5,000.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council close the public hearing.</p> <p>Recommendation No. 2 that the Council approve the private use of public streets and parking lots for Sounds of Summer (August 22-25, 2024).</p> <p>Recommendation No. 3 that the Council approve the Sounds of Summer Parade to be held Saturday, August 24, 2024, subject to Mn/DOT approval.</p>



May 2024

Jason Anderson P.E.
Director of Public Works
City of Marshall
344 W. Main St.
Marshall, MN 56258

Dear Jason:

Below is the request from the Sounds of Summer Committee regarding street closures for this year's celebration.

Thursday August 22, 2024- from 5:00 p.m. to 10:00 p.m.

Close Saratoga Street from West College Drive to ~~West~~ Greely Street.

Friday August 23, 2024- from 4:00 p.m. to 10:00 p.m.

Close West College Drive from ~~East~~ Greely Street to Saratoga Street and Saratoga Street from ~~West~~ Greely Street. *Close from W College*

Saturday August 24, 2024- from 12:00 p.m. to 1:00 a.m. Sunday, August 25th

Close West College Drive from ~~East~~ Greely Street to Saratoga Street and Saratoga Street from ~~West~~ Greely Street. *Close from W College*

Saturday August 24, 2024- from 12:00 p.m. to approximately 6:00 p.m.

This request is to have permission to hold our Sounds of Summer Parade on Saturday August 24, 2024, along the same route as prior years. Line-up would begin at Jewett Street and East Lyon Street to Bruce Street, the start of the parade. It would proceed to East Main Street (TH59) in a Northwestern path to downtown Marshall and ending between 5th and 6th Streets. Line up would begin at 2:00 p.m. Parade would start at 4:00 p.m. with an estimated 5:30 p.m. end time, or if exceptionally large parade, could be 6:00 p.m. In the past it has been requested that we secure your permission as well as working with City and County Law Enforcement to temporarily close TH59 and TH68 through the parade route and to coordinate that with MNDOT.

Again this year we would request to close Lyon Street, beginning at the corner of Nuese Lane to Jewett Street starting at 12:00 noon to approximately 5:00 p.m. This would allow people to drop off participants in the parade in a safe manner.

Any additional information you may need, please let us know.

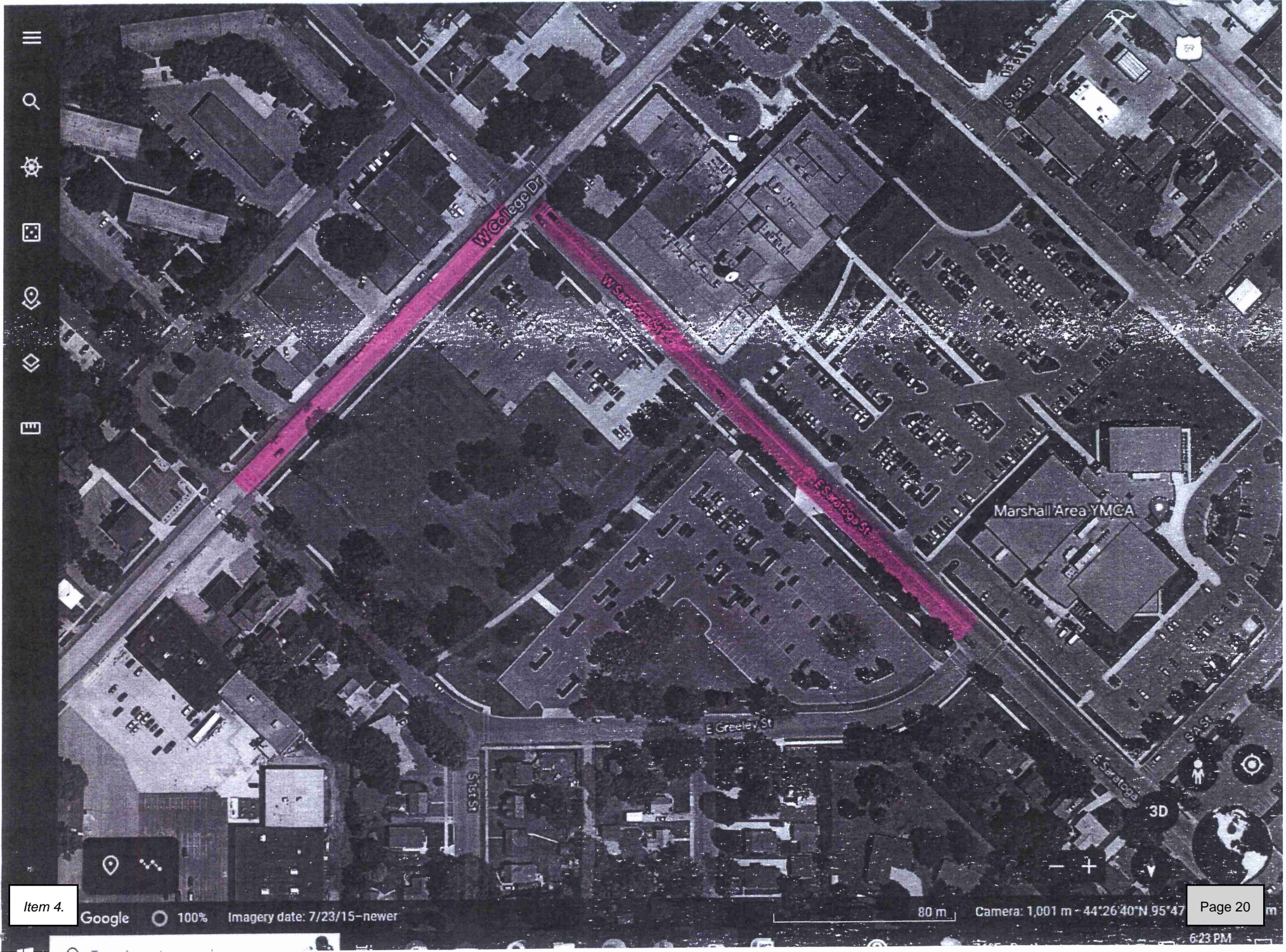
Sincerely,

Brock Klaith, Lisa Van Vickle, Marc Klaith

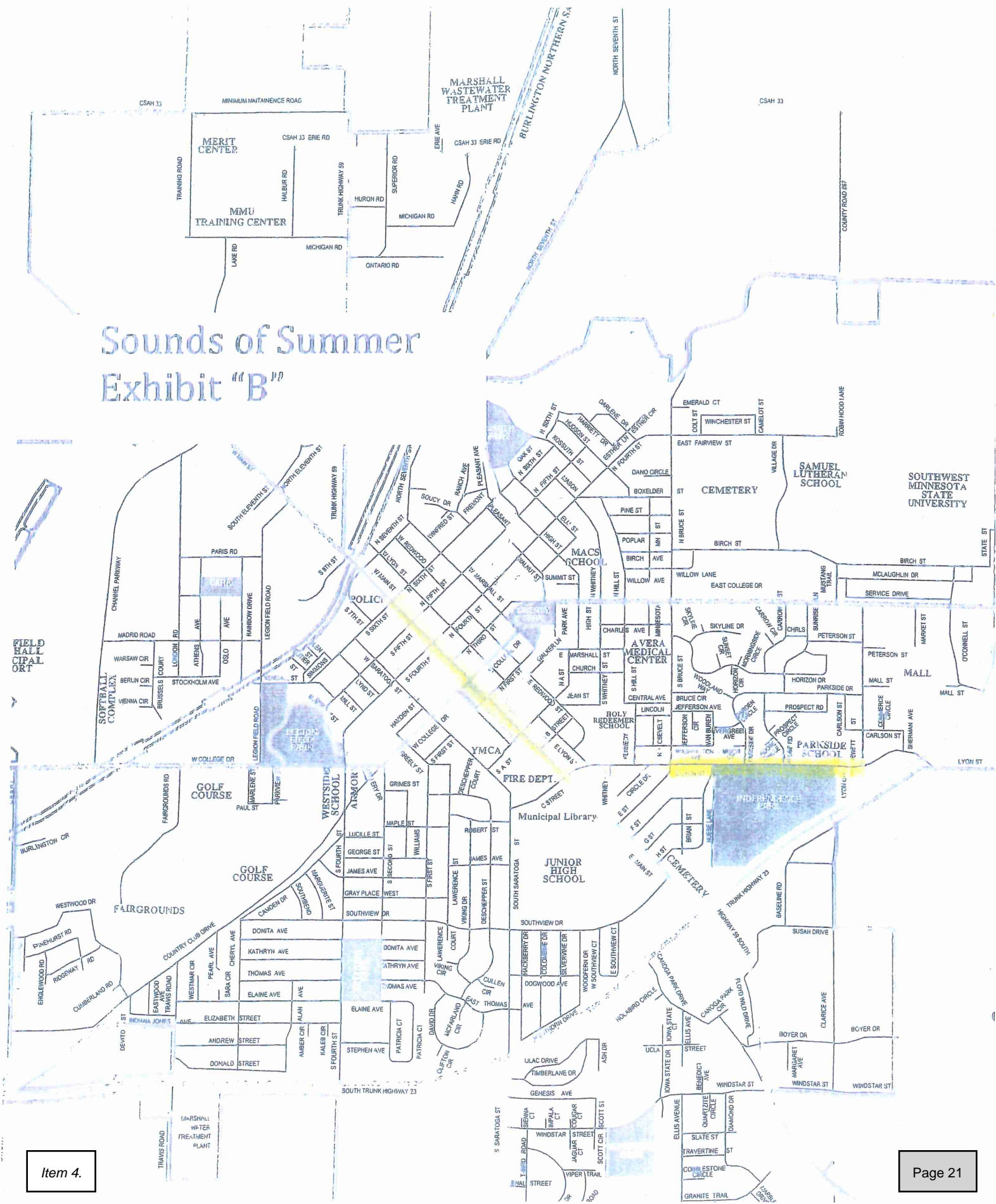
Brock Klaith, Lisa Van Vickle, Marc Klaith
Marshall Festivals Committee Officers

cc. Jim Marshall, Director of Public Safety
Eric Wallen, Lyon County Sheriff
Dean Coudron, Public Works Superintendent

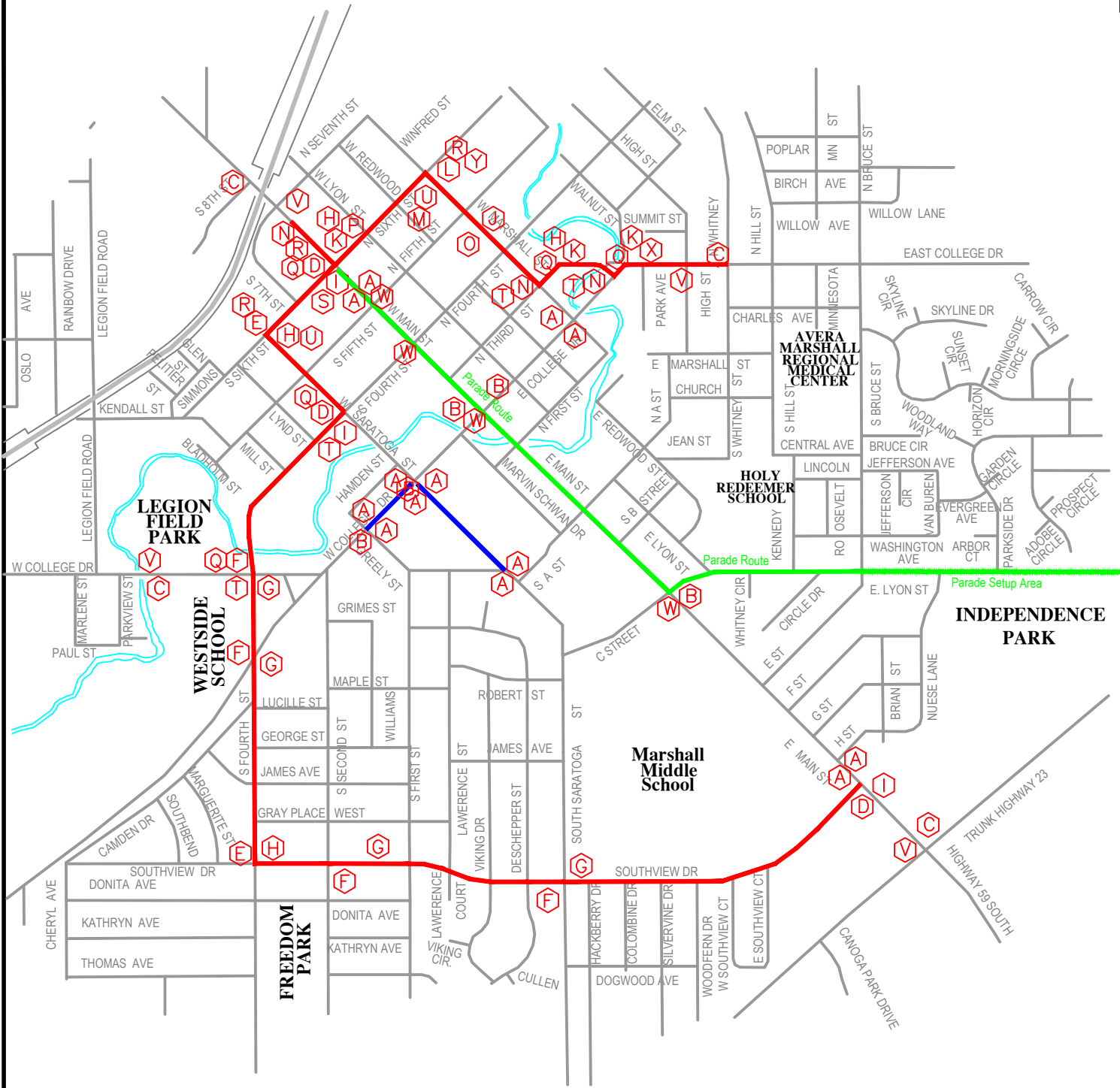
Exhibit A



Sounds of Summer Exhibit "B"



DETOUR SIGNING PLAN




- CLOSED ROAD
- CITY OF MARSHALL DETOUR ROUTE
- PARADE ROUTE

THIS MAP SHOWS DETOUR ROUTE CLOSURES, ALL LOCAL SIDE STREETS WILL ALSO BE CLOSED WITH NO TRAFFIC ALLOWED WITHIN CLOSED ROAD

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

ALL NECESSARY TRAFFIC CONTROL DEVICES AND DETOUR DEVICES ON THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE CITY OF MARSHALL. ALL TRAFFIC CONTROL DEVICES SHALL HAVE RETROREFLECTIVE SHEETING.


Item 4.




CITY ENGINEERS OFFICE
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

CITY OF MARSHALL
LYON COUNTY
MINNESOTA


NOT TO SCALE




R11-2
G20-2




G20-2




W20-2
*1500' FROM INT.




M4-8
M3-3
M1-4-US59
M5-1R




M4-8
M3-3
M1-4-US59
M5-1L




M4-8
M3-3
M1-4-US59
M6-3




M4-8
M3-1
M1-4-US59
M6-3



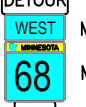
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M3-1
M1-4-US59
M5-1R




M4-8
M3-1
M1-4-US59
M5-1L



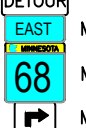
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M6-3-021BL




M4-8
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M1-5M-MN68-024BL
M5-1R-021BL



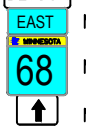
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M4-8
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M1-5M-MN68-024BL
M5-1R-021BL




M4-8
M3-2-024BL
M1-5M-MN68-024BL
M5-1L-021BL




M4-8
M3-2-024BL
M1-5M-MN68-024BL
M6-3-021BL




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M6-3-021BL




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M5-1R-021BL




M4-8
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M1-5M-MN19-024BL
M5-1L-021BL




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M1-5M-MN19-024BL
M6-3-021BL




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M1-5M-MN19-024BL
M5-1L-021BL




M4-8
M3-2-024BL
M1-5M-MN19-024BL
M5-1R-021BL




M4-8a
*500' FROM INT.
















Police



M4-8
M1-4-US59
M5-1R



M4-8
M1-4-US59
M5-1L

SIGN	SIGN NO.	QUANTITY	SIZE	COLOR	FLASHERS
	TYPE III BARRICADE	18	60"x48"	ORANGE ON WHITE	19
	R11-3	13	60"x30"	BLACK ON WHITE	
	W20-2	4	36"x36"	BLACK ON ORANGE	
	M1-4	21	24"x24"	BLACK ON WHITE	
	M1-5M-MN68-024BL	10	24"x24"	WHITE AND GOLD ON BLUE	
	M1-5M-MN19-024BL	17	24"x24"	WHITE AND GOLD ON BLUE	
	W20-100P	4	30"x24"	BLACK ON ORANGE	
	M3-2-024BL	12	24"x24"	WHITE ON BLUE	
	M3-4-024BL	14	24"x24"	WHITE ON BLUE	
	M5-1R-021BL	19	21"x15"	WHITE ON BLUE	
	M5-1L-021BL	12	21"x15"	WHITE ON BLUE	
	M6-3-021BL	4	21"x15"	WHITE ON BLUE	
	M4-8	40	24"x12"	BLACK ON ORANGE	
	M4-8a	4	24"x18"	BLACK ON ORANGE	

SIGN	SIGN NO.	QUANTITY	SIZE	COLOR
	M3-1	10	24"x24"	BLACK ON WHITE
	M3-3	9	24"x24"	BLACK ON WHITE
	M5-1R	8	21"x15"	BLACK ON WHITE
	M5-1L	5	21"x15"	BLACK ON WHITE
	M6-3	8	21"x15"	BLACK ON WHITE

Sounds of Summer Parade

Detour Plan

REVISIONS

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

DATE _____ REGISTRATION NO. 41557

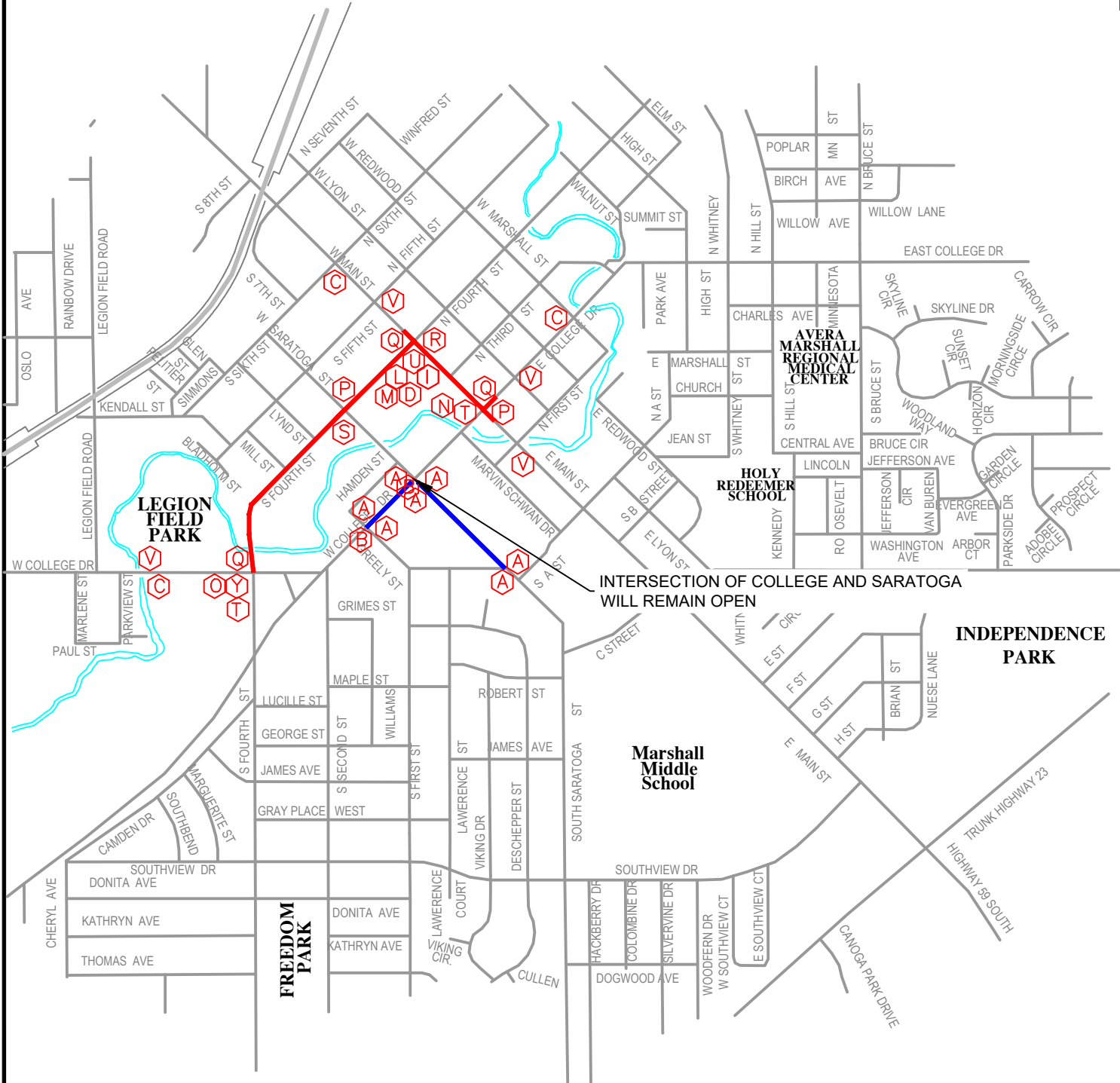
DATE 05/19/2023

DRAWN BY G.J.S.

S.P. NO.

SHEET Page 22

DETOUR SIGNING PLAN



■ CLOSED ROAD
■ CITY OF MARSHALL DETOUR ROUTE

THIS MAP SHOWS DETOUR ROUTE CLOSURES, ALL LOCAL SIDE STREETS WILL ALSO BE CLOSED WITH NO TRAFFIC ALLOWED WITHIN CLOSED ROAD

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Item 4.


CITY OF MARSHALL
LYON COUNTY
MINNESOTA

NOT TO SCALE



CITY ENGINEERS OFFICE
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

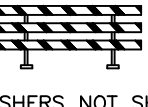
A



R11-2
G20-2

FLASHERS NOT SHOWN


B



G20-2

FLASHERS NOT SHOWN


C



W20-2


*1500' FROM INT.

D




M4-8
M3-3
M1-4-US59
M5-1R

E




M4-8
M3-3
M1-4-US59
M5-1L

F




M4-8
M3-3
M1-4-US59
M6-3

G




M4-8
M3-1
M1-4-US59
M6-3

H




M4-8
M3-1
M1-4-US59
M5-1R

I




M4-8
M3-1
M1-4-US59
M5-1L

J




M4-8
M3-4-024BL
M1-5M-MN68-024BL
M6-3-021BL

K




M4-8
M3-4-024BL
M1-5M-MN68-024BL
M5-1R-021BL

L




M4-8
M3-4-024BL
M1-5M-MN68-024BL
M5-1L-021BL

M




M4-8
M3-2-024BL
M1-5M-MN68-024BL
M5-1R-021BL

N




M4-8
M3-2-024BL
M1-5M-MN68-024BL
M5-1L-021BL

O




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M6-3-021BL

P




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M5-1R-021BL

Q




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M5-1L-021BL

R




M4-8
M3-4-024BL
M1-5M-MN19-024BL
M5-1L-021BL

S




M4-8
M3-2-024BL
M1-5M-MN19-024BL
M6-3-021BL

T




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M3-2-024BL
M1-5M-MN19-024BL
M5-1L-021BL

U



M4-8
M3-2-024BL
M1-5M-MN19-024BL
M5-1R-021BL


V



M4-8a


*500' FROM INT.

W




Police

X
















M4-8
M1-4-US59
M5-1R

Y



M4-8
M1-4-US59
M5-1L

SIGN	SIGN NO.	QUANTITY	SIZE	COLOR	FLASHERS
	TYPE III BARRICADE	9	60"x48"	ORANGE ON WHITE	19
	R11-3	7	60"x30"	BLACK ON WHITE	
	W20-2	3	36"x36"	BLACK ON ORANGE	
	M1-4	3	24"x24"	BLACK ON WHITE	
	M1-5M-MN68-024BL	4	24"x24"	WHITE AND GOLD ON BLUE	
	M1-5M-MN19-024BL	10	24"x24"	WHITE AND GOLD ON BLUE	
	W20-100P	3	30"x24"	BLACK ON ORANGE	
	M3-2-024BL	6	24"x24"	WHITE ON BLUE	
	M3-4-024BL	7	24"x24"	WHITE ON BLUE	
	M5-1R-021BL	5	21"x15"	WHITE ON BLUE	
	M5-1L-021BL	5	21"x15"	WHITE ON BLUE	
	M6-3-021BL	3	21"x15"	WHITE ON BLUE	
	M4-8	16	24"x12"	BLACK ON ORANGE	
	M4-8a	4	24"x18"	BLACK ON ORANGE	

SIGN	SIGN NO.	QUANTITY	SIZE	COLOR
	M3-1	1	24"x24"	BLACK ON WHITE
	M3-3	1	24"x24"	BLACK ON WHITE
	M5-1R	1	21"x15"	BLACK ON WHITE
	M5-1L	2	21"x15"	BLACK ON WHITE
	M6-3	-	21"x15"	BLACK ON WHITE

Sounds of Summer Event

Detour Plan

REVISIONS

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

DATE _____ REGISTRATION NO. 41557

DATE 05/19/2023

DRAWN BY G.J.S.

S.P. NO.

SHEET

Page 23

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of a Garbage/Refuse Haulers License for Sweetman Sanitation
Background Information:	<p>Sweetman Sanitation is a family-owned service based out of the Redwood Falls area and wishes to expand towards Marshall.</p> <p>The application and required documents were found to be correct.</p>
Fiscal Impact:	\$160/license
Alternative/ Variations:	None Recommended.
Recommendations:	To approve the 2024-2025 Garbage/Refuse Hauler license.

City of Marshall, Minnesota

Garbage/Refuse Hauler

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Sweetman Sanitation Inc.

For a **Garbage/Refuse Hauler License**
from **May 28, 2024 - March 31, 2025**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **May 28, 2024**

Mayor

Attest:

City Clerk

Sec. 50-24. - Hauler's license required.

It is unlawful for any person to haul garbage, other refuse, or recyclable materials for hire without a license therefor from the city, or to haul garbage or other refuse from his own residence or business property other than as excepted in this article. Such licenses shall expire on March 31 of each year. The annual fee for a garbage and refuse hauler's license shall be established by resolution of the city council.

(Code 1976, § 6.31(2), (3); Ord. No. 554 2nd series, 7-5-2006)

Cross reference— Business licenses, § 22-21 et seq.

State Law reference— Licensing of solid waste collection, Minn. Stat. § 115A.93.

Sec. 50-25. - Licensee requirements.

- (a) Hauler licenses shall be granted only upon the condition that the licensee have tight packer-type vehicles for garbage and other refuse and vehicles with leakproof bodies for recyclable materials in good condition to prevent loss in transit of liquid or solid cargo; that the vehicle be kept clean and as free from offensive odors as possible and not allowed to stand in any street longer than reasonably necessary to collect garbage, refuse, or recyclable materials; and that the vehicle is dumped or unloaded only at the designated sanitary landfill, or recycling center and strictly in accordance with regulations relating thereto.
- (b) Every vehicle used to collect garbage, refuse, or recyclable shall have the name of the owner or operator and the city license number under which it is being operated on the body of the vehicle, or on a durable metal or wood plaque which shall be fastened to the body, at all times when the vehicle is used for collecting garbage, refuse, or recyclable.
- (c) All licensed haulers shall provide to the city at the city's request, a list of all names and addresses of all their customers within the city.
- (d) All licensed haulers must have a license to haul garbage within the county.

(Code 1976, § 6.31(5); Ord. No. 554 2nd series, 7-5-2006; Ord. No. 723 2nd Series, § 1, 8-8-2017)

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider an Amendment to Resolution 24-050 for the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
Background Information:	<p>This was a previously approved application, but the Minnesota Gambling Control Board requested minor changes to Resolution 24-050 that was approved on May 14th before the application would be accepted.</p> <p>The American Legion Post 113 will be hosting a bingo fundraiser on June 6th at the Red Baron Arena and Expo located at 1651 Victory Drive.</p> <p>Gambling permits are issued by the State of MN but require local approval before submittal.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve resolution 24-050-1 for an LG230 Application to Conduct Off-Site Gambling at the Red Baron Arena on June 6 th for American Legion Post 113.

RESOLUTION NO. 24-050-1

**RESOLUTION APPROVING A LAWFUL GAMBLING
LG230 APPLICATION TO CONDUCT OFF-SITE GAMBLING**

WHEREAS, the City Council of the City of Marshall allows gambling licenses to be issued within the city;

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

That the American Legion Post 113 request for a LG230 Application to Conduct Off-Site Gambling at the Red Baron Arena and Expo located at 1651 Victory Drive, Marshall, Minnesota on June 6, 2024, hereby be approved.

Passed by the City Council of Marshall, Minnesota this 28th day of May 2024.

Robert Byrnes, Mayor

Attested:

Steven Anderson, City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Karla Drown
Meeting Date:	Tuesday, May 28, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 05/10/2024 - 05/28/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	05/15/2024	EFT	0.00	607.69	16530
4549	A & B BUSINESS, INC	05/17/2024	EFT	0.00	2,589.13	16548
6734	ABM EQUIPMENT & SUPPLY, LLC	05/17/2024	EFT	0.00	546.25	16549
6128	ACTION COMPANY LLC	05/17/2024	EFT	0.00	1,271.25	16550
0548	ACTION SPORTS INC	05/17/2024	EFT	0.00	53.99	16551
6412	AG PLUS COOPERATIVE	05/10/2024	EFT	0.00	121.86	16465
6412	AG PLUS COOPERATIVE	05/17/2024	EFT	0.00	208.37	16552
5119	ALL FLAGS, LLC	05/17/2024	EFT	0.00	215.03	16553
5959	ALPHA TRAINING, TACTICS & SALES LLC	05/10/2024	Regular	0.00	2,605.68	124427
0578	AMAZON CAPITAL SERVICES	05/10/2024	EFT	0.00	129.33	16466
0578	AMAZON CAPITAL SERVICES	05/15/2024	EFT	0.00	429.99	16531
0578	AMAZON CAPITAL SERVICES	05/17/2024	EFT	0.00	148.91	16554
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILL	05/15/2024	EFT	0.00	388.00	16532
7395	AP DESIGN, INC./NICHOLAS J SCHWARZ OR JILL	05/17/2024	EFT	0.00	15.89	16555
0630	ARCTIC GLACIER	05/10/2024	Regular	0.00	141.40	124428
0630	ARCTIC GLACIER	05/17/2024	Regular	0.00	177.66	124464
0629	ARNOLD MOTOR SUPPLY, LLP	05/10/2024	EFT	2.64	129.34	16467
0629	ARNOLD MOTOR SUPPLY, LLP	05/17/2024	EFT	0.20	9.79	16556
7621	ASDIC METAMORPHOSIS	05/10/2024	Regular	0.00	3,638.00	124429
6883	AT&T MOBILITY II LLC	05/17/2024	Regular	0.00	38.23	124465
6041	AUTOMATIC BUILDING CONTROLS, ABC INC	05/10/2024	Regular	0.00	300.00	124430
2402	AXON ENTERPRISE, INC	05/10/2024	EFT	0.00	14,495.00	16468
5702	B & H PHOTO & ELECTRONICS CORP	05/17/2024	EFT	0.00	8,021.16	16557
2340	BAKER TILLY VIRCHOW KRAUSE, LLP	05/17/2024	EFT	0.00	3,100.00	16558
0688	BELLBOY CORPORATION	05/10/2024	EFT	0.00	1,382.40	16469
0688	BELLBOY CORPORATION	05/17/2024	EFT	0.00	2,344.68	16559
0699	BEVERAGE WHOLESALERS, INC.	05/10/2024	Regular	0.00	27,843.44	124431
0699	BEVERAGE WHOLESALERS, INC.	05/17/2024	Regular	0.00	42,667.77	124466
0724	BOLTON & MENK INC	05/17/2024	EFT	0.00	927.50	16560
0018	BORDER STATES INDUSTRIES, INC.	05/10/2024	EFT	0.00	24.66	16470
0018	BORDER STATES INDUSTRIES, INC.	05/17/2024	EFT	0.00	31.46	16561
3829	BRAU BROTHERS	05/10/2024	EFT	0.00	475.00	16471
3829	BRAU BROTHERS	05/17/2024	EFT	0.00	212.00	16562
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	05/10/2024	Regular	0.00	5,916.09	124432
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	05/17/2024	Regular	0.00	6,938.33	124468
0740	BREMER BANK NATIONAL ASSOCIATION	05/20/2024	Bank Draft	0.00	22,436.25	DFT0003932
6539	BREMER BANK	05/14/2024	Regular	0.00	1,743.17	124457
6539	BREMER BANK	05/14/2024	Bank Draft	0.00	8,063.45	DFT0003926
0728	BUFFALO RIDGE CONCRETE INC	05/17/2024	EFT	0.00	286.00	16563
3305	BULLARD, QUINN	05/10/2024	EFT	0.00	168.11	16472
0216	CALLENS, DAVID	05/10/2024	EFT	0.00	20.00	16473
6791	CAPITAL ONE	05/10/2024	Regular	0.00	84.26	124433
6791	CAPITAL ONE	05/14/2024	Regular	0.00	14.29	124460
6791	CAPITAL ONE	05/17/2024	Regular	0.00	275.70	124470
5351	CENGAGE LEARNING	05/15/2024	EFT	0.00	49.48	16533
0836	CHARTER COMMUNICATIONS, LLC	05/17/2024	EFT	0.00	111.53	16564
0836	CHARTER COMMUNICATIONS, LLC	05/17/2024	EFT	0.00	46.99	16565
5733	CLARITY TELECOM, LLC	05/10/2024	EFT	0.00	145.00	16474
5733	CLARITY TELECOM, LLC	05/15/2024	EFT	0.00	429.02	16534
5733	CLARITY TELECOM, LLC	05/17/2024	EFT	0.00	458.48	16566
7183	CLOVER	05/10/2024	Bank Draft	0.00	14.95	DFT0003924
5736	COEQUYT PLUMBING AND HEATING	05/10/2024	Regular	0.00	277.27	124434
4236	COUNTRY ENTERPRISES, INC.	05/17/2024	EFT	0.00	24.70	16567
6294	CREDIT BUREAU OF ALEXANDRIA	05/17/2024	EFT	0.00	37.00	16568

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7394	CRESTED RIVER CANNABIS COMPANY	05/10/2024	EFT	0.00	1,239.00	16475
7394	CRESTED RIVER CANNABIS COMPANY	05/17/2024	EFT	0.00	1,143.00	16569
0920	CULLIGAN WATER CONDITIONING OF MARSHAL	05/10/2024	Regular	0.00	127.75	124435
0934	D & G EXCAVATING INC	05/10/2024	EFT	0.00	194,851.01	16476
7619	D & M MAHONEY PROPERTIES	05/10/2024	Regular	0.00	500.00	124436
7619	D & M MAHONEY PROPERTIES	05/17/2024	Regular	0.00	1,000.00	124471
3819	DACOTAH PAPER CO	05/10/2024	EFT	13.13	1,299.34	16477
7102	DAHLHEIMER BEVERAGE	05/10/2024	EFT	0.00	2,470.70	16478
5031	DASH MEDICAL GLOVES, LLC	05/17/2024	EFT	0.00	229.27	16570
7626	DDS MARSHALL PROPERTIES LLC	05/17/2024	Regular	0.00	1,500.00	124472
7627	DEBOER, ADRI	05/17/2024	Regular	0.00	30.00	124473
7406	DECOMM VENTURES, LP	05/17/2024	EFT	0.00	1,400.00	16571
4573	DEMCO	05/15/2024	EFT	0.00	707.77	16535
4709	DETCO	05/10/2024	EFT	0.00	752.16	16479
5731	DOLL DISTRIBUTING LLC	05/10/2024	EFT	0.00	14,844.43	16480
5731	DOLL DISTRIBUTING LLC	05/17/2024	EFT	0.00	19,989.20	16572
1061	EMERGENCY APPARATUS MAINTENANCE INC	05/10/2024	EFT	0.00	10,217.50	16481
7181	ENTERPRISE FLEET MANAGEMENT TRUST	05/20/2024	Bank Draft	0.00	20,832.95	DFT0003931
3566	ERAL, ADAM	05/10/2024	EFT	0.00	204.07	16482
3202	ESPING, DEREK	05/10/2024	EFT	0.00	127.00	16483
5912	EVOQUA WATER TECHNOLOGIES LLC	05/10/2024	EFT	0.00	716.36	16484
1090	FASTENAL COMPANY	05/10/2024	EFT	0.00	832.87	16485
1090	FASTENAL COMPANY	05/17/2024	EFT	0.00	138.03	16573
6170	FRIENDS OF THE MARSHALL-LYON COUNTY LIB	05/14/2024	Regular	0.00	644.00	124461
6770	GALLAGHER BENEFIT SERVICES, INC	05/17/2024	EFT	0.00	1,000.00	16574
1158	GALLS INC	05/10/2024	EFT	0.00	714.89	16486
6424	GITCH GEAR, LLC	05/10/2024	Regular	0.00	304.60	124437
6478	GOPHER STATE ONE CALL	05/17/2024	EFT	0.00	195.75	16575
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	05/10/2024	EFT	0.00	584.00	16487
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	05/17/2024	EFT	0.00	265.50	16576
1201	GRAINGER INC	05/10/2024	EFT	0.00	228.30	16488
1201	GRAINGER INC	05/17/2024	EFT	0.00	215.66	16577
6127	GRANDVIEW VALLEY WINERY, INC	05/10/2024	Regular	0.00	1,980.00	124438
3760	GROWMARK INC.	05/10/2024	EFT	0.00	928.25	16489
7080	HANCOCK CONCRETE PRODUCTS LLC	05/10/2024	Regular	0.00	967.10	124439
2946	HANSON, SHARON	05/17/2024	EFT	0.00	210.90	16578
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	05/24/2024	Bank Draft	0.00	422.11	DFT0003901
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	05/24/2024	Bank Draft	0.00	421.99	DFT0003943
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	05/24/2024	Bank Draft	0.00	31.92	DFT0003957
5825	HEFTY SEED CO	05/17/2024	Regular	0.00	420.78	124474
1271	HENLE PRINTING COMPANY	05/10/2024	EFT	0.00	15,440.34	16490
1271	HENLE PRINTING COMPANY	05/15/2024	EFT	0.00	390.00	16536
1291	HOFFMAN FILTER SERVICE	05/10/2024	EFT	0.00	48.75	16491
2153	HOFFMANN, RYAN	05/10/2024	EFT	0.00	600.30	16492
3555	HOLDEN, NATHAN	05/10/2024	EFT	0.00	121.78	16493
1325	ICMA RETIREMENT TRUST #300877	05/10/2024	EFT	0.00	50.00	16494
4552	INGRAM LIBRARY SERVICES	05/15/2024	EFT	0.00	2,594.51	16537
6536	INNOVATIVE OFFICE SOLUTIONS, LLC	05/15/2024	EFT	0.00	115.92	16538
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	52.46	DFT0003885
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	260.55	DFT0003886
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	12.28	DFT0003887
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	29,630.02	DFT0003911
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	23,488.63	DFT0003912
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	8,865.32	DFT0003913
1358	INTERNAL REVENUE SERVICE	05/24/2024	Bank Draft	0.00	30,856.24	DFT0003953
1358	INTERNAL REVENUE SERVICE	05/24/2024	Bank Draft	0.00	24,159.27	DFT0003954
1358	INTERNAL REVENUE SERVICE	05/24/2024	Bank Draft	0.00	9,209.08	DFT0003955
3034	JAMES LOZINSKI CONSTRUCTION, INC	05/17/2024	Regular	0.00	6,625.00	124475
1399	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	13,973.24	16497
1399	JOHNSON BROTHERS LIQUOR COMPANY	05/17/2024	EFT	0.00	20,286.87	16580
2036	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	8,557.58	16496

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2036	JOHNSON BROTHERS LIQUOR COMPANY	05/17/2024	EFT	0.00	8,843.24	16581
2605	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	4,855.94	16498
5447	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	1,243.05	16495
5447	JOHNSON BROTHERS LIQUOR COMPANY	05/17/2024	EFT	0.00	1,662.23	16579
1417	KENNEDY & GRAVEN, CHARTERED	05/17/2024	EFT	0.00	19,000.00	16582
5095	KIBBLE EQUIPMENT LLC	05/10/2024	EFT	0.00	2,000.00	16499
7618	LABAT, KELSEY	05/10/2024	Regular	0.00	30.00	124440
3906	LALEMAN, GARY	05/10/2024	EFT	0.00	120.00	16500
3653	LANGUAGE LINE SERVICES	05/10/2024	EFT	0.00	641.76	16501
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	05/17/2024	Regular	0.00	3,396.17	124477
1481	LEAGUE OF MINNESOTA CITIES	05/17/2024	Regular	0.00	475.00	124476
1508	LOCKWOOD MOTORS INC	05/17/2024	EFT	0.00	14.60	16583
7628	LUDEWIG, VERONICA	05/17/2024	Regular	0.00	375.00	124478
1545	LYON COUNTY HIGHWAY DEPARTMENT	05/10/2024	EFT	0.00	8,214.41	16502
1548	LYON COUNTY LANDFILL	05/17/2024	EFT	0.00	100.00	16584
1552	LYON COUNTY RECORDER	05/10/2024	EFT	0.00	214.55	16503
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	05/17/2024	Regular	0.00	41.37	124479
6292	MADDEN, GALANTER, HANSEN, LLP	05/17/2024	EFT	0.00	86.00	16585
1604	MARSHALL AREA CHAMBER OF COMMERCE	05/15/2024	EFT	0.00	15.00	16539
1616	MARSHALL CONVENTION & VISITORS BUREAU	05/10/2024	EFT	0.00	12,745.76	16504
1623	MARSHALL INDEPENDENT, INC	05/17/2024	Regular	0.00	110.00	124480
5813	MARSHALL LUMBER CO	05/10/2024	EFT	0.00	73.80	16505
5813	MARSHALL LUMBER CO	05/17/2024	EFT	0.00	958.10	16586
1633	MARSHALL MUNICIPAL UTILITIES	05/10/2024	EFT	0.00	7,827.08	16506
1633	MARSHALL MUNICIPAL UTILITIES	05/15/2024	EFT	0.00	2,114.10	16540
1633	MARSHALL MUNICIPAL UTILITIES	05/17/2024	EFT	0.00	80,561.10	16587
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	05/10/2024	EFT	1.01	49.72	16507
3545	MARSHALL RADIO	05/10/2024	EFT	0.00	2,200.00	16508
1651	MARSHALL UNITED SOCCER ASSOCIATION	05/10/2024	Regular	0.00	892.50	124441
7153	MAVERICK WINE LLC	05/10/2024	EFT	0.00	1,892.34	16509
6586	MCDYER TOOLS	05/10/2024	Regular	0.00	119.50	124442
7077	MEDSURETY, LLC	05/10/2024	Bank Draft	0.00	10,879.70	DFT0003905
7077	MEDSURETY, LLC	05/10/2024	Bank Draft	0.00	6,917.08	DFT0003910
7077	MEDSURETY, LLC	05/10/2024	Bank Draft	0.00	125.02	DFT0003922
7077	MEDSURETY, LLC	05/13/2024	Bank Draft	0.00	410.00	DFT0003928
7077	MEDSURETY, LLC	05/17/2024	Bank Draft	0.00	192.31	DFT0003929
4980	MENARDS INC	05/10/2024	EFT	0.00	456.55	16510
4980	MENARDS INC	05/17/2024	EFT	0.00	259.91	16590
7625	MICHAEL SORENSON MUSIC LLC	05/17/2024	Regular	0.00	402.00	124481
7630	MIDLAND SCIENTIFIC, INC	05/17/2024	Regular	0.00	324.50	124482
6388	MIDWEST ALARM COMPANY, INC	05/17/2024	EFT	0.00	600.00	16591
0095	MINNESOTA CITY/COUNTY MANAGEMENT ASSI	05/17/2024	Regular	0.00	213.86	124483
1818	MINNESOTA DEPARTMENT OF REVENUE	05/10/2024	Bank Draft	0.00	141.82	DFT0003888
1818	MINNESOTA DEPARTMENT OF REVENUE	05/10/2024	Bank Draft	0.00	11,921.68	DFT0003914
1818	MINNESOTA DEPARTMENT OF REVENUE	05/17/2024	Bank Draft	0.00	56,475.00	DFT0003930
1818	MINNESOTA DEPARTMENT OF REVENUE	05/24/2024	Bank Draft	0.00	12,309.27	DFT0003956
1784	MINNESOTA DEPARTMENT OF TRANSPORTATIC	05/17/2024	Regular	0.00	368.40	124484
4962	MINNESOTA SAFETY COUNCIL	05/10/2024	Regular	0.00	100.00	124443
3669	MINNESOTA STATE RETIREMENT SYSTEM	05/10/2024	Bank Draft	0.00	10,671.25	DFT0003908
3669	MINNESOTA STATE RETIREMENT SYSTEM	05/24/2024	Bank Draft	0.00	10,718.53	DFT0003950
1757	MN CHILD SUPPORT PAYMENT CENTER	05/10/2024	Bank Draft	0.00	414.85	DFT0003903
1757	MN CHILD SUPPORT PAYMENT CENTER	05/10/2024	Bank Draft	0.00	306.87	DFT0003904
1757	MN CHILD SUPPORT PAYMENT CENTER	05/24/2024	Bank Draft	0.00	414.85	DFT0003945
1757	MN CHILD SUPPORT PAYMENT CENTER	05/24/2024	Bank Draft	0.00	306.87	DFT0003946
1864	MONTES ELECTRIC INC	05/10/2024	Regular	0.00	1,131.22	124444
2512	NATIONWIDE RETIREMENT	05/10/2024	Bank Draft	0.00	275.00	DFT0003883
2512	NATIONWIDE RETIREMENT	05/10/2024	Bank Draft	0.00	1,139.39	DFT0003884
2512	NATIONWIDE RETIREMENT	05/10/2024	Bank Draft	0.00	100.00	DFT0003898
2512	NATIONWIDE RETIREMENT	05/24/2024	Bank Draft	0.00	100.00	DFT0003940
1945	NORM'S GTC	05/10/2024	Regular	0.00	182.95	124445
1945	NORM'S GTC	05/17/2024	Regular	0.00	156.91	124485

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1946	NORTH CENTRAL LABS	05/10/2024	EFT	0.00	1,278.31	16511
4372	NORTHERN CONSULTING ACTUARIES, INC	05/17/2024	EFT	0.00	4,200.00	16592
7632	NOTHING BUT HEMP	05/17/2024	Regular	0.00	4,209.00	124486
7325	NUTRITION EXCELLENCE LLC	05/10/2024	Regular	0.00	577.50	124446
6463	OFFICE OF MNIT SERVICES	05/17/2024	Regular	0.00	709.62	124487
1775	OLSEN, JAKE	05/17/2024	EFT	0.00	18.24	16593
5891	ONE OFFICE SOLUTION	05/10/2024	EFT	0.00	516.38	16512
5891	ONE OFFICE SOLUTION	05/15/2024	EFT	0.00	32.04	16541
3809	O'REILLY AUTOMOTIVE STORES, INC	05/17/2024	EFT	0.00	430.89	16594
3597	PAAPE DISTRIBUTING CO	05/15/2024	EFT	0.00	26,770.00	16542
1243	PATZERS INC	05/10/2024	EFT	0.00	197.46	16513
5707	PAYPAL INC	05/15/2024	Bank Draft	0.00	29.99	DFT0003925
5707	PAYPAL INC	05/15/2024	Bank Draft	0.00	99.38	DFT0003927
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	05/17/2024	EFT	0.00	107.00	16595
2028	PERA OF MINNESOTA REG	05/10/2024	Bank Draft	0.00	57,394.42	DFT0003906
2028	PERA OF MINNESOTA REG	05/24/2024	Bank Draft	0.00	58,220.81	DFT0003948
6279	PIONEER PHOTOGRAPHY	05/17/2024	Regular	0.00	2,000.00	124488
4548	PLUM CREEK LIBRARY SYSTEM	05/14/2024	Regular	0.00	650.00	124462
7620	POOLE, ADAM	05/10/2024	Regular	0.00	500.00	124447
2064	POWERPLAN	05/10/2024	Regular	0.00	7.50	124448
5606	PRE-PAID LEGAL SERVICES, INC.	05/10/2024	Bank Draft	0.00	197.92	DFT0003902
5606	PRE-PAID LEGAL SERVICES, INC.	05/24/2024	Bank Draft	0.00	197.84	DFT0003944
5606	PRE-PAID LEGAL SERVICES, INC.	05/24/2024	Bank Draft	0.00	8.94	DFT0003960
5451	PSI POWER WASHERS INC	05/10/2024	Regular	0.00	211.90	124449
7322	QUADIANT FINANCE USA, INC	05/17/2024	Regular	0.00	550.00	124489
7240	QUESTICA LTD	05/10/2024	Regular	0.00	20,475.00	124450
2112	R AND G CONSTRUCTION COMPANY	05/17/2024	EFT	0.00	6,400.00	16596
5964	R.M. COTTON COMPANY	05/10/2024	EFT	0.00	1,753.00	16514
1769	RASMUSSEN, EMILIROSE	05/15/2024	EFT	0.00	163.40	16543
0707	ROADSIDE DEVELOPERS INC	05/10/2024	Regular	0.00	322.85	124451
5867	ROUND LAKE VINEYARDS & WINERY	05/10/2024	EFT	0.00	250.00	16515
2201	RUNNING SUPPLY, INC	05/10/2024	EFT	0.00	64.81	16516
6286	SCHWEGMAN'S CLEANERS, LLP	05/15/2024	EFT	0.00	170.50	16544
2256	SERVICE MASTER	05/10/2024	Regular	0.00	3,366.37	124452
7631	SLEGGERS, ASHLEY	05/17/2024	Regular	0.00	247.50	124490
2288	SMI & HYDRAULICS, INC.	05/10/2024	EFT	0.00	338.43	16517
3495	SMSU	05/10/2024	EFT	0.00	1,080.00	16518
4855	SOUTHERN GLAZER'S	05/10/2024	EFT	0.00	9,747.37	16519
4855	SOUTHERN GLAZER'S	05/17/2024	EFT	0.00	11,991.48	16597
2318	SOUTHWEST SANITATION INC.	05/10/2024	EFT	0.00	3,748.17	16520
2318	SOUTHWEST SANITATION INC.	05/15/2024	EFT	0.00	127.68	16545
5922	SRF CONSULTING GROUP, INC.	05/17/2024	EFT	0.00	4,788.29	16598
7526	STERICYCLE, INC.	05/10/2024	Regular	0.00	125.78	124453
7526	STERICYCLE, INC.	05/17/2024	Regular	0.00	126.26	124491
6800	STOCKWELL ENGINEERS	05/10/2024	EFT	0.00	134,230.00	16521
4385	STUART C IRBY CO.	05/17/2024	EFT	0.00	64.12	16599
6277	TALKING WATERS BREWING CO, LLC	05/10/2024	EFT	0.00	1,440.00	16522
4734	TESSMAN COMPANY	05/17/2024	EFT	0.00	623.03	16600
7591	THARES, STEVE	05/10/2024	Regular	0.00	18.64	124454
0875	THE COMPUTER MAN INC	05/10/2024	EFT	0.00	3,828.00	16523
0875	THE COMPUTER MAN INC	05/15/2024	EFT	0.00	822.00	16546
0875	THE COMPUTER MAN INC	05/17/2024	EFT	0.00	2,939.00	16601
2143	THOOFT ENTERPRISES LLC	05/10/2024	EFT	0.00	209.00	16524
2428	TITAN MACHINERY	05/17/2024	EFT	0.00	54.85	16602
2429	TKDA	05/17/2024	EFT	0.00	2,188.21	16603
3968	TRAFFIC CONTROL CORP.	05/10/2024	EFT	0.00	384.00	16525
7170	TRANSFIRST/MERCHANT SERVICES	05/10/2024	Bank Draft	0.00	67.44	DFT0003923
4648	TRI-COUNTY NEWS, COTTONWOOD	05/14/2024	Regular	0.00	65.00	124463
2499	US BANK	05/10/2024	EFT	0.00	850.00	16526
3443	VALIC DEFERRED COMP	05/10/2024	Bank Draft	0.00	1,055.77	DFT0003899
3443	VALIC DEFERRED COMP	05/10/2024	Bank Draft	0.00	1,396.15	DFT0003900

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3443	VALIC DEFERRED COMP	05/24/2024	Bank Draft	0.00	1,055.77	DFT0003941
3443	VALIC DEFERRED COMP	05/24/2024	Bank Draft	0.00	1,396.15	DFT0003942
4489	VERIZON WIRELESS	05/15/2024	EFT	0.00	41.25	16547
4489	VERIZON WIRELESS	05/17/2024	EFT	0.00	35.01	16604
6694	VESTIS GROUP, INC.	05/17/2024	Regular	0.00	126.94	124492
2538	VIKING COCA COLA BOTTLING CO.	05/10/2024	EFT	0.00	446.80	16527
2538	VIKING COCA COLA BOTTLING CO.	05/17/2024	EFT	0.00	586.45	16605
6085	VOYA - INVESTORS CHOICE	05/10/2024	Bank Draft	0.00	2,243.26	DFT0003909
6085	VOYA - INVESTORS CHOICE	05/24/2024	Bank Draft	0.00	2,243.26	DFT0003951
7601	WALLEN, DOUGLAS	05/10/2024	Regular	0.00	500.00	124455
2603	WELSH, TRAVIS	05/10/2024	EFT	0.00	209.99	16528
7622	WHITE CAP, L.P.	05/10/2024	Regular	0.00	828.99	124456
7622	WHITE CAP, L.P.	05/17/2024	Regular	0.00	1,466.15	124493
7011	WIDSETH SMITH NOLTING & ASSOCIATES, INC.	05/17/2024	Regular	0.00	7,430.75	124494
3119	WING, LAURA	05/10/2024	EFT	0.00	207.04	16529
2632	ZIEGLER INC	05/17/2024	EFT	0.00	221.67	16606

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	115	64	0.00	159,595.65
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	49	49	0.00	428,184.06
EFT's	282	140	16.98	737,642.35
	446	253	16.98	1,325,422.06

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	115	64	0.00	159,595.65
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	49	49	0.00	428,184.06
EFT's	282	140	16.98	737,642.35
	446	253	16.98	1,325,422.06

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	5/2024	1,325,422.06
			1,325,422.06

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

5/28/2024

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2022 Prior Payments	2023 Prior Payments	2024 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00	66,794.00			11,822.00	-	100.00%
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	39,670.13	3,885,167.44		3,518,016.32		35,535.52	331,615.60	91.46%
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00	6,078.00	177,720.00		177,000.00		-	720.00	99.59%
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00	51,540.63				23,459.37	68.72%
AP-003	482-43400-55120	2/13/2024	SRE Building	Sussner Construction	2,913,100.00		2,913,100.00					2,913,100.00	0.00%
ST-012	482-43300-55170	2/27/2024	S Whitney (E College to Jean)	D & G Excavating	1,565,706.60		1,565,706.60		194,851.01		10,255.32	1,555,451.28	0.65%
ST-001	101-43300-53425	3/26/2024	Chip Seals	Pearson Bros., Inc.	132,504.60		132,504.60					132,504.60	0.00%
ST-002	495-43300-55170	3/26/2024	Bituminous Overlay on Various City Streets	Central Specialties Inc.	610,442.88		610,442.88					610,442.88	0.00%
ST-010	482-43300-55170	4/23/2024	Lyon Circle Reconstruction	A&C Excavating, LLC	161,580.80		161,580.80					161,580.80	0.00%
PK-015	482-45200-55170	4/23/2024	Independence Park parking lot (back)	Town & Country Excavating LLC	197,216.00		197,216.00					197,216.00	0.00%
				14,702,890.19	795,108.13	15,497,998.32	118,334.63	3,695,016.32	194,851.01	0.00	57,612.84	5,926,090.53	

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg and/or Eric Luther
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Approve Out-of-State Travel for Liquor Store Manager
Background Information:	<p>Tall Grass Liquor has been selected as a winner for this year's Top 100 Retailers Awards.</p> <p>All winners will be featured in the June issue of <i>Beverage Dynamics</i>. Eric Luther, Tall Grass Liquor Store Manager, is also invited to accept the award in person in Chicago on June 19 at the Beverage Alcohol Retailers Conference.</p> <p>Trophies will be presented to all winners in attendance, and the conference will announce the retailers ranked in the top 20, as well as their Retailer of the Year.</p> <p>With being selected as a winner the conference costs are covered with a free promotional code. The conference is from June 17th through 19th. The added costs of attending this out-of-state conference are mileage or car rental, meals and lodging - - estimated to be under \$1,500.</p> <p>Sessions at the conference include but are not limited to: social media best practices; store security; legal & regulatory update; THC beverages; industry data presentations; business planning; E-commerce and third-party delivery services. There is educational value in attending. Staff also believe it would be beneficial to see what is happening at this level of retail store operations and it is a good networking opportunity.</p>
Fiscal Impact:	Estimated to be under \$1,500
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	Approve the out of state travel request



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Lockwood Second Addition - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
Background Information:	<p>Attached please find a copy of the Preliminary Plat of Lockwood Second Addition and Engineer's Report of Preliminary Plat Review.</p> <p>The property owner is planning a building addition and wishes to redefine property lines to accommodate this addition.</p> <p>A copy of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024. Following discussion, Muchlinski made a motion, second by Stoneberg, to close the public hearing. All voted in favor. Agboola made a motion, second by Pieper to recommend approval of the preliminary plat of Lockwood Second Addition to the City Council, subject to utility companies review and recommendations. All voted in favor. Motion passed 7:0.</p> <p>Attached please find a copy of the Final Plat and Final Plat Checklist for Lockwood Second Addition.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according the current Fee Schedule.
Alternative/Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council approve the Preliminary Plat of Lockwood Second Addition.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION 24-056, which is the Resolution Approving the Final Plat of Lockwood Second Addition.</p>

RESOLUTION 24-056

**RESOLUTION APPROVING THE FINAL PLAT OF
LOCKWOOD SECOND ADDITION**

WHEREAS, the developer has filed with the Common Council, a Preliminary Plat identified as Lockwood Second Addition situated in the City of Marshall, County of Lyon, State of Minnesota, described as follows, to-wit:

**LOCKWOOD SECOND ADDITION
BLOCK ONE, LOT 1**

more particularly described as attached Exhibit A.

WHEREAS, the Final Plat of Lockwood Second Addition was presented to the Common Council on May 28, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED, that said Final Plat of Lockwood Second Addition has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes and directs the City Clerk to certify his approval on the plat.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this resolution shall become void 90 days after adoption and fulfillment of all contingencies of approval, if any, unless the plat is filed for record within such time.

Passed and adopted by the Common Council this 28th day of May, 2024.

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

EXHIBIT A

All Lots 1, 2, and 3, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

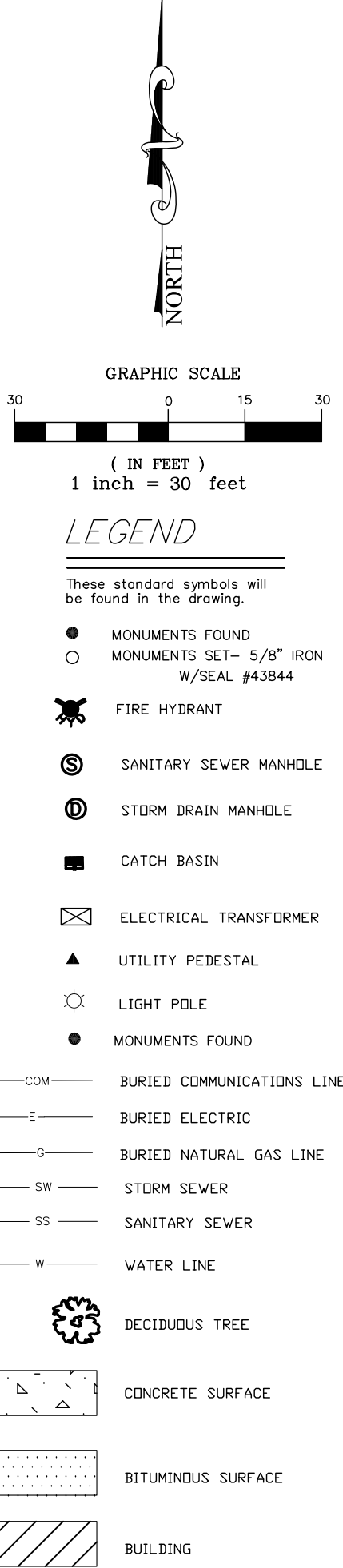
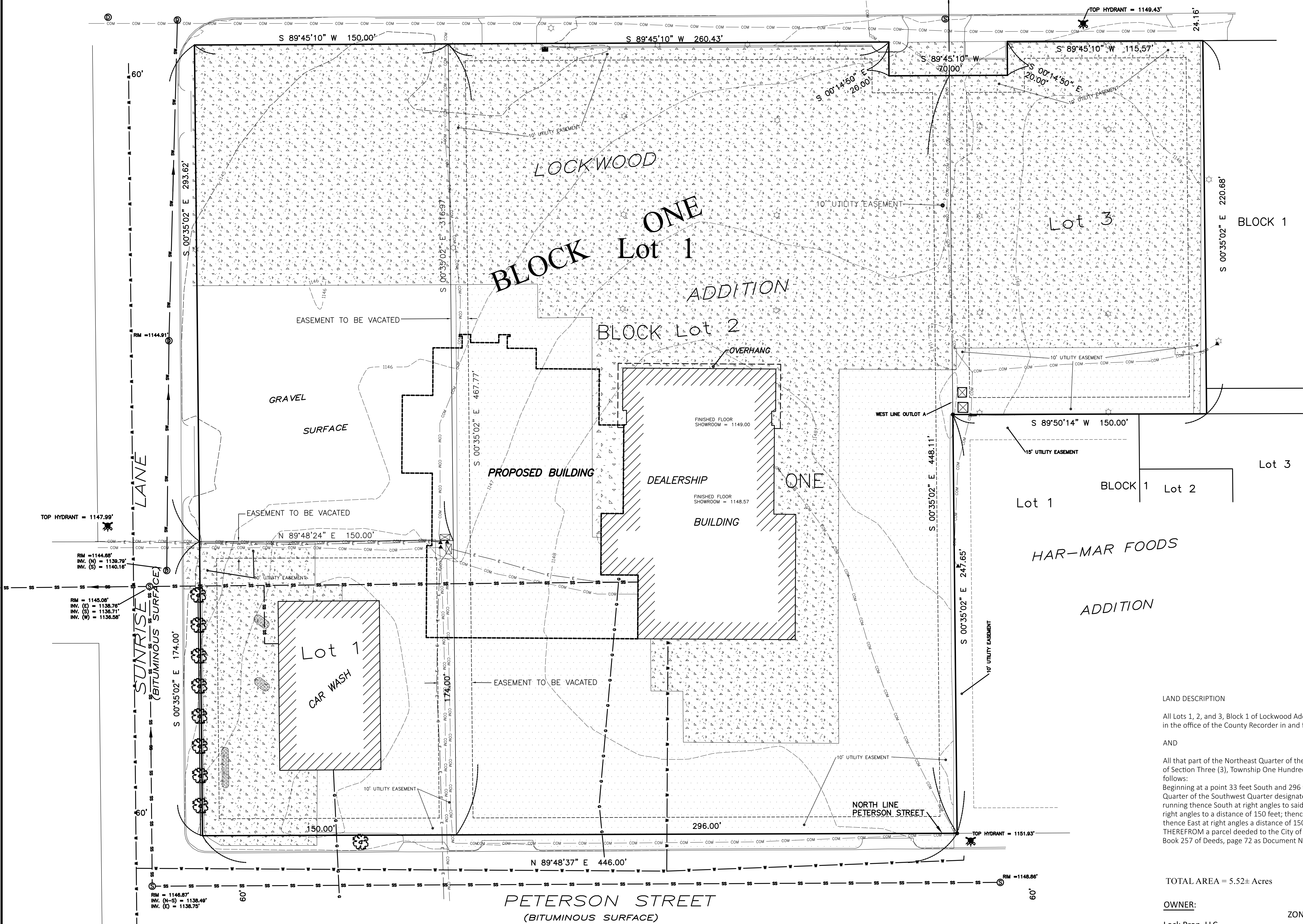
AND

All that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Eleven (111), Range Forty-one (41) described as follows:

Beginning at a point 33 feet South and 296 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter designated as the South line of Trunk Highway No. 19; running thence South at right angles to said South line, a distance of 317 feet; thence West at right angles to a distance of 150 feet; thence North at right angles a distance of 317 feet; thence East at right angles a distance of 150 feet to the place of beginning, EXCEPTING THEREFROM a parcel deeded to the City of Marshall pursuant to Warranty Deed recorded in Book 257 of Deeds, page 72 as Document No. 100692.

PRELIMINARY PLAT
LOCKWOOD SECOND ADDITION
Marshall, Minnesota

EAST COLLEGE DRIVE/MN T.H. NO. 19 & 68



LAND DESCRIPTION

All Lots 1, 2, and 3, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

AND

All that part of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Eleven (111), Range Forty-one (41) described as follows:

Beginning at a point 33 feet South and 296 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter designated as the South line of Trunk Highway No. 19; running thence South at right angles to said South line, a distance of 317 feet; thence West at right angles to a distance of 150 feet; thence North at right angles a distance of 317 feet; thence East at right angles a distance of 150 feet to the place of beginning, EXCEPTING THEREFROM a parcel deeded to the City of Marshall pursuant to Warranty Deed recorded in Book 257 of Deeds, page 72 as Document No. 100692.

TOTAL AREA = 5.52± Acres

OWNER:
Lock Prop, LLC

ZONING - B-3 COMMERCIAL

SET BACKS -
EAST COLLEGE DRIVE - 35'
SIDE - 10'
SUNRISE LANE - 25'
PETERSON STREET - 25'

BEARINGS BASED ON LYON
COUNTY COORDINATES (NAD83 1996 Adj)

DATE: MAY 2, 2024

Prepared by
Bueltel-Moseng Land Surveying, Inc.
Marshall, MN 56258 Ph: 507-532-9643
PROJECT NO. 24-434BP

**ENGINEER'S REPORT
PRELIMINARY PLAT REVIEW**

Subdivision Name: Lockwood Second Addition

Quarter NE~~1~~SE~~1~~4 Section 3 Township 111N Range 41W

Owner's Name: Lock Prop LLC

Surveyor: Daniel L. Beultel Reg. No. 43844

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
a.	Scale 1" = 100' or larger	X			
b.	Subdivision and owner names	X			
c.	Legal description and location sketch	X			
d.	Date, scale and north arrow	X			
e.	Acreage	X			
f.	Zoning classification	X			
g.	Contours	X			
h.	Boundary line bearings and distances	X			
i.	Easement	X			
j.	Street names, elevations and grades	X			Street name only

	Sec. 66-54. Information required. (1) Preliminary subdivision plat.	Yes	No	N/A	Comments
k.	Utilities	X			
l.	Lot lines, numbers and dimensions	X			
m.	Park land			X	
n.	Setbacks	X			
o.	Natural drainageways			X	
p.	Other related information			X	
q.	Covenants and restrictions			X	
r.	Improvement plans and financing			X	
s.	Future platting			X	
t.	Variance request			X	
u.	Floodway and flood zone designations			X	
v.	Certificates of approval			X	


Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.			X	
	2. Drainage flow facility.			X	
b.	Utility plans			X	

CITY ENGINEER'S RECOMMENDATIONS:
Approve

DATE RECEIVED: April 16/Revised May 2, 2024

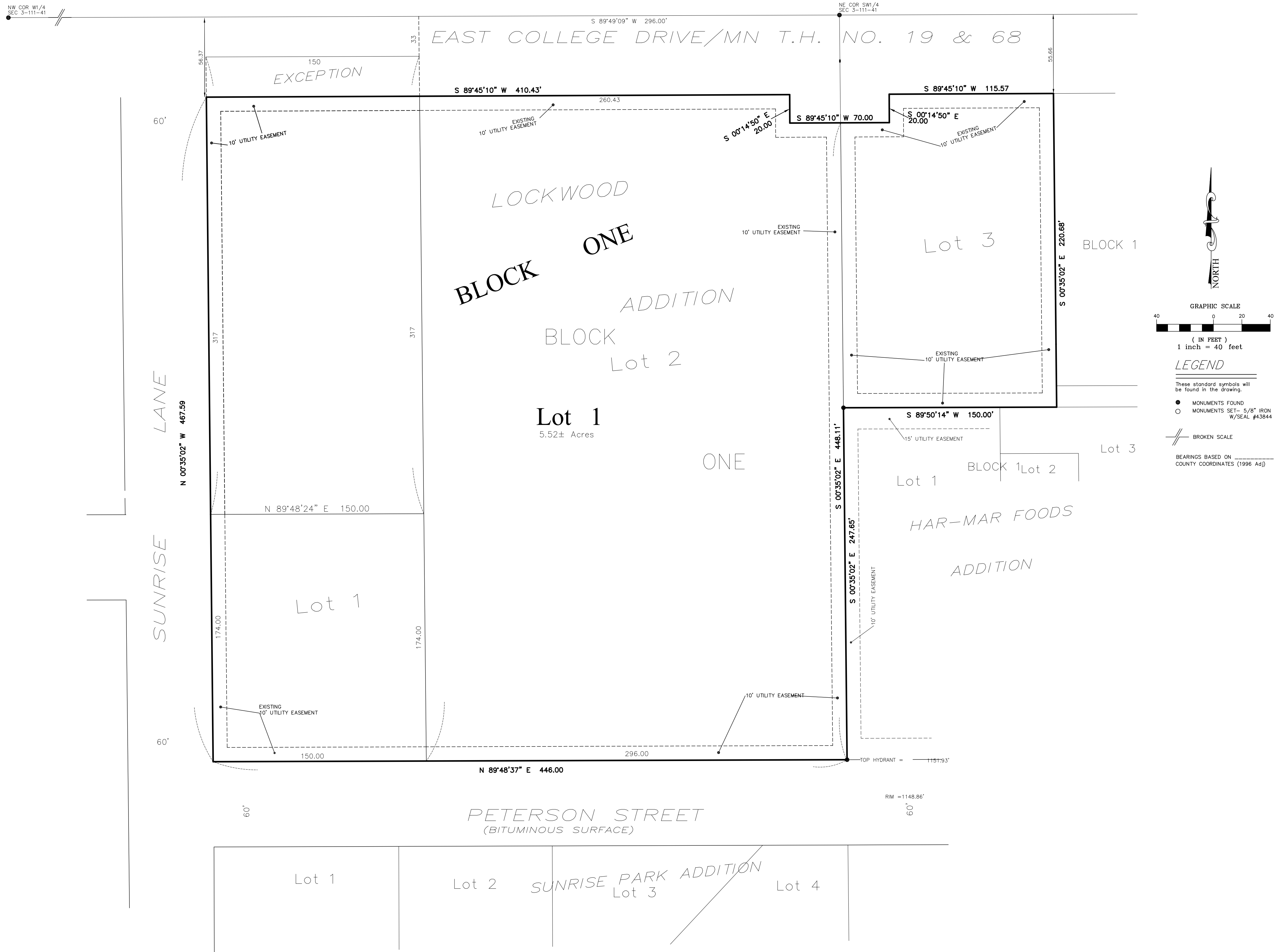
DATE REVIEWED: May 2, 2024

PLANNING COMMISSION REVIEW DATE: May 8, 2024



Jason R. Anderson, P.E.
Director of Public Works/Planning & Zoning Administrator

LOCKWOOD SECOND ADDITION



KNOW ALL PEOPLE BY THESE PRESENTS: That Lock Prop LLC, a limited liability company under the laws of the State of Minnesota, fee owner of the following described property:

All Lots 1, 2, and 3, Block 1 of Lockwood Addition, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

AND

All that part of the Northeast Quarter of the Southwest Quarter (NE¼SW¼) of Section Three (3), Township One Hundred Eleven (111), Range Forty-one (41) described as follows: Beginning at a point 33 feet South and 296 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter designated as the South line of Trunk Highway No. 19; running thence South at right angles to said South line, a distance of 317 feet; thence West at right angles to a distance of 150 feet; thence North at right angles a distance of 317 feet; thence East at right angles a distance of 150 feet to the place of beginning, EXCEPTING THEREFROM a parcel deeded to the City of Marshall pursuant to Warranty Deed recorded in Book 257 of Deeds, page 72 as Document No. 100692.

Have caused the same to be surveyed and platted as LOCKWOOD SECOND ADDITION, and do hereby donate and dedicate to the public for public use forever the easements as shown on this plat.

PEACHY LLC

by
Chester Lockwood, Its President

STATE OF MINNESOTA
COUNTY OF LYON

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by Chester Lockwood, President of Lock Prop LLC, a limited liability company under the laws of the State of Minnesota .

Notary Public,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property described on this plat as LOCKWOOD SECOND ADDITION, that this plat is a correct representation of said survey; that all distances are correctly shown on the plat; that all monuments have been correctly placed in the ground as shown on the plat; that the outside boundary lines are correctly designated on the plat and that there are no wetlands or public highways to be designated on this plat other than as shown.

Daniel L. Bueltel
Minnesota License Number 43844

STATE OF MINNESOTA
COUNTY OF LYON

The Surveyor's Certificate was acknowledged before me on this _____ day of _____, 20____, by Daniel L. Bueltel, a licensed land surveyor.

Notary Public,
My Commission Expires _____

CITY COUNCIL

This plat of LOCKWOOD SECOND ADDITION was approved and accepted, by resolution, at a meeting of the City Council of Marshall, Minnesota, held this _____ day of _____, 20____.

Mayor

City Clerk

OFFICE OF THE LYON COUNTY AUDITOR/TREASURER

I hereby certify that the tax for the year 20____ on the land described in the foregoing instrument and as shown on the annexed plat has been paid in full.

Auditor/Treasurer, Lyon County

OFFICE OF THE LYON COUNTY RECORDER

I hereby certify that this instrument was filed and microfilmed in this office for record on the _____ day of _____, 20 __, at _____ o'clock _____ m., and was duly recorded as document number _____, envelope number _____.

Recorder, Lyon County

FINAL PLAT CHECKLIST CHAPTER 66 - SUBDIVISIONS

Subdivision Name: Lockwood Second Addition

Quarter NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 3 Township 111N Range 41W

Owner's Name: Lock Prop LLC

Surveyor: Daniel L. Bueltel Reg. No. 43844

		Yes	No	N/A	Comments
Sec. 66-71. Final plans.					
(a)	<i>Generally.</i> Following the approval of the preliminary plat, if the developer wishes to proceed, five copies of the final utility, drainage, grading and erosion control plans shall be submitted to the city engineer for review and approval for the entire development phase as shown on the preliminary plan. Any or all of these plans may be deleted at the city engineer's discretion.	X			
(b)	<i>Final site grading plan.</i> The drainage and grading plans shall show the contours with intervals of one foot. The minimum ground/garage floor elevation shall be shown for buildings on lots. The site grading plan shall also show drainage arrows for each lot and lot corner elevations.			X	Future design phase
(c)	<i>Final street grading plan.</i> The street grading plan shall show percent slope for all proposed streets. Where the developer owns only half the property which makes up a street, and this is the first request for development along the street, the developer shall establish the street grades for the street for approval by the city engineer.			X	Existing
(d)	<i>Final drainage and surface water management plan.</i> An overall drainage plan showing proposed drainageways and storm sewer systems will be required along with 100-year drainageway elevations. The plan shall include calculations of the rainfall duration and intensity and the acreage and proposed volume of flow for the development area and the surrounding drainage basin in accordance with design and development criteria established by the city. The final drainage plan shall provide information for drainageway and detention pond dedication as indicated in section 66-111. The proposed channel and/or pipe sizes with grades and proposed inlet locations and outlet connections shall be shown. All plans for drainage shall be based on and comply with the comprehensive surface water management plan and ordinance of the city.			X	Future design phase

		Yes	No	N/A	Comments
(e)	<i>Final utility plan.</i> The utility plan shall show:				
	(1) The final sewer system layout showing the proposed sizes and the direction of flow, the manhole locations and their approximate depth.			X	Future design phase
	(2) The final water system layout showing the location of existing water lines and the proposed pipe sizes, hydrant and valve locations.			X	Future design phase
	(3) The final approved street lighting layout in accordance with city policy.			X	Future design phase
(f)	<i>Erosion control plan.</i> The erosion control plan shall show the following:				
	(1) All proposed land disturbances including areas of excavation, grading, filling, removal or destruction of topsoil, and spreading of earth material.			X	Future design phase
	(2) Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion shall be designed to withstand the two-year rain and be shown on the plan.			X	Future design phase
Sec. 66-72. Procedure.					
(a)	The final plat, in form and number required by state statutes, together with two paper copies and supplementary data and documents, and an abstract of title, registered property certificate, or both, as the case may be, certified within the preceding 30 days, shall be filed with the city engineer. The plats required for filing shall bear the fully executed certificates of the subdivider and surveyor. The supplementary documents shall be in final form and shall be fully executed by the subdivider at the time of such filing.	X			
(b)	The city engineer shall forward the official plat and one paper copy and supplementary engineering documents and data to the city clerk, and one paper copy and supplementary legal and title documents to the city attorney.	X			
(c)	The city engineer shall examine the plat to determine whether or not it conforms to the preliminary plat and is consistent with the action taken by the council and with the requirements of this chapter. The city attorney or assistant, shall examine the title and determine whether or not the proper parties have subdivided the land and whether or not the title is without defects. They shall	X			Attorney to examine title and approve prior to recording Final Plat.

		Yes	No	N/A	Comments
	forward their respective opinions to the council.				
(d)	If the final plat and supplementary data and documents are found to be consistent with the action taken by the council and in conformity with this chapter and state statutes, and after payment of plat review charges, the council shall adopt an approving resolution which shall also authorize and direct the city clerk to certify approval on the plat. When certified, the city clerk shall return the official plat and copies required for filing to the subdivider, together with a certified copy of resolution of approval which must be filed with the official plat. An approving resolution shall become void 90 days after adoption, unless the plat is filed for record within such time, provided that the time limitation shall be stated therein. If the final plat and supplementary data and documents are not in conformance with prior council action, this chapter or state statutes, the council shall forthwith return the executed plats and documents and state the requirements necessary for approval of the final plat.	X			To be completed upon approval by Council and verification by City Attorney for proper title.
Sec. 66-73. Supplementary data and documents.					
	Every final plat shall be in strict accordance with the state statutes and shall contain the following:				
(a)	The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to such subdivision.	X			
(b)	The names of all adjacent subdivisions, all lot and block lines, types of easements, and rights-of-way. Adjoining unplatted property shall be labeled as such.	X			
(c)	A systematic lot and block numbering pattern, lot lines and street/road names, and the square footage of all lots.	X			
(d)	The location and width of all proposed and existing rights-of-way, alleys and easements, as well as the location of any parks and dedicated drainageways.	X			
(e)	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street/road line, section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.	X			
(f)	Location of all monuments and permanent control points, and all survey pins, either set or located.	X			

		Yes	No	N/A	Comments
(g)	The identification of any portions of the property intended to be dedicated or granted for public use such as school or park land.			X	
(h)	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.	X			
(i)	The radii, chords, length of curves, points of tangency, and central angles for all curvilinear streets/roads and radii for all rounded corners.	X			
(j)	The boundary delineation of the floodway and flood zones, along with the base flood elevation on each lot as determined from the flood insurance rate maps.			X	
(k)	The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.	X			
(l)	Acknowledgement of the owner of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.	X			
(m)	All formal irrevocable offers of dedication for all streets/roads, alleys, parks, and other uses as required.	X			
(n)	Certificates of approval for endorsement by the city engineer, the city clerk, the city planning commission, and the city council.			X	
(o)	Protective covenants, if any.			X	
(p)	Letters of approval for highway access points and frontage roads from the commissioner of highways and county engineer, where applicable.			X	
Sec. 66-74 – 66-95. Reserved.					

		Yes	No	N/A	Comments
ARTICLE III. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS.					
Sec. 66-96 – 66-114. SEE ATTACHED.					
Sec. 66-115. Assurances for the completion of minimum improvements.					
(a)	<i>Assurances for subdivisions within the city limits.</i> No plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed an assurance agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the city council, such period not to exceed one year. An extension to that one year period may be granted at the discretion of the city council. This assurance agreement shall be recorded with the registrar of deeds at the time of filing the plat			X	
(b)	<i>Assurances for rural subdivisions.</i> No plat of any rural subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements. No building permits shall be issued until assurances have been filed or all required road improvements have been completed.			X	


 Jason R. Anderson, P.E.
 Director of Public Works/City Engineer

05/23/2024
 Date

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Peachy Subdivision - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
Background Information:	<p>Attached please find a copy of the Preliminary Plat and Engineer's Report of Preliminary Plat Review.</p> <p>The property owner is planning a demolition of existing buildings on the site and desires to create lots for sale and development.</p> <p>A copy of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024. Following discussion, Stoneberg made a motion, second by Deutz, to close the public hearing. all voted in favor. Doom made a motion, second by Deutz to recommend approval of the preliminary plat of Peachy Subdivision to the City Council, subject to utility companies review and recommendations. All voted in favor. Motion passed 7:0.</p> <p>Attached please find a copy of the Final Plat and Final Plat Checklist for Peachy Subdivision.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	Any additional requirements recommended by the Planning Commission.
Recommendations:	<p>Recommendation No. 1 that the Council approve the Preliminary Plat of Peachy Subdivision.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION 24-057, which is the Resolution Approving the Final Plat of Peachy Subdivision.</p>

RESOLUTION 24-057

RESOLUTION APPROVING THE FINAL PLAT OF PEACHY SUBDIVISION

WHEREAS, the developer has filed with the Common Council, a Preliminary Plat identified as Peachy Subdivision situated in the City of Marshall, County of Lyon, State of Minnesota, described as follows, to-wit:

PEACHY SUBDIVISION BLOCK ONE LOTS 1-2

more particularly described as attached Exhibit A.

WHEREAS, the Final Plat of Peachy Subdivision was presented to the Common Council on May 28, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED, that said Final Plat of Peachy Subdivision has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes.

NOW THEREFORE BE IT FURTHER RESOLVED THAT the Common Council hereby authorizes and directs the City Clerk to certify his approval on the plat.

NOW THEREFORE BE IT FURTHER RESOLVED THAT this resolution shall become void 90 days after adoption and fulfillment of all contingencies of approval, if any, unless the plat is filed for record within such time.

Passed and adopted by the Common Council this 28th day of May, 2024.

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

EXHIBIT A

(Document no. 1624496)

Tract A and Tract B

The Easterly 100 feet of that part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West of the Fifth Principal Meridian in Lyon County, Minnesota, described as follows: Beginning at a point 1333 feet east of the West quarter corner of Section 3, Township 111 North, Range 41 West and 50 feet south of the center line of T.H. No. 19 as now laid out and constructed; thence in a westerly direction along the right of way line of T.H. No. 19 a distance of 211 feet; thence south at right angles a distance of 240 feet; thence east and parallel with the center line of T.H. No. 19 a distance of 211 feet; thence north a distance of 240 feet to the point of beginning.

AND

A tract of land located in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West, Lyon County, Minnesota, being more particularly described as follows: Commencing at the Northeast corner of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of said Section Three (3), thence North 90 degrees 00 minutes 00 seconds West, assumed bearing along the North line of said Southwest Quarter 1176.00 feet; thence South 00 degrees 00 minutes 00 seconds East 50 feet to the point of beginning, said point of beginning being on the South right of way line of Trunk Highway number 19; thence South 00 degrees 17 minutes 28 seconds East 300.00 feet to a point on the North line of Sunrise Park Addition to the City of Marshall, Minnesota; thence North 90 degrees 00 minutes 00 seconds West along said North line 152.93 feet to the West line of said Northeast Quarter of the Southwest Quarter; thence North 00 degrees 31 minutes 32 seconds West along said West line 300.00 feet to said South right of way line; thence North 90 degrees 00 minutes 00 seconds East along said South right of way line 154.21 feet to the point of beginning.

EXCEPTING THEREFROM: All that part of Tracts A and B described above which lies North of a line run parallel with and distant 57 feet South of line I described below:

Line I: Beginning at a point on the west line of Section 3, Township 111 North, Range 41 West, which is 5.64 feet South of the West quarter corner of said Section 3; thence Easterly on an azimuth of 90 degrees 54 minutes 10 seconds the direction is based on the Minnesota State Plane Coordinate System, South Zone, No. 11 American Datum of 1927, a distance of 1,426.34 feet; thence Easterly a distance of 177.38 feet along a tangential curve concave to the South, having a radius of 68,754.94 feet and a central angle of 00 degrees 08 minutes 52 seconds; thence on an azimuth of 91 degrees 03 minutes 02 seconds, tangent to said curve, a distance of 3,794.40 feet to a point on the East line of said Section 3 which is 4.62 feet North of the East Quarter corner thereof.

AND

Tract C

All that part of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West of the Fifth Principal Meridian in Lyon County, Minnesota, described as follows: Commencing at the NE corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ thence South 00 degrees 31 minutes 32 seconds East, assumed bearing, along the east line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 50 feet to a point on the S'ly right of way of Trunk Highway Number 19; thence North 90 degrees 00 minutes 00 seconds West along the S'ly right of way line 97.68 feet; thence South at right angles to said right of way 240.00 feet to the Point of Beginning; thence on a continuation of last line South 60.00 feet; thence North 90 degrees 00 minutes 00 seconds East parallel with said right of way line 97.68 feet more or less to a point on the said East line of the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 00 degrees 31 minutes 32 seconds West along said east line 60.00 feet; thence North 90 degrees 00 minutes 00 seconds West 97.68 feet to the Point of Beginning.

ENGINEER'S REPORT PRELIMINARY PLAT REVIEW

Subdivision Name: Peachy Subdivision

Quarter NW¹/₄SW¹/₄ Section 3 Township 111N Range 41W

Owner's Name: Peachy LLC

Surveyor: Daniel L. Beultel Reg. No. 43844

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
a.	Scale 1" = 100' or larger	X			
b.	Subdivision and owner names	X			
c.	Legal description and location sketch	X			
d.	Date, scale and north arrow	X			
e.	Acreage	X			
f.	Zoning classification	X			
g.	Contours		X		Purpose of plat is to consolidate parcels and adjust property line locations
h.	Boundary line bearings and distances	X			
i.	Easement	X			
j.	Street names, elevations and grades		X		Street name only

	Sec. 66-54. Information required. (1) Preliminary subdivision plat.	Yes	No	N/A	Comments
k.	Utilities		X		Purpose of plat is to consolidate parcels and adjust property line locations
l.	Lot lines, numbers and dimensions	X			
m.	Park land			X	
n.	Setbacks	X			Purpose of plat is to consolidate parcels and adjust property line locations
o.	Natural drainageways			X	
p.	Other related information			X	
q.	Covenants and restrictions			X	
r.	Improvement plans and financing			X	
s.	Future platting			X	
t.	Variance request			X	
u.	Floodway and flood zone designations			X	
v.	Certificates of approval			X	

Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.		X		Purpose of plat is to consolidate parcels and adjust property line locations
	2. Drainage flow facility.		X		Purpose of plat is to consolidate parcels and adjust property line locations
b.	Utility plans		X		Purpose of plat is to consolidate parcels and adjust property line locations

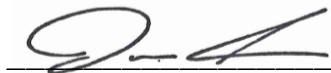
CITY ENGINEER'S RECOMMENDATIONS:

Approve

DATE RECEIVED: May 2, 2024

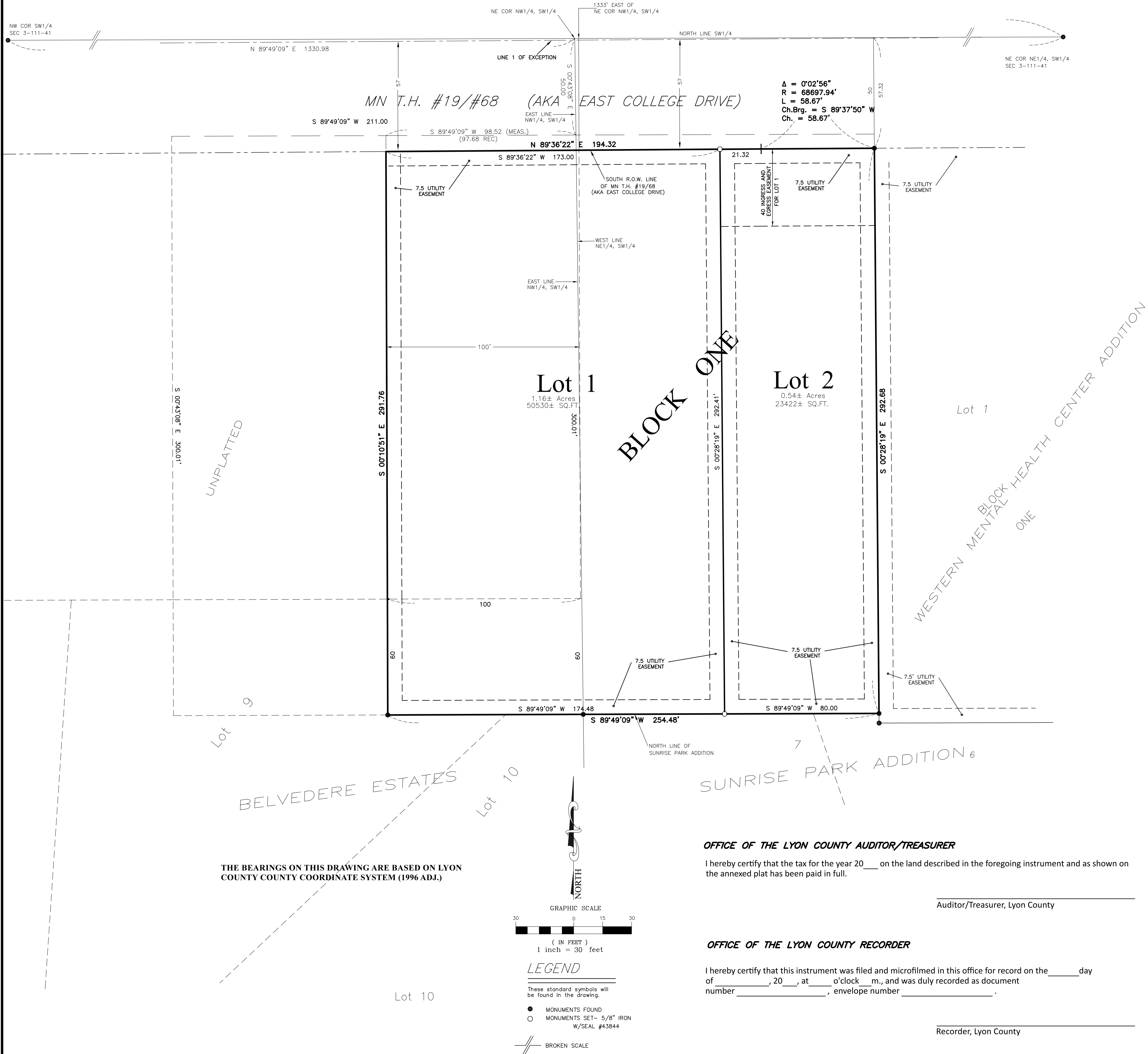
DATE REVIEWED: May 2, 2024

PLANNING COMMISSION REVIEW DATE: May 8, 2024



Jason R. Anderson, P.E.
 Director of Public Works/Planning & Zoning Administrator

PEACHY SUBDIVISION



KNOW ALL PEOPLE BY THESE PRESENTS: That Peachy LLC, a limited liability company under the laws of the State of Minnesota, fee owner of the following described property:

(Document no. 1624496)

Tract A and Tract B

The Easterly 100 feet of that part of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West of the Fifth Principal Meridian in Lyon County, Minnesota, described as follows: Beginning at a point 1333 feet east of the West quarter corner of Section 3, Township 111 North, Range 41 West and 50 feet south of the center line of T.H. No. 19 as now laid out and constructed; thence in a westerly direction along the right of way line of T.H. No. 19 a distance of 211 feet; thence south at right angles a distance of 240 feet; thence east and parallel with the center line of T.H. No. 19 a distance of 211 feet; thence north a distance of 240 feet to the point of beginning.

AND
A tract of land located in the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West, Lyon County, Minnesota, being more particularly described as follows: Commencing at the Northeast corner of said Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of said Section Three (3), thence North 90 degrees 00 minutes 00 seconds West, assumed bearing along the North line of said Southwest Quarter 1176.00 feet; thence South 00 degrees 00 minutes 00 seconds East 50 feet to the point of beginning, said point of beginning being on the South right of way line of Trunk Highway number 19; thence South 00 degrees 17 minutes 28 seconds East 300.00 feet to a point on the North line of Sunrise Park Addition to the City of Marshall, Minnesota; thence North 90 degrees 00 minutes 00 seconds West along said North line 152.93 feet to the West line of said Northeast Quarter of the Southwest Quarter; thence North 00 degrees 31 minutes 32 seconds West along said West line 300.00 feet to said South right of way line; thence North 90 degrees 00 minutes 00 seconds East along said South right of way line 154.21 feet to the point of beginning.

EXCEPTING THEREFROM: All that part of Tracts A and B described above which lies North of a line run parallel with and distant 57 feet South of line I described below:
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AND

Tract C

All that part of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of Section Three (3), Township One Hundred Eleven (111) North, Range Forty-one (41) West of the Fifth Principal Meridian in Lyon County, Minnesota, described as follows: Commencing at the NE corner of said NW¼ SW¼ thence South 00 degrees 31 minutes 32 seconds East, assumed bearing, along the east line of said NW¼ SW¼ 50 feet to a point on the S'ly right of way of Trunk Highway Number 19; thence North 90 degrees 00 minutes 00 seconds West along the S'ly right of way line 97.68 feet; thence South at right angles to said right of way 240.00 feet to the Point of Beginning; thence on a continuation of last line South 60.00 feet; thence North 90 degrees 00 minutes 00 seconds East parallel with said right of way line 97.68 feet more or less to a point on the said East line of the NW¼ SW¼; thence North 00 degrees 31 minutes 32 seconds West along said east line 60.00 feet; thence North 90 degrees 00 minutes 00 seconds West 97.68 feet to the Point of Beginning.

Have caused the same to be surveyed and platted as PEACHY SUBDIVISION, and do hereby donate and dedicate to the public for public use forever the easements as shown on this plat.

PEACHY LLC

by Troy Deutz, Its owner by Liz Deutz, Its owner

STATE OF MINNESOTA
COUNTY OF LYON

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by Troy Deutz and Liz Deutz, owners of Peachy LLC, a limited liability company under the laws of the State of Minnesota .

Notary Public,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

I hereby certify that I have surveyed and platted the property described on this plat as PEACHY SUBDIVISION, that this plat is a correct representation of said survey; that all distances are correctly shown on the plat; that all monuments have been correctly placed in the ground as shown on the plat; that the outside boundary lines are correctly designated on the plat and that there are no wetlands or public highways to be designated on this plat other than as shown.

Daniel L. Bueltel
Minnesota License Number 43844

STATE OF MINNESOTA
COUNTY OF LYON

The Surveyor's Certificate was acknowledged before me on this _____ day of _____, 20____, by Daniel L. Bueltel, a licensed land surveyor.

Notary Public,
My Commission Expires _____

CITY COUNCIL

This plat of PEACHY SUBDIVISION was approved and accepted, by resolution, at a meeting of the City Council of Marshall, Minnesota, held this _____ day of _____, 20____.

Mayor City Clerk

OFFICE OF THE LYON COUNTY AUDITOR/TREASURER

I hereby certify that the tax for the year 20____ on the land described in the foregoing instrument and as shown on the annexed plat has been paid in full.

Auditor/Treasurer, Lyon County

OFFICE OF THE LYON COUNTY RECORDER

I hereby certify that this instrument was filed and microfilmed in this office for record on the _____ day of _____, 20____, at _____ o'clock _____ m., and was duly recorded as document number _____, envelope number _____.

Recorder, Lyon County

FINAL PLAT CHECKLIST CHAPTER 66 - SUBDIVISIONS

Subdivision Name: Peachy Subdivision

Quarter NW¼SW¼ Section 3 Township 111N Range 41W

Owner's Name: Peachy LLC

Surveyor: Daniel L. Bueltel Reg. No. 43844

		Yes	No	N/A	Comments
Sec. 66-71. Final plans.					
(a)	<i>Generally.</i> Following the approval of the preliminary plat, if the developer wishes to proceed, five copies of the final utility, drainage, grading and erosion control plans shall be submitted to the city engineer for review and approval for the entire development phase as shown on the preliminary plan. Any or all of these plans may be deleted at the city engineer's discretion.	X			
(b)	<i>Final site grading plan.</i> The drainage and grading plans shall show the contours with intervals of one foot. The minimum ground/garage floor elevation shall be shown for buildings on lots. The site grading plan shall also show drainage arrows for each lot and lot corner elevations.			X	No approved development yet.
(c)	<i>Final street grading plan.</i> The street grading plan shall show percent slope for all proposed streets. Where the developer owns only half the property which makes up a street, and this is the first request for development along the street, the developer shall establish the street grades for the street for approval by the city engineer.			X	Existing
(d)	<i>Final drainage and surface water management plan.</i> An overall drainage plan showing proposed drainageways and storm sewer systems will be required along with 100-year drainageway elevations. The plan shall include calculations of the rainfall duration and intensity and the acreage and proposed volume of flow for the development area and the surrounding drainage basin in accordance with design and development criteria established by the city. The final drainage plan shall provide information for drainageway and detention pond dedication as indicated in section 66-111. The proposed channel and/or pipe sizes with grades and proposed inlet locations and outlet connections shall be shown. All plans for drainage shall be based on and comply with the comprehensive surface water management plan and ordinance of the city.			X	No development plan yet.

		Yes	No	N/A	Comments
(e)	Final utility plan. The utility plan shall show:				
	(1) The final sewer system layout showing the proposed sizes and the direction of flow, the manhole locations and their approximate depth.			X	No approved development yet.
	(2) The final water system layout showing the location of existing water lines and the proposed pipe sizes, hydrant and valve locations.			X	No approved development yet.
	(3) The final approved street lighting layout in accordance with city policy.			X	No approved development yet.
(f)	Erosion control plan. The erosion control plan shall show the following:				
	(1) All proposed land disturbances including areas of excavation, grading, filling, removal or destruction of topsoil, and spreading of earth material.			X	No approved development yet.
	(2) Provisions for erosion control during construction. Such provisions shall include the sequence of the operations listed above, with an estimated time of exposure. The proposed temporary measures to control erosion shall be designed to withstand the two-year rain and be shown on the plan.			X	No approved development yet.
Sec. 66-72. Procedure.					
(a)	The final plat, in form and number required by state statutes, together with two paper copies and supplementary data and documents, and an abstract of title, registered property certificate, or both, as the case may be, certified within the preceding 30 days, shall be filed with the city engineer. The plats required for filing shall bear the fully executed certificates of the subdivider and surveyor. The supplementary documents shall be in final form and shall be fully executed by the subdivider at the time of such filing.	X			
(b)	The city engineer shall forward the official plat and one paper copy and supplementary engineering documents and data to the city clerk, and one paper copy and supplementary legal and title documents to the city attorney.	X			
(c)	The city engineer shall examine the plat to determine whether or not it conforms to the preliminary plat and is consistent with the action taken by the council and with the requirements of this chapter. The city attorney or assistant, shall examine the title and determine whether or not the proper parties have subdivided the land and whether or not the title is without defects. They shall	X			Attorney to examine title and approve prior to recording Final Plat.

		Yes	No	N/A	Comments
	forward their respective opinions to the council.				
(d)	If the final plat and supplementary data and documents are found to be consistent with the action taken by the council and in conformity with this chapter and state statutes, and after payment of plat review charges, the council shall adopt an approving resolution which shall also authorize and direct the city clerk to certify approval on the plat. When certified, the city clerk shall return the official plat and copies required for filing to the subdivider, together with a certified copy of resolution of approval which must be filed with the official plat. An approving resolution shall become void 90 days after adoption, unless the plat is filed for record within such time, provided that the time limitation shall be stated therein. If the final plat and supplementary data and documents are not in conformance with prior council action, this chapter or state statutes, the council shall forthwith return the executed plats and documents and state the requirements necessary for approval of the final plat.	X			To be completed upon approval by Council and verification by City Attorney for proper title.
Sec. 66-73. Supplementary data and documents.					
	Every final plat shall be in strict accordance with the state statutes and shall contain the following:				
(a)	The proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation with the name of any other recorded subdivision, unless it is an extension of or adjacent to such subdivision.	X			
(b)	The names of all adjacent subdivisions, all lot and block lines, types of easements, and rights-of-way. Adjoining unplatted property shall be labeled as such.	X			
(c)	A systematic lot and block numbering pattern, lot lines and street/road names, and the square footage of all lots.	X			
(d)	The location and width of all proposed and existing rights-of-way, alleys and easements, as well as the location of any parks and dedicated drainageways.	X			
(e)	The boundary lines of the area being subdivided with accurate angles or bearings and distances tying the perimeter boundaries to the nearest established street/road line, section corner, other previously described subdivision, or other recognized permanent monuments which shall be accurately described on the plat.	X			
(f)	Location of all monuments and permanent control points, and all survey pins, either set or located.	X			

		Yes	No	N/A	Comments
(g)	The identification of any portions of the property intended to be dedicated or granted for public use such as school or park land.			X	
(h)	All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision lots, streets/roads, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.	X			
(i)	The radii, chords, length of curves, points of tangency, and central angles for all curvilinear streets/roads and radii for all rounded corners.	X			
(j)	The boundary delineation of the floodway and flood zones, along with the base flood elevation on each lot as determined from the flood insurance rate maps.			X	
(k)	The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all pins and monuments shown.	X			
(l)	Acknowledgement of the owner of the plat of any restrictions, including dedication to public use of all streets/roads, alleys, parks, or other open spaces shown thereon and the granting of easements required.	X			
(m)	All formal irrevocable offers of dedication for all streets/roads, alleys, parks, and other uses as required.	X			
(n)	Certificates of approval for endorsement by the city engineer, the city clerk, the city planning commission, and the city council.			X	
(o)	Protective covenants, if any.			X	
(p)	Letters of approval for highway access points and frontage roads from the commissioner of highways and county engineer, where applicable.			X	Existing
Sec. 66-74 – 66-95. Reserved.					

		Yes	No	N/A	Comments
ARTICLE III. DESIGN STANDARDS AND REQUIRED IMPROVEMENTS.					
Sec. 66-96 – 66-114. SEE ATTACHED.					
Sec. 66-115. Assurances for the completion of minimum improvements.					
(a)	<i>Assurances for subdivisions within the city limits.</i> No plats of any subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval or unless the developer shall have signed an assurance agreement to establish the responsibility for the construction of such improvements in a satisfactory manner and within a period specified by the city council, such period not to exceed one year. An extension to that one-year period may be granted at the discretion of the city council. This assurance agreement shall be recorded with the registrar of deeds at the time of filing the plat.			X	
(b)	<i>Assurances for rural subdivisions.</i> No plat of any rural subdivision shall be approved unless the improvements required by this chapter have been installed prior to such approval, or unless the developer shall have posted a surety bond or irrevocable letter of credit or acceptable cash deposit assuring completion of all required improvements. No building permits shall be issued until assurances have been filed or all required road improvements have been completed.			X	


 Jason R. Anderson, P.E.
 Director of Public Works/City Engineer

05/23/2024
 Date

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Authorization to Submit MnDOT Grant Request Letter and Purchase Tractor/Loader for Airport
Background Information:	<p>The City was recently notified that MnDOT Aeronautics has extended a grant offer to the City for 70-30 cost split for the purchase of a new tractor with loader for use at the Southwest Minnesota Regional Airport/Ryan Field per the attached letter dated May 3, 2024.</p> <p>This item was discussed at the 05/09/2024 Equipment Review Committee meeting. Motion made by Schafer, seconded by Alcorn for staff to request quotes and to bring the quotes for Council recommendation on 05/28/2024. All voted in favor. Motion passed 3-0.</p> <p>Following said recommendation from the Equipment Review Committee, City staff requested quotes from local implement dealers. On May 20, 2024, the City opened and reviewed four quotes, submitted by three different dealers. The quote tabulation is included in the Council packet. The low proposal that meets all requested specifications is a 2024 Case Maxxum 150 from Titan Machinery of Marshall, Minnesota, for \$145,340.76 after trade-in of our existing 2000 John Deere MFD 7410 with Loader.</p> <p>MnDOT is asking for a complete grant request by May 31, 2024.</p>
Fiscal Impact:	The total outlay will be split 70-30 with MnDOT, resulting in a local purchase cost of \$43,602.23.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize City staff to submit a grant request letter to MnDOT for the purchase of a 2024 Case Maxxum 150 from Titan Machinery of Marshall, Minnesota, with a total machine cost of \$196,580.76, less a trade-in of \$51,240 for our current machine, resulting in a total outlay of \$145,340.76. The total outlay will be split 70-30 with MnDOT, resulting in a local purchase cost of \$43,602.23

May 3, 2024

Jason Anderson

Director of Public Works/Airport Manager - Marshall

Dear Jason,

The Minnesota Department of Transportation Aeronautics Office has completed its review and prioritization of Equipment requests for State Fiscal Year 2024 funding from the recent solicitation period.

I am pleased to inform you that: The **Tractor/Loader** request, for an estimated total cost of **\$169,025.01** as identified in your State Fiscal Year (SFY) 2024 Equipment Solicitation Request, has been selected to receive a State Grant Offer. MnDOT will execute a Grant Contract under the following conditions:

- These funds have been identified for the equipment identified in this letter and cannot be applied toward another project or piece of equipment at your airport.
- The funds are available to execute the grant during State Fiscal Year 2024 (July 1, 2023 to June 30, 2024). To improve the use of State Airports funds, **we are requiring a complete grant request by May 31st, 2024**. If you are not able to make this May 31st deadline, you must work with your Regional Engineer to schedule a submittal date that works for you. If a grant request cannot be submitted by May 31st, or an extended submittal date cannot be agreed upon, you will forfeit the offer and the funds will go back into the State Airports Funds.
- If you plan to move forward with this equipment acquisition project, the following are required by email for a complete grant request:
 - A Grant Request Letter stating the project/funding requested and on sponsor letterhead.
 - A Cost Split detailing the costs of the project in an Excel File that can be found on the MnDOT Aero website: <http://www.dot.state.mn.us/aero/airportdevelopment/forms.html>
 - A quote for the equipment with a cost breakdown of the equipment including all attachments.
 - We will reach out if further explanation or documentation is needed.
- Once these documents are received and approved, MnDOT will encumber funds and a grant contract will be sent to you for signature. No reimbursement can be made until a fully executed (signed) Grant Contract has been completed.
- Reminder about equipment grants:
 - Equipment grants will not be amended once the grant has been executed.
 - Add-on warranties are not eligible costs for equipment grants.
 - Administration costs (including consultant services) are not eligible cost for equipment grants.
 - Equipment purchased with this funding is for airport use only.
 - Maximum of \$200,000 state funds per piece of equipment.

Please communicate with me at your convenience if you wish to proceed with the project, but no later than May 17th, 2024. If you no longer wish to pursue funding for the identified project in State Fiscal Year 2024, please notify me as soon as possible. Below is a summary of the deadlines outlined above:

1. May 17th, 2024 – respond to this letter and communicate intent to pursue this equipment grant.
2. May 31st, 2024 – submit complete grant request documents to Regional Engineer or approved extended submittal date.
3. June 1st, 2024 – selected equipment that have not met deadlines 1 and 2 will forgo the funds back to the State Airport Funds.

Let me know if any questions or concerns.

Sincerely,

Luke Bourassa

Luke.bourassa@state.mn.us

QUOTE TABULATION

FURNISH ONE (1) NEW 2024 MFD TRACTOR WITH LOADER FOR THE MARSHALL AIRPORT DEPARTMENT

TRADE-IN ONE (1) 2000 JOHN DEERE MFD 7410 WITH LOADER FROM THE MARSHALL AIRPORT DEPARTMENT MARSHALL MN

DATE/TIME: MAY 20, 2024 - 1:00 PM (Local Time)

ANTICIPATED AWARD: MAY 28, 2024

BIDDER	MAKE/MODEL	AMOUNT	COMMENTS
Titan Machinery Marshall, MN	2024 CASE IH MAXXUM 150 ACTIVEDRIVE 8	Bid: \$196,580.76 Trade-In: <u>(51,240.00)</u> Total: \$145,340.76	
Kibble Equipment Marshall, MN	2024 JOHN DEERE 6155M	Bid: \$187,347.16 Trade-In: <u>(37,965.00)</u> Total: \$149,382.16	
Ziegler CAT Marshall, MN	2024 MASSEY FERGUSON MF6S.165	Bid: \$185,575.37 Trade-In: <u>(35,000.00)</u> Total: \$150,575.37	
Ziegler CAT Marshall, MN	2024 FENDT FT516	Bid: \$243,756.52 Trade-In: <u>(35,000.00)</u> Total: \$208,756.52	

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Authorization to Purchase Robotic Total Station for Engineering Department and Declaring Existing Unit as Surplus
Background Information:	<p>The Trimble S7 Robotic Total Station will replace the existing Trimble M3 Total Station which was purchased in February of 2014.</p> <p>The robotic total station offers a productivity increase by replacing a conventional two-person operation with a one-person operation. The unit also offers higher quality measurement and precision.</p> <p>The robotic total station will be used with our existing GPS units to produce higher quality surveys, especially in the areas with satellite obstructions. Examples of these obstructions are when staff is surveying in areas with tree cover, proximity to buildings, or deep ditches.</p> <p>As part of this action, staff would request authorization to declare the existing Trimble M3 Total Station as surplus property to be sold.</p> <p>This item was presented to the Equipment Review Committee on 05/09/2024. Motion made by Schafer, seconded by Alcorn for staff to request quotes from CAT and Case and to bring the quotes for Council recommendation on May 28th. All voted in favor. Motion passed 3-0.</p>
Fiscal Impact:	<p>The 2024 Engineering capital budget includes \$39,500 for this unit (Account #401-43100-55140).</p> <p>City staff intends to sell the existing unit on auction. Revenue will be generated from said sale.</p>
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council authorizes the purchase of a Trimble S7-2 Robotic Total Station in the amount not to exceed \$39,649.25.</p> <p>Recommendation No. 2 and adopt Resolution 24-059 to declare existing Trimble M3 Total Station from Public Works-Engineering Department.</p>

RESOLUTION 24-059

**A RESOLUTION DECLARING PROPERTY AS SURPLUS AND
AUTHORIZING THE SALE OF THE SAME**

WHEREAS, the City Council of the City of Marshall, Minnesota has been advised by staff that the following item is no longer needed for current or future municipal operations:

- Trimble M3 Total Station from Public Works-Engineering Department

AND WHEREAS, the fair market value of this item is estimated to be more than 400.00, as was offered for trade-in.

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

1. The council declares the property listed above as surplus.
2. The council authorizes the sale of said property through any lawful means, including (ii) by an electronic competitive online auction process, regardless of the value, pursuant to Minn. Stat. 471.345, subd. 17; or (iii) to another government entity pursuant to Minn. Stat. 471.64.
3. To the extent prohibited under Minn. Stat. 15.054, the property will not be sold to a city officer or employee.
4. All sales shall be final and the property is to be sold in “as-is” condition.

Approved by the City Council of the City of Marshall, Minnesota, this 28th day of May, 2024.

Mayor

ATTEST:

City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, May 28, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Registration/Zoning for THC retail sales
Background Information:	<p>The City currently prohibits (via a moratorium) almost all business operations related to hemp-based products (also referred to as 151 Products because they are authorized by Minnesota Statutes, 151.72 and Lower-Potency Hemp Edibles, as defined for purposes of future state licensing). The two exceptions are that hemp-based beverages may be made at a brewery or distillery and an exclusive liquor store may still sell hemp-based beverages. The moratorium is set to expire in July 2024. The current estimate is that the OCM will begin issuing licenses in early 2025 but that seems unlikely based on the little traction of the OCM rulemaking so far.</p> <p>Session is just wrapping up for the 2024 Minnesota Legislature and the OCM still has not produced a model ordinance. State law remains unchanged and the state will be licensing the sale of both the hemp-based products, and the higher-level cannabis products, once OCM's regulatory scheme is established. Additionally, the law remains unchanged with respect to allowing local governmental authorities some basic zoning authority with respect to these establishments, like locations of retailers. State law also still requires businesses to register with the Minnesota Department of Health, and to follow the sales, packaging, and other related regulations contained in Minn. Stat. 151.72. Enforcement of violations is currently under the purview of the Minnesota Department of Health, but will be transferred to the local governmental authority once licensing is in place.</p> <p>Staff, along with the L&O committee, discussed getting a framework in place so that retailers of the Lower Potency Hemp based products/151 Products could start selling those products in the City of Marshall before waiting for final OCM rulemaking. The proposed ordinance creates a registration system which complies with state law and enables the City to know where these products are sold for purposes of compliance checks (similar to tobacco type compliance checks). Additionally, the proposed ordinance allows the City to charge a registration fee to help offset the costs associated with compliance checks.</p> <p>The proposed ordinances also include proposed amendments to existing zoning which would prohibit retail sales of these products in residential districts as "home sales" and also creates reasonable distance requirements between retailers selling these products and schools (500 feet from primary building as identified on city-maintained map). This supports feedback and concern staff has heard from educators, as well as public safety.</p> <p>There has been a desire expressed by some in the public for the current moratorium to be lifted on the hemp-based products to allow sales and support local economy. Along with the proposed registration ordinance, the proposed amendments to the existing zoning, and the repeal of the current moratorium, staff recommends adopting a new moratorium on the higher-level cannabis products until the OCM has finalized its regulatory scheme.</p>

Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	<ol style="list-style-type: none"> 1) Introduction of proposed ordinance for registration and zoning of THC retail sales and set date of public hearing to be on June 12, 2024, at 5:30 PM with the Planning Commission. 2) Introduction of interim ordinance and set date of public hearing to be on June 25, 2024, at 5:30 PM with the City Council.

**CITY OF MARSHALL
ORDINANCE THC REGISTRATION**

**AN ORDINANCE ESTABLISHING REGISTRATION REQUIREMENTS FOR THE
SALE OF INTOXICATING CANNABINOID PRODUCTS AND AMENDING THE
CITY’S ZONING CODE TO ESTABLISH DISTANCE REQUIREMENTS FROM
CERTAIN BUSINESSES AND PROHIBIT CERTAIN HOME OCCUPATIONS**

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

SECTION 1: **ADOPTION** “ARTICLE 22-VIII REGISTRATION
REQUIREMENTS FOR THE SALE OF INTOXICATING CANNABINOID
PRODUCTS” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 22-VIII REGISTRATION REQUIREMENTS FOR THE SALE OF
INTOXICATING CANNABINOID PRODUCTS(*Added*)

SECTION 2: **ADOPTION** “Section 22-220 Definitions” of the Marshall
Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-220 Definitions(*Added*)

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CBD means a compound of the cannabis plant known as cannabidiol.

Intoxicating Hemp Product means any product that is intended to be eaten or consumed as a beverage by humans, contains a cannabinoid other than CBD in combination with food ingredients, and is not a drug, and meet the requirements to be sold under Minnesota Statutes, §151.72. This does not include any product intended to be consumed by combustion or vaporization of the product, by inhalation of smoke, aerosol, or vapor from the product or through injection or application to a mucus membrane or nonintact skin. A product intended to only contain CBD but which may contain less than trace amounts of tetrahydrocannabinol (THC) as an unintended result of the manufacturing process is not considered an Intoxicating Hemp Product.

Intoxicating Hemp Product Business means a business that sells Intoxicating Hemp Products at retail for off-site consumption.

Premises means the area from which an Intoxicating Hemp Product Business sells Intoxicating Hemp Products and for an On-Site Intoxicating Hemp Product Business and Liquor Store shall mean the licensed premises pursuant to its license issued under Minnesota Statutes, Chapter 340A.

Liquor Store means a business licensed pursuant to Minnesota Statutes, Chapter 340A to sell alcoholic beverages in original packages for consumption off the licensed premises only.

Moveable place of business means any form of business operated out of a truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions. Movable Place of Business does not include On-Site Intoxicating Hemp Product Businesses selling Intoxicating Hemp Products at a location pursuant to a caterer's permit.

On-Site Intoxicating Hemp Product Business means a business with an on-sale liquor license pursuant to Minnesota Statutes, Chapter 340A and which sells Intoxicating Hemp Products that are intended to be consumed as a beverage, for on-site consumption.

Sale means any transfer of goods for money, trade, barter or other consideration.

THC means the chemical compound of the cannabis plant tetrahydrocannabinol.

SECTION 3: ADOPTION “Section 22-221 Purpose” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-221 Purpose(*Added*)

The city recognizes that the sale of certain products containing the psychoactive cannabis compound THC is legal when those sales are to individuals 21 years of age or older, and that the increase of these types of products in the community increases the likelihood that youth will have access to and use products containing THC. The use of those products by individuals under the age of 21 places a burden on all levels of government, resulting in financial and other public resources being needed to address both violations of laws and regulations regarding such use, including the impacts on health . The purpose of this chapter is to regulate the sale of products containing THC for the purpose of enforcing and further existing laws and regulations.

SECTION 4: **ADOPTION** “Section 22-222 Registration Required” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-222 Registration Required(*Added*)

Businesses may only sell Intoxicating Hemp Products to customers, for on-site or off-site consumption, if one of the following three conditions apply:

- (a) For on-site consumption, an On-Site Intoxicating Hemp Product Business must be registered with the city before making sales to customers and must have an active on-sale liquor license pursuant to Minnesota Statutes Chapter 340A.
- (b) For off-site consumption, an Intoxicating Hemp Products Business must be registered with the city before making sales to customers.
- (c) No city-issued registration is required for a business selling medical cannabis as part of the Minnesota’s Medical Cannabis Program described in Minnesota Statutes, §§ 152.22 to 152.37 or for a Liquor Store.

SECTION 5: **ADOPTION** “Section 22-223 Registration Application And General Information” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-223 Registration Application And General Information(*Added*)

- (a) **General Application Information** – Both On-Site Intoxicating Hemp Product Businesses and Intoxicating Hemp Product Businesses must submit the following to the City:
 - (1) Complete registration form, including confirmation that the business is registered with the Minnesota Department of Health.
 - (2) A registration fee, which shall be established pursuant to City Council resolution or City Council Fee Schedule.
- (b) **Additional On-Site Intoxicating Hemp Product Business Application Information** – In addition to the application information contained in §22-223 (a), On-Site Intoxicating Hemp Product Businesses must also submit confirmation that the premises has an on-sale liquor license issued pursuant to Minnesota Statutes, Chapter 340A.
- (c) **No Moveable Place of Business** – No Intoxicating Hemp Moveable Place of Business is allowed and, as a result, no registration will be issued for a Moveable Place of Business.

- (d) **Term** – Registrations are valid for a term of one year from the date they are issued by the City. Businesses renewing their registration must submit a renewal fee at the time of renewal.
- (e) **Registration Conditions** – Registrants are subject to the performance standards and penalties in §§ 22-224 - 22-234. Violation of any of the applicable provisions of this chapter is considered a violation of City Code and may result in criminal penalties, administrative fines or the City revoking a registration.

SECTION 6: **ADOPTION** “Section 22-224 Zoning Requirements” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 22-224 Zoning Requirements(*Added*)

No registration issued under this Chapter shall be granted until all applicable zoning requirements are met or until all conditions for approval of the use have been satisfied.

SECTION 7: **ADOPTION** “Section 22-225 Limit On Registrations” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 22-225 Limit On Registrations(*Added*)

- (a) **Intoxicating Hemp Product Business.** The City has not established a limit on the number of Intoxicating Hemp Product Business registrations.
- (b) **On-Site Intoxication Hemp Product Businesses.** The City has not established a limit on the number of On-Site Intoxicating Hemp Product Business registrations other than requiring these businesses to have up-to-date on-sale liquor license.

SECTION 8: **ADOPTION** “Section 22-226 Responsibility” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-226 Responsibility(*Added*)

All registrants under this article shall be responsible for the actions of their employees in regard to the sale of Intoxicating Hemp Products, and the sale of such an item by an employee shall be considered a sale by the registrant. Nothing in this article shall be construed as prohibiting the city from also subjecting the registrant to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

SECTION 9: **ADOPTION** “Section 22-227 Compliance Checks and Inspections” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-227 Compliance Checks and Inspections(*Added*)

All On-Site Intoxicating Hemp Businesses and Intoxicating Hemp Product Businesses premises shall be open to inspection by the city police or other authorized city official during regular business hours. From time to time, but at least once per year, the city shall conduct compliance checks by engaging individuals over the age of 17 years old but less than 21 years old, to enter the premises to attempt to purchase Intoxicating Hemp Products. Prior written parental or guardian consent is required for any person under the age of 18 who participates in a compliance check. Individuals used for the purpose of compliance checks shall be supervised by city designated law enforcement officers or other designated city personnel. Individuals used for compliance checks shall not be guilty of unlawful possession of Intoxicating Hemp Products when such items are obtained as a part of the compliance check. No individual used in compliance checks shall attempt to use a false identification misrepresenting the individual's age, and all individuals lawfully engaged in a compliance check shall answer all questions about the individual's age asked by the registrant or their employee, and shall produce any identification, if any exists, for which they are asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research or training purposes, or required for the enforcement of a particular state or federal law.

SECTION 10: **ADOPTION** “Section 22-228 Prohibited Sales” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-228 Prohibited Sales(*Added*)

It shall be a violation of this article for any person to sell or offer to sell any Intoxicating Hemp Product:

- (a) Not meeting the requirement or by the means authorized in Minnesota Statutes, section 151.72 including, but not limited to:
 - (1) Age Verification - Minn. Stat. §151.72, subd. 5c.
 - (2) Packaging, Labeling, and THC Limits - Minn.Stat. §151.72, subd. 5a.
 - (3) Secure Storage and Sales - Minn. Stat. §151.72, subd. 5a (h).
 - (4) Testing Requirements - Minn. Stat. §151.72, subd. 4.
 - (5) Labeling Requirements - Minn. Stat. §151.72, subd. 5.
- (b) To any person under the age of 21 years.
- (c) By any person under the age of 21 years.
- (d) For a nominal amount or by means of sampling.
- (e) By internet sales or delivery, unless the business utilizes an independent third-party age verification system.
- (f) By an other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation

SECTION 11: **ADOPTION** “Section 22-229 On-Site Intoxicating Hemp Business Manufacturing” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-229 On-Site Intoxicating Hemp Business Manufacturing(*Added*)

- (a) On-Site Intoxicating Hemp Product Businesses may manufacture Intoxicating Hemp Products intended to be consumed as a beverage as an accessory use only at breweries and distilleries licensed as such under Minnesota Statutes, Chapter 340A, as long as the manufacturing process for the beverages does not involve the cannabis plant. For purposes of this Section, accessory use is defined to mean not accounting for more than 50% of the production of total product produced at the brewery or distillery. The transporting or distribution of such Intoxicating Hemp Products manufactured as an accessory use at a brewery or distillery to locations outside of the City also is allowed as part of the accessory use.
- (b) Intoxicating Hemp Products manufactured as described in 22-229 (a) may not be sold at retail for off-sale consumption by an On-Site Intoxicating Hemp Product Business.

SECTION 12: **ADOPTION** “Section 22-230 On-Site Intoxicating Hemp Business Registration Condition” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-230 On-Site Intoxicating Hemp Business Registration Condition(*Added*)

An On-Site Intoxicating Hemp Business registration will terminate, with no further action of the City, if the registrant's on-sale liquor license expires, terminates, or is otherwise not effective.

SECTION 13: **ADOPTION** “Section 22-231 Exceptions and Defenses” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-231 Exceptions and Defenses(*Added*)

Nothing in this article shall prevent the providing of Intoxicating Hemp Products to an individual under the age of 21 as part of a lawfully recognized religious, spiritual or cultural ceremony. It shall be an affirmative defense to the violation of this article for a person to have reasonably relied on proof of age as described by state law.

SECTION 14: **ADOPTION** “Section 22-232 Offenses Involving Individual Under the Age of 21” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-232 Offenses Involving Individual Under the Age of 21(*Added*)

- (a) **Illegal sales.** It shall be a violation of this article for any person to sell or otherwise provide any Intoxicating Hemp Product to any individual under the age of 21.
- (b) **Illegal possession.** It shall be a violation of this article for any individual under the age of 21 to have in their possession any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully involved in a compliance check.
- (c) **Illegal use.** It shall be a violation of this article for any individual under the age of 21 to use any Intoxicating Hemp Product.
- (d) **Illegal procurement.** It shall be a violation of this article for any individual under the age of 21 to purchase or attempt to purchase or otherwise obtain any Intoxicating Hemp Product, and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of an individual under the age of 21. It shall further be a violation for any person to coerce or attempt to coerce an individual under the age of 21 to illegally purchase or otherwise obtain or use any Intoxicating Hemp Product. This subsection shall not apply to individual under the age of 21 lawfully

involved in a compliance check.

- (e) **Use of false identification.** It shall be a violation of this article for any individual under the age of 21 to attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

SECTION 15: **ADOPTION** “Section 22-233 Violations” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-233 Violations(*Added*)

- (a) **Notice.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of their right to be heard on the accusation.
- (b) **Hearings.** If a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.
- (c) **Hearing officer.** The hearing officer for any violations of this article shall be the city administrator or a person duly designated by the city administrator.
- (d) **Decision.** If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officer's reasons for finding a violation, and the penalty to be imposed for a violation of this article, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e) **Appeals.** Appeals of any decision made by the hearing officer shall be filed in the district court for the city.
- (f) **Misdemeanor prosecution.** Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any alleged violation of this article. If the city elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
- (g) **Continued violation.** Each violation and every day in which a violation occurs or continues shall constitute a separate offense.

SECTION 16: **ADOPTION** “Section 22-234 Penalties For Violation Of Article” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 22-234 Penalties For Violation Of Article(*Added*)

- (a) **Registrants and employees.** Any registrant, and any employee of a registrant, found to have violated this article shall be charged an administrative fine of \$75.00 for a first violation of this article; \$200.00 for a second offense at the same premises within a 24-month period; and \$250.00 for a third or subsequent offense at the same location within a 24-month period. In addition, after the third offense, the shall be suspended for a period to be determined by council resolution. In addition to these administrative fines, the may be suspended or the registration rescinded. Any expenses incurred by the city in appointing and conducting the hearing shall also be added to the administrative fine above stated.
- (b) **Other individuals.** Other individuals, other than minors regulated by this article, found to be in violation of this article by providing or selling to minors shall be charged an administrative fee of \$75.00.
- (c) **Possession Under 21.** Any individual under the age of 21 found in unlawful possession of, or who unlawfully purchases or attempts to purchase Intoxicating Hemp Product, shall be prosecuted as a misdemeanor.
- (d) **Misdemeanor.** Nothing in this article shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

SECTION 17: AMENDMENT “Section 86-50 Home Occupations And Businesses” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-50 Home Occupations And Businesses

- (a) An interim use permit shall be required for all home occupations in agricultural and all residential districts unless any of the following three conditions exist:
 - (1) Such home occupation is supplementary to a business that has its principal place of business legally located elsewhere.
 - (2) Such home occupation is entirely computer and/or internet based.
 - (3) Such home occupation is conducted entirely outside the premises except bookkeeping and regular mail delivery.

In addition to any of the above conditions, the home occupation must be such that the traffic entering such dwelling does not exceed that which is normal and customary for a residence, no business related vehicles or vehicles with business advertisement are parked or stored outside, no vehicular traffic or street parking is generated in greater volume than would normally be expected in a residential neighborhood, no direct sale of goods to the consumer occurs on premises, and it meets all relevant provisions of

subsection (b). As an exception, for businesses compliant with conditions (1) or one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.

- (b) Home occupations shall at a minimum meet the following conditions:
- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its residential use by the applicant.
 - (2) The home occupation related space may not exceed one-third of the living space of the dwelling, excluding garages and accessory buildings.
 - (3) The conduct of the home occupation shall not result in any change in the outside appearance of the building or land.
 - (4) No exterior display or signs related to the home occupation shall be installed.
 - (5) No direct sale of goods that are not produced, customized, or modified on site shall take place, except during occasional home sale parties not scheduled on a regular basis.
 - (6) No equipment shall be used which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare or electrical disturbance to radio or television reception and no hazard beyond the one customary for dwellings is created.
 - (7) Only persons that are members of the family and residing in the premises shall be employed on the premises.
 - (8) There shall be no exterior storage of materials, business equipment or vehicles except one business related car, van or light truck with business advertisement may be parked outside at nights and on weekends.
 - (9) Not more than one-half of the accessory buildings shall be used for the storage of merchandise, business equipment, materials or machinery.
 - (10) No separate entrance for customers may be provided or used.
 - (11) No sewer, water or electric usage beyond what is typical for a dwelling shall occur.
 - (12) No regular business hours shall be advertised, including on social media, and all services shall be rendered by appointment only with no general public walk-ins or retail services.
 - (13) If at any time more than two customers may be present, off-street parking shall be provided in addition to parking required for a dwelling. Such parking shall be provided in a location customarily associated with single family dwellings.
 - (14) No customers shall be present between 9:00 p.m. and 6:00 a.m.
 - (15) Additional home occupation related vehicular traffic, including delivery, shall not exceed four vehicles per day.
- (c) All home occupation interim use permits are issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The first renewal shall be for five years, and the second renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited.
- (d) The home occupation interim use permit is granted to an applicant for a specific property and is not transferable to another person or property, thus expiring at the sales or any other type of property transfer.

- (e) The applicant, upon making application, grants to the City upon issuing any home occupation interim use permit the right to inspect the premises in which the occupation is being conducted at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.
- (f) All home occupations involving the following activities, even if formally compliant with subsection (b), are prohibited:
 - (1) Any automotive related activity including, but not limited to, auto repair and detailing.
 - (2) Any children related activity except those licensed by the State and individual lessons.
 - (3) Any animal related activity including, but not limited to, kenneling and breeding, except household pet grooming.
 - (4) Any funeral related activity including, but not limited to, mortuaries and embalming services.
 - (5) Any activity involving commercial cooking, including, but not limited to, restaurants and cafes, except dessert making for private individual customers.
 - (6) Any activity involving multiple garage sales.
 - (7) Any illegal activity.
 - (8) Any activity involving multiple guest assemblies except occasional home sale parties not scheduled on a regular basis.
 - (9) Any activity involving tobacco or alcohol production or sale.
 - (10) Any business licensed under Minnesota Statutes, Chapter 342 or for which a registration is required by City Code, §22-222.

(Ord. No. 747 2nd series, § 1, 12-10-2019)

Editor's note(s)—Ord. No. 747 2nd series, § 1, adopted Dec. 10, 2019, amended § 86-50 to read as set out herein. Previously § 86-50 was titled offices of persons and home occupations and derived from Code 1976, § 11.21(6); and Ord. No. 680 2nd series, § adopted Sep. 24, 2013.

SECTION 18: **AMENDMENT** “Section 86-102 B-1 Limited Business District” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 86-102 B-1 Limited Business District

- (a) *Intent; scope.* This section applies to the B-1 limited business district. This B-1 district is intended to permit selected businesses in areas adjacent to residential neighborhoods where analysis of the population demonstrates that such establishment are required and desirable.
- (b) *Permitted uses.* The following uses shall be permitted in the B-1 district:

- (1) Antique, gift or florist shops.
- (2) Automobile parking lots excluding repairs and the parking of trucks and buses.
- (3) Barbershops or beauty shops.
- (4) Business or professional offices.
- (5) Businesses requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at elast:
 - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (6) Candy, ice cream, soft drinks or confectionery stores.
- (7) Churches.
- (8) Day care facility serving any number of individuals.
- (9) Fallout shelter.
- (10) Jewelry stores.
- (11) Laundromats and dry cleaning laundry pickup store.
- (12) Leather goods and luggage shops.
- (13) Medical clinics.
- (14) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (15) Pharmacies or drugstores, including gifts, stationery and similar items.
- (16) Photography studios.
- (17) Pipe or tobacco shops.
- (18) Public libraries.

(19) Retail bake or pastry shops.

(20) Retail medical supply stores.

(21) Tailor shops.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-1 business district:

(1) Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

(2) Living quarters of persons employed on the premises.

(3) Private garage.

(4) Private swimming pool when completely enclosed within a chainlink or similar fence five feet high.

(5) Solar energy collectors and systems.

(6) Storage garages where the lot is occupied by a multiple-family dwelling or an institutional dwelling.

(d) *Conditional uses.* All conditional use permits for the B-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the B-1 business district by conditional use permit:

(1) Boardinghouses and lodging houses.

(2) Gas station or car wash.

(3) Grocery stores, fruit and vegetable markets.

(4) Liquor stores (for consumption off the premises).

(5) Meat shops and cold storage lockers (excluding slaughtering).

(6) Medical, dental and optical labs.

(7) Mortuaries or funeral homes.

(8) Motels.

- (9) Multiple-family dwellings, apartment buildings or townhouses containing not more than eight dwelling units.
- (10) Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50.
- (11) Other business uses of the same general character as listed in subsection (b).
- (12) Parks and recreational areas.
- (13) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- (14) Public utility stations and structures.
- (15) Residential facility serving six or fewer individuals.
- (16) Restaurants, cafes, delicatessens or tearooms.
- (17) Shoe stores and shoe repair stores.
- (18) Single-family detached dwellings.
- (19) Two-family dwellings under single ownership, joint ownership or tenants in common.
- (20) Two-family dwellings under split ownership under the following conditions:
 - a. The dwellings have separate utility service lines to each unit.
 - b. The owner execute a common maintenance agreement containing covenants as to uniformity of exterior appearance of the dwellings for the life of the building.
 - c. Proper separation of units exist as provided by the city building code.
 - d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
 - e. The dwelling location on the lot be compatible with the neighborhood.
 - f. Landscaping, fencing, grading, exterior lighting, construction and driveway conform to the surrounding neighborhood.
 - g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.
 - h. The dwellings shall be a maximum height of two stories.
 - i. Not more than 50 percent of the lot area shall be occupied by buildings.

- j. No unit shall be eligible under this use unless the division of the dwelling occurs along the lot lines.
- (21) Water supply buildings, reservoirs, wells, elevated tanks, and other similar essential public utility structures, municipal or other government service buildings.
- (e) *Height, yard and lot coverage regulations.* Height, yard and lot coverage regulations for the B-2 district are as follows:
 - (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed three stories or 35 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
 - b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
 - c. There shall be a front yard on each street side of each corner lot. No accessory buildings shall project into the front yard line on either street.
 - d. No front yard shall be required in the downtown district.
 - (3) *Side yard regulations.*
 - a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
 - b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
 - c. No side yard shall be required in the downtown district.
 - (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
 - b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
 - c. No rear yard shall be required in the downtown district.
- (f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings. No lot coverage restrictions apply in the downtown district.
- (g) *General regulations.* Additional regulations in the B-1 business district are set forth in article VI of this chapter, except that no outside storage or displays of property for sale shall be permitted on any premises in such district.

(Code 1976, § 11.12; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008)

Cross reference(s)—Businesses, ch. 22.

SECTION 19: **AMENDMENT** “Section 86-103 B-2 Central Business District” of the Marshall Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 86-103 B-2 Central Business District

- (a) *Intent; scope.* This section applies to the B-2 central business district. This B-2 district is intended to preserve and enhance the city's central business district as the prime center for office and government employment, shopping and cultural activities. This B-2 district shall be restricted to the downtown district.
- (b) *Permitted uses.* The following uses shall be permitted in the B-2 business district:

- (1) Animal pet shops.
- (2) Antique, gift or florist shop.
- (3) Appliance sales and service stores.
- (4) Armories, convention or exhibition halls.
- (5) Art, office, school, camera and photography supply stores.
- (6) Audio recording sales or rental.
- (7) Auto parts stores.
- (8) Automobile parking lots and the parking of trucks and buses.
- (9) Banks and savings institutions.
- (10) Barbershops or beauty shops.
- (11) Bars, taverns, cocktail lounges, nightclubs, dancehalls and theaters.
- (12) Bicycle sales or repair shops.
- (13) Billiard or pool halls.
- (14) Book or stationery stores.
- (15) Bowling alleys.

- (16) Bus stations or taxistands.
- (17) Business, commercial or dance schools.
- (18) Business or professional offices.
- (19) Businesses requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at least:
 - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (20) Cabinet or carpenter shops.
- (21) Cabinet stores.
- (22) Candy, ice cream, soft drinks or confectionery stores.
- (23) Carpet, rug and flooring stores.
- (24) Churches.
- (25) Clothing stores.
- (26) Commercial radio or television broadcasting station.
- (27) Communication center (within building).
- (28) Department stores.
- (29) Fallout shelter.
- (30) Furniture stores.
- (31) Grocery stores, fruit and vegetable markets.
- (32) Hardware, hobby, sporting goods or toy stores.
- (33) Jewelry stores.
- (34) Job printing, newspaper, lithographing or publishing plants.

- (35) Laundromats and dry cleaning laundry pickup store.
- (36) Leather goods and luggage shops.
- (37) Liquor stores (for consumption off the premises).
- (38) Loan and finance company offices.
- (39) Lodge rooms or clubhouses for fraternal organizations.
- (40) Meat shops and cold storage lockers (excluding slaughtering).
- (41) Medical clinics.
- (42) Medical, dental and optical laboratories.
- (43) Mortuaries or funeral homes.
- (44) Motels or motor hotels.
- (45) Motion picture theatre.
- (46) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (47) Music studios or musical instrument stores.
- (48) Newsstands.
- (49) Paint or wallpaper stores and interior decorating studios.
- (50) Pet supply store.
- (51) Pharmacies or drugstores; including gifts, stationery and similar items.
- (52) Photography studios.
- (53) Physical culture or health clubs and gymnasiums.
- (54) Pipe or tobacco shops.
- (55) Plumbing shops, television or radio repair shops; when operated as accessory uses to retail sales establishments.

(56) Public libraries.

(57) Restaurants, cafes, delicatessens or tearooms.

(58) Retail bakeries or pastry shops.

(59) Retail ice delivery stations (excluding manufacturing).

(60) Retail medical supply stores.

(61) Sewing machine sales and service stores.

(62) Shoe stores and shoe repair shops.

(63) Tailor shops.

(64) Variety stores.

(65) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.

(66) Video recording and equipment sales and repair stores.

(67) Watch or clock repair, locksmith or pawn shops.

(68) Water conditioning sales and services.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-2 central business district:

(1) Accessory uses customarily incident to the uses permitted in subsections (a) and (b) of this section.

(2) Living quarters of persons employed on the premises.

(3) Solar energy collectors and systems.

(4) Storage garages where the lot is occupied by a multiple-family dwelling, hospital or an institutional dwelling.

(d) *Conditional uses.* All conditional use permits for the B-2 district may only be issued if the proposed use meets the specific requirements of this section and also meets the

general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the B-2 central business district by conditional use permit:

- (1) Automobile garages and repair shops, with no outside storage or sales of vehicles, equipment or accessories.
- (2) Automobile laundry or car wash.
- (3) Automobile service stations, for sale of gasoline, oil and accessories.
- (4) Boardinghouses and lodginghouses; convalescent, nursing and rest home.
- (5) Drive-in retail or service stores.
- (6) Garden supply stores.
- (7) Hospitals (excluding nonhuman).
- (8) Multiple-family dwellings, apartment buildings or townhouses.
- (9) Other business uses of the same general character as listed in subsection (b).
- (10) Parks and recreational areas owned or operated by governmental agencies.
- (11) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- (12) Repair and rental shops of domestic type equipment and items.
- (13) Residential facility or day care facility.
- (14) Self-storage warehouse on floors other than main level.
- (15) Sports arenas or stadiums, indoor skating rinks.
- (16) Tire, battery and automobile accessories shops.
- (17) Trade schools.
- (18) Upholstery and furniture repair shops.
- (19) Utility stations and structures.

(20) Water supply buildings, reservoirs, wells, elevated tanks, and other similar essential public utility structures, municipal or other government service buildings.

(e) *Height, yard and lot coverage regulations.* Height, yard and lot coverage regulations for the B-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.

(2) *Front yard regulations.* No front yard shall be required.

(3) *Side yard regulations.* No side yard shall be required.

(4) *Rear yard regulations.* No rear yard shall be required.

(f) *Lot coverage regulations.* There are no lot coverage regulations.

(g) *General regulations.* Additional regulations in the B-2 central business district are set forth in article VI of this chapter.

(Code 1976, § 11.13; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 703 2nd series, § 1, 12-8-2015)

Cross reference(s)—Businesses, ch. 22.

SECTION 20: **AMENDMENT** “Section 86-104 B-3 General Business District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-104 B-3 General Business District

(a) *Intent; scope.* This section applies to the B-3 general business district. This B-3 district provides a location for uses that are appropriate to thoroughfare locations, are largely dependent upon thoroughfare traffic, and are not suitable within other business districts.

(b) *Permitted uses.* The following uses shall be permitted in the B-3 business district:

(1) Ambulance, taxi, bus, and rail stations or terminals.

(2) , gift or florist shop.

(3) Apparel shops.

(4) Appliance sales and service stores.

(5) Art, office, school, camera and photography supply stores.

(6) Audio recording sales or rental.

- (7) Auto parts and accessories.
- (8) Automobile and truck sales or used car lots.
- (9) Automobile garages and repair shops, with no outside storage of vehicles or equipment.
- (10) Automobile laundries and car washes.
- (11) Automobile parking lots and garages.
- (12) Automobile service stations, for sale of gasoline, oil and accessories.
- (13) Banks and savings institutions.
- (14) Barbershops or beauty shops.
- (15) Bars, taverns, cocktail lounges, nightclubs, dancehalls and theatres.
- (16) Bicycle or motorcycle sales or repair shops.
- (17) Billiard or pool halls.
- (18) Book or stationery stores.
- (19) Bowling alleys.
- (20) Business, commercial or dance schools.
- (21) Business or professional offices.
- (22) Businesses requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at least:
 - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (23) Cabinet stores.
- (24) Candy, ice cream, soft drinks, or confectionery stores.
- (25) Carpenter, plumbing and heating, paint and wallpaper, and janitorial service shops.

- (26) Carpet and flooring stores.
- (27) Churches.
- (28) Day care facility serving any number of individuals.
- (29) Department stores.
- (30) Drive-in restaurants and other establishments that provide goods and services to patrons in automobiles.
- (31) Drive-in retail or service stores.
- (32) Drive-in theatres.
- (33) Drive-up bank and other offices.
- (34) Electric motors service shops.
- (35) Fallout shelter.
- (36) Furniture stores.
- (37) Garden and lawn supply stores.
- (38) Gas stations.
- (39) Glass sales and service stores.
- (40) Grocery stores or supermarkets.
- (41) Hardware, hobby, sporting goods or toy stores.
- (42) Health clubs.
- (43) Ice sales.
- (44) Jewelry stores and leather goods or luggage.
- (45) Laundromats and dry cleaning or laundry pickup stores.
- (46) Leather goods stores.
- (47) Liquor stores.
- (48) Loan and finance company offices.
- (49) Lodge rooms or clubhouses for fraternal organizations.

- (50) Marine or boat sales and repair shops.
- (51) Meat shops and cold storage lockers, excluding slaughtering.
- (52) Medical clinics.
- (53) Medical, dental and optical laboratories.
- (54) Miniature golf courses, archery and golf driving ranges; swimming pools serving more than one-family, skating rinks, tennis clubs, but excluding auto, motorcycle or go-cart race tracks.
- (55) Monument sales centers.
- (56) Mortuaries or funeral homes.
- (57) Motels or hotels.
- (58) Motion picture theatre.
- (59) Municipal or other government administration buildings, police or fire stations, community center buildings, museums or art galleries, and post office stations.
- (60) Music studios or musical instrument stores.
- (61) Newspaper printing.
- (62) Outdoor nurseries and greenhouses.
- (63) Paint or wallpaper stores.
- (64) Pet shops.
- (65) Pet supply store.
- (66) Pharmacies or drugstores.
- (67) Photography studios.
- (68) Pipe or tobacco shops.
- (69) Post office stations.
- (70) Printing.
- (71) Public libraries.
- (72) Radio or television broadcasting stations.

- (73) Repair and rental of domestic type equipment and items.
 - (74) Restaurants, cafes, delicatessens or tea rooms.
 - (75) Retail bakeries or pastry shops.
 - (76) Retail ice delivery stations.
 - (77) Retail medical supply stores.
 - (78) Sales and service centers for farm implements.
 - (79) Sales and service centers of travel and camping trailers, and motor homes which do not require a special permit to be transported on a public highway.
 - (80) Self-storage warehouse with inside access to individual units.
 - (81) Sewing machine sales and service.
 - (82) Shoe stores and repair.
 - (83) Tailor shops.
 - (84) Television or radio repair shops.
 - (85) Tire, battery and automobile accessories shops.
 - (86) Upholstery and furniture repair shops.
 - (87) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.
 - (88) Video sales or rental.
 - (89) Water conditioning sales and service.
 - (90) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.
 - (91) Wholesale business and office with no outside storage.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-3 business district:

- (1) Accessory uses generally associated with the uses permitted in subsections (a) and (b) of this section.
 - (2) Off-street parking and loading as regulated by article VI of this chapter.
 - (3) Signs as regulated by article VI of this chapter.
 - (4) Solar energy collectors and systems.
 - (5) Storage garages where the lot is occupied by an institutional building.
- (d) *Conditional uses.* All conditional use permits for the B-3 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following use may be permitted in the B-3 business district by conditional use permit:
- (1) Amusement parks.
 - (2) Armories, convention or exhibition halls.
 - (3) Billboards.
 - (4) Brewpubs.
 - (5) College, university, post high school education or training institution, or seminary; public or private; with the nearest building line to property line distance of 150 feet to any single family dwelling property.
 - (6) Convalescent, nursing and rest homes.
 - (7) Farm feed and seed, or lawn and gardening supply store.
 - (8) Golf courses, including clubhouses.
 - (9) Heliport.
 - (10) Hospitals and medical centers.
 - (11) Kennels.
 - (12) Lumberyards.
 - (13) Meat and butcher shops and cold storage lockers, with limited slaughtering.
 - (14) Multiple-family dwellings, apartment buildings or townhouses.

- (15) Municipal or other governmental service buildings.
 - (16) Other business uses of the same general character as listed in subsection (b).
 - (17) Parks and recreational areas owned or operated by governmental agencies.
 - (18) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
 - (19) Residential facilities serving six or fewer individuals.
 - (20) Self-storage warehouse with outside access to individual units.
 - (21) Sports arenas or stadiums, indoor skating rinks and physical culture or health clubs and gymnasiums.
 - (22) Trophy and award assembly.
 - (23) Utility stations and structures.
- (e) *Height and yard regulations.* Height and yard regulations for the B-3 district are as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet on a lot or plot that abuts a minor street or a marginal access service street.
 - b. There shall be a front yard having a depth of 35 feet on a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
 - c. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
 - d. No front yard shall be required in the downtown district.
 - (3) *Side yard regulations.*
 - a. There shall be a side yard on each side of a building, having a width of not less than ten feet.
 - b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
 - c. No side yard shall be required in the downtown district.
 - (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
 - b. No building shall be located within 20 feet of any rear lot line abutting

a lot in any of the classes of residence districts.

c. No rear yard shall be required in the downtown district.

(f) *Lot coverage regulations.* Not more than 50 percent of a lot shall be occupied by buildings in the B-3 district. No lot coverage restrictions apply in the downtown district.

(g) *General regulations.* Additional regulations in the B-3 general business district are set forth in article VI of this chapter.

(Code 1976, § 11.14; Ord. No. 410 2nd series, § 2, 2-16-1999; Ord. No. 443, § 3, 11-6-2000; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 719 2nd series, § 1, 5-9-2017; Ord. No. 753 2nd series, § 1, 7-28-2020)

Cross reference(s)—Businesses, ch. 22.

SECTION 21: **AMENDMENT** “Section 86-105 B-4 Shopping Center Business District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-105 B-4 Shopping Center Business District

(a) *Intent; scope.* This section applies to the B-4 shopping center business district. This B-4 district is intended to provide for existing and/or proposed shopping centers.

(b) *Permitted uses.* The following uses shall be permitted in the B-4 business district:

(1) Animal pet shops.

(2) Antique, gift or florist shop.

(3) Apparel shops.

(4) Appliance stores.

(5) Art, office, school, or camera and photography supply stores.

(6) Audio recording sales and rental.

(7) Auto parts and accessories.

(8) Automobile and truck parking lots.

(9) Banks and savings institutions.

- (10) Barbershops or beauty shops.
- (11) Bars, cocktail lounges, nightclubs and theatres.
- (12) Bicycle sales shops.
- (13) Bookstores.
- (14) Bowling alleys.
- (15) Bus stations or taxistands.
- (16) Business, commercial and dance schools.
- (17) Business or professional offices.
- (18) Businesses requiring a registration under City Code, § 22-222. Businesses, except On-Site Intoxicating Hemp Product Businesses, must be located at least:
 - a. 500 feet, when measured in a straight line from the center of the primary building of a school, as defined in Minnesota Statutes, section 120A.22, subd. 4, excluding a home school, to the property line of the property in which the registered establishment is located. The primary building of each school is established in a map that will be published by the City.
- (19) Butcher shops, excluding slaughtering.
- (20) Cabinet stores.
- (21) Candy, ice cream, soft drinks or confectionery stores.
- (22) Carpet and flooring stores.
- (23) Clock repair.
- (24) Communications broadcasting station.
- (25) Department store.
- (26) Drive-up bank.
- (27) Dry cleaning stores or laundry pickup stores.
- (28) Fallout shelter.

- (29) Finance company offices.
- (30) Funeral homes.
- (31) Furniture stores.
- (32) Garden and lawn supply stores.
- (33) Gas stations.
- (34) Glass sales.
- (35) Governmental buildings.
- (36) Grocery stores.
- (37) Hardware, hobby, sporting goods or toy stores.
- (38) Jewelry stores.
- (39) Leather goods and luggage shops.
- (40) Libraries.
- (41) Liquor stores (for consumption off the premises).
- (42) Loan and finance.
- (43) Lodge rooms or clubhouses for fraternal organizations.
- (44) Medical clinics.
- (45) Motels.
- (46) Motion picture theatre.
- (47) Music studios or musical instrument stores.
- (48) Newsstands.
- (49) Office and photo supply (retail).
- (50) Paint, wallpaper or interior decorating stores.

- (51) Pet supply store.
- (52) Pipe or tobacco shops.
- (53) Pharmacies or drugstores.
- (54) Photography studios.
- (55) Physical culture or health clubs and gymnasiums.
- (56) Plumbing and heating sales.
- (57) Pool halls and video arcades.
- (58) Post office stations.
- (59) Printing.
- (60) Restaurants, cafes, delicatessens or tea rooms.
- (61) Retail bakeries or pastry shops.
- (62) Retail medical supply stores.
- (63) Sewing machine sales and service.
- (64) Shoe stores.
- (65) Supermarkets.
- (66) Tailor shops.
- (67) Veterinary clinic and hospital for small animals with associated indoor kennels where there are no animals allowed outside of a building at any time, where the entire business is conducted wholly within an enclosed sound proofed, heated and air conditioned building such that no noise or odors are perceptible beyond the property line.
- (68) Video recording sales and rental.
- (69) Water conditioning sales.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the B-4 business district:

- (1) Accessory uses generally associated with the uses permitted in subsections (a)

and (b) of this section.

(2) Off-street parking and loading as regulated by article VI of this chapter.

(3) Signs as regulated by article VI of this chapter.

(4) Solar energy collectors and systems.

(5) Storage garages where the lot is occupied by an institutional building.

(d) *Conditional uses.* All conditional use permits for the B-4 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be permitted in a B-4 district by conditional use permits:

(1) Automobile car washes.

(2) Automobile service stations for sale of gasoline, oil and accessories.

(3) Brewpubs.

(4) Cabinet sales.

(5) Day care facility serving any number of individuals.

(6) Drive-in restaurants and other establishments that provide goods and service to patrons in automobiles.

(7) Drive-in retail stores.

(8) Garden and lawn supply stores.

(9) Lodge rooms or clubhouses for fraternal organizations.

(10) Medical, dental and optical lab.

(11) Multiple-family dwelling, apartments, townhouses.

(12) Municipal or other government administration building, police or fire stations and museums.

(13) Municipal or other governmental service buildings.

(14) Parks and recreational areas.

- (15) Plumbing, television or radio repair shops when operated as accessory uses to retail shops.
 - (16) Public libraries.
 - (17) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
 - (18) Public utility structures.
 - (19) Repair and rental shops of domestic type equipment and items.
 - (20) Sports arenas.
 - (21) Trade schools.
 - (22) Utility stations and structures.
- (e) *Height and yard regulations.* Height and yard regulations in the B-4 district are as follows:
- (1) *Height regulations.* No building shall hereafter be erected or structurally altered to exceed 45 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of 50 feet on a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
 - b. There shall be a front yard on each street side of a corner lot. No accessory buildings shall project beyond the front yard line on either street.
 - (3) *Side yard regulations.*
 - a. There shall be a side yard on each side of a lot, having a width of not less than 30 feet.
 - b. No building shall be located within 20 feet of any side lot line abutting a lot in any of the classes of residence districts.
 - (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
 - b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- (f) *Lot coverage regulations.* Not more than 30 percent of the lot may be occupied by buildings in the B-4 district.
- (g) *General regulations.* Additional regulations in the B-4 shopping center business district are set forth in article VI of this chapter.

(Code 1976, § 11.15; Ord. No. 463, § 1, 7-2-2001; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 613 2nd series, § 1, 8-25-2009; Ord. No. 655 2nd series, § 1, 5-22-2012)

Cross reference(s)—Businesses, ch. 22.

SECTION 22: **EFFECTIVE DATE** This Ordinance shall be in full force and effect following its passage and publication in accordance with state law.

SECTION 23: **INTERIM ORDINANCE TERMINATION** Upon the Effective Date of this Ordinance, Ordinance 23-015 Interim Cannabis Prohibition shall automatically terminate.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

**CITY OF MARSHALL
ORDINANCE 2024 MORATORIUM**

**AN INTERIM ORDINANCE AUTHORIZING A STUDY AND IMPOSING A
MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES WITHIN THE
CITY OF MARSHALL**

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

SECTION 1: **ADOPTION** “MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

MORATORIUM ON THE OPERATION OF CANNABIS BUSINESSES(*Added*)

SECTION 2: **ADOPTION** “Section 1. Legislative Findings And Authority” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 1. Legislative Findings And Authority(*Added*)

- A. The Minnesota Legislature, in 2023, enacted, and the Governor signed, 2023 Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the “Act”), which represents comprehensive legislation relating to cannabis including, but not limited to, the establishment of the Office of Cannabis Management (“OCM”), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of Edible Cannabinoid Products.
- B. The Act provides local units of government certain authority related to Cannabis Businesses, including the authority to (i) require local registration of certain Cannabis Businesses operating retail establishments, (ii) adopt reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, provided that such restrictions do not prohibit the establishment or operation of a Cannabis Business, (iii) limit the number of certain Cannabis Businesses based on the population of the community, and (iv) prohibit the operation of a Cannabis Business within 1,000 feet of a school, or 500 feet of a day care, residential treatment facility, or an attraction within

- a public park that is regularly used by minors, including a playground or athletic field.
- C. The Act requires the OCM, which was established effective July 1, 2023, to work with local governments to develop model ordinances for reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses. The Act also requires the OCM to establish additional rules and regulations relating to the operation of Cannabis Businesses. It is anticipated that the city of Marshall (the “City”) will benefit from reviewing and analyzing the OCM’s model ordinances, rules and regulations before making any decisions related to the regulation of Cannabis Businesses in the City.
- D. The OCM has not yet created the model ordinance or engaged in rulemaking to develop the licensing scheme for Cannabis Businesses or lower-level hemp products.
- E. The Act (since codified at Minnesota Statutes, section 342.13(e)) expressly allows a local unit of government that is conducting studies or has authorized a study to be conducted or has held or scheduled a hearing for the purpose of considering adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses to adopt an interim ordinance applicable to all or part of its jurisdiction for the purpose of protecting the planning process and the health, safety, and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit the operation of Cannabis Businesses within the jurisdiction or a portion thereof until January 1, 2025.
- F. Given the uncertainty regarding the model ordinances to be developed by the OCM and the broad scope of the changes to Minnesota law brought about by the Act, the City desires to adopt an interim ordinance for the purpose of protecting the planning process and the health, safety, and welfare of its citizens.
- G. The City desires to conduct a study for the purpose of considering the adoption or amendment of reasonable restrictions on the time, place and manner of the operation of Cannabis Businesses as well as the other regulations local units of government may adopt under the Act.
- H. On June 25, 2024, after providing at least 10 days published notice, the City Council held a public hearing regarding the consideration and adoption of this Ordinance prohibiting the operation of Cannabis Businesses within the City until January 1, 2025.

SECTION 3: ADOPTION “Section 2. Definitions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 2. Definitions(*Added*)

For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- A. “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No. 100).
- B. “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14.
- C. “City” means the city of Marshall, a Minnesota municipal corporation.
- D. “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- E. “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- F. “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e).

SECTION 4: **ADOPTION** “Section 3. Study Authorized” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 3. Study Authorized(*Added*)

The city council hereby authorizes and directs City staff to conduct a study regarding the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of Cannabis Businesses, as well as other potential local regulations allowed under the Act, and report to the city council on the potential regulation of Cannabis Businesses. The study may include a review of any model ordinances that OCM is directed to draft under Minnesota Statutes, section 342.13(d), an analysis of potential setback regulations allowed under Minnesota Statutes, section 342.13(c), and such other matters as staff may determine are relevant to the city council’s consideration of this matter. The report may also include City staff’s recommendations on whether the city council should adopt regulations and, if so, the recommended types of regulations.

SECTION 5: **ADOPTION** “Section 4. Moratorium” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 4. Moratorium(*Added*)

A moratorium is hereby imposed on the operation of any Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. Accordingly, during the period that this Ordinance is in effect, the City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting City review of any application or proposal for a business proposing to engage in the operation of a Cannabis Business. During the term of the moratorium, it is a violation of this Ordinance for any business, person, or entity to establish or operate a Cannabis Business within the City.

SECTION 6: **ADOPTION** “Section 5. Exceptions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 5. Exceptions(*Added*)

The moratorium imposed by this Ordinance does not apply to: (i) the continued operation of a duly established business as part of the Medical Cannabis Program administered by the Minnesota Department of Health that was lawfully operating within the City prior to the effective date of this Ordinance; or (ii) the sale of Edible Cannabinoid Products, provided, however, that nothing in this Ordinance exempts a business, person, or entity from complying with all other requirements and prohibitions of applicable laws and ordinances related to such exceptions.

SECTION 7: **ADOPTION** “Section 6. Enforcement” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 6. Enforcement(*Added*)

Violation of this Ordinance is a misdemeanor. The City may also enforce this Ordinance by mandamus, injunction, or other appropriate civil remedy in any court of competent jurisdiction. A violation of this Ordinance is also subject to the City’s general penalties prescribed in the city code and may further result in the City reporting violations to the OCM, if relevant to OCM licensing. The city council hereby authorizes City staff and consultants to initiate any legal action deemed necessary to secure compliance with this Ordinance.

SECTION 8: **ADOPTION** “Section 7. Severability” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 7. Severability(*Added*)

Every section, provision, and part of this Ordinance is declared severable from every other section, provision, and part. If any section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this Ordinance.

SECTION 9: **ADOPTION** “Section 8. Effective Date And Term” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 8. Effective Date And Term(*Added*)

This Ordinance shall become effective on the first day of publication after adoption. This Ordinance shall remain in effect until January 1, 2025 or until the city council expressly repeals it, whichever occurs first.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, May 28, 2024
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Adult Community Center, Cable Commission, Economic Development Authority</p> <p>Schroeder – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p>Alcorn – Community Services Advisory Board, MMU Commission</p> <p>Moua-Leske – Convention & Visitors Bureau; Diversity, Equity & Inclusion Commission; Library Board</p> <p>Lozinski – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	



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

Applicant Name	Location	Description of Work	Valuation	Approved Date
ADELMANN CONSTRUCTION LLC	620 DONITA AVE	Windows	3000.00	05/17/2024
BABCOCK CONSTRUCTION	803 ELAINE AVE	Re-Siding	15400.00	05/16/2024
BARN DOCTORS INC	136 E ST, 136 E ST, 136 E ST, 136 E ST	Accessory Building (Garages, Sheds, Gazebos, etc), Interior Remodeling - ANY Work Inside, Except Fireplace, Re-Roofing, Re-Siding	164878.00	05/14/2024
BUYSSE ROOFING SYSTEMS & SHEET METAL INC	507 COLLEGE DR E	Re-Roofing	4460.00	05/16/2024
CLARK PROPERTIES LLC	1507 COLLEGE DR E	Re-Roofing	20000.00	05/14/2024
Dave's Drywall LLC	401 VILLAGE DR, 401 VILLAGE DR	Interior Remodeling - ANY Work Inside, Except Fireplace, Windows	50000.00	05/16/2024
Eric Mathiowetz	703 S BEND AVE	HVAC - Air Conditioning, Furnace	8300.00	05/21/2024
Graphic House Inc	1200 US HWY 59 N	Monumental (ground) Sign , Wall Mounted Sign	55500.00	05/21/2024
HEYN BROTHERS CONSTRUCTION CORP	402 ELAINE AVE	Re-Roofing	11400.00	05/17/2024
INDEPENDENT SCHOOL DIST #413	401 SARATOGA ST S	Interior Remodeling - ANY Work Inside, Except Fireplace	96000.00	05/21/2024
Journey Group	300 BRUCE ST S, 300 BRUCE ST S	Building Addition, Interior Remodeling - ANY Work Inside, Except Fireplace	1981028.00	05/10/2024
Kevin V Goslar	901 4TH ST S	Plumbing - Water heater	350.00	05/09/2024
Kevin V Goslar	806 4TH ST N	Plumbing - Bathroom remodeling	1200.00	05/09/2024
LOWES HOME CENTERS LLC	1200 DUBLIN ST	Doors	11654.90	05/21/2024
Mathew Henry Coequyt	500 MERCEDES DR	Both - New building AND Air Conditioning, Furnace	0.00	05/13/2024
MEADOWVIEW CONSTRUCTION	309 BRUSSELS CT	Windows	1250.00	05/14/2024
MICHAEL SLAGEL CONSTRUCTION LLC	509 HARRIETT DR	Doors	4000.00	05/13/2024
ROWELL/CHRISTOPHER S & MICHELE	402 DOGWOOD AVE	Interior Remodeling - ANY Work Inside, Except Fireplace	950.00	05/17/2024
SCHILLING/RONALD & DONNA/TRSTS	610 REDWOOD ST W	Re-Siding	3600.00	05/14/2024
VANLEEUEW CONSTRUCTION LLC	300 5TH ST S	Re-Roofing	4800.00	05/15/2024
VANLEEUEW/RANDY M/REV LIV TRST	608 ADOBE RD	Building Addition	40000.00	05/15/2024
WCC Contractors	1200 SUSAN DR	Interior Remodeling - ANY Work Inside, Except Fireplace	500000.00	05/17/2024



Upcoming Meetings

May

- 05/28 Public Improvement & Transportation Committee, 12:45 PM, City Hall
 - 05/28 Regular Meeting, 5:30 PM, City Hall
-

June

- 06/11 Equipment Review Committee, 4:00 PM, City Hall
- 06/11 Board & Commission Interview, 5:00 PM, City Hall
- 06/11 Regular Meeting, 5:30 PM, City Hall
- 06/25 Regular Meeting, 5:30 PM, City Hall

2024 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

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

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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