

CITY OF MARSHALL City Council Meeting A g e n d a Tuesday, August 11, 2020 at 4:00 PM Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 Erie Road

NOTICE: Pursuant to Minnesota State Statute 13D.021

Some or all members of the City Council may participate by telephone or other electronic means. Regular attendance and meeting location are not feasible due to the Coronavirus Disease (COVID-19) pandemic. **OPENING ITEMS**

1. Call to Order/Pledge of Allegiance

APPROVAL OF AGENDA

APPROVAL OF MINUTES

2. Consider approval of the minutes of the work session and the regular meeting held on July 28, 2020. **PUBLIC HEARING**

3. ADA Transition Plan for Public Sidewalks & City Rights-of-Way – Public Hearing.

CONSENT AGENDA

- 4. Approval to surplus two (2) 2016 Ford Explorers.
- 5. Wastewater Treatment Facilities Improvement Project Consider Application for Payment No. 13 to Magney Construction, Inc.
- 6. Authorize the Issuance of a Certificate of Completion Related to the Development of Property Lots 1,2, and 3 of Tiger Park Fourth Addition, Located at 1651 and 1661 East College Drive Marshall.
- 7. Request Authorization for the Appropriate City Officials to Execute a Certificate of Completion and Final Certificate related to Finalization and Closing Out of a Contract for Private Development Including Land Purchase and Business Subsidy Agreement by and between City of Marshall, HRA, and Ralco Nutrition and Knochenmus Enterprises.
- 8. Consider approval of the bills/project payments.

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

- 9. Introduction of David Schelkopf, Marshall Municipal Utilities General Manager.
- <u>10.</u> City of Marshall/Lyon County Economic Development Authority Partnership.
- 11. Authorization to purchase two (2) squad cars for the Marshall Police Department.
- 12. Grant of Utility Easement to Great Plains Natural Gas Company.
- 13. Striping and Signage (Southview Drive, Saratoga Street, North 7th Street).
- 14. Consider Resolution Amending the Resolution Establishing and Providing for the City of Marshall Special Assessment Policy.
- 15. Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 11, 2021.

COUNCIL REPORTS

- <u>16.</u> Commission/Board Liaison Reports
- 17. Councilmember Individual Items
- 18. City Administrator

STAFF REPORTS

- 19. Director of Public Works
- 20. City Attorney

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.

ADMINISTRATIVE REPORTS

21.Administrative BriefINFORMATION ONLY22.Information OnlyMEETINGS

23. Upcoming Meetings

ADJOURN

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RULES OF CONDUCT

• You may follow the meeting online - <u>www.ci.marshall.mn.us.</u>

•Public Hearing – the general public shall have the opportunity to address the Council.

- Approach the front podium
- State you name, address and interest on the subject

• Mayor may choose to allow others to address the Council during other agenda items. Persons who desire to speak should do so only after being recognized by the Mayor.

- Approach the front podium
- State you name, address and interest on the subject

•Persons in attendance at the meeting should refrain from loud discussions among themselves, clapping, whistling or any other actions. Our values include mutual respect and civility for all in attendance.

• If you have questions during the Council meeting please see Kyle Box, City Clerk who sits in the front left area of the audience sitting area.



CITY OF MARSHALL AGENDA ITEM REPORT

	T 1 1 2 20 2020
Meeting Date:	Tuesday, July 28, 2020
Category:	APPROVAL OF MINUTES
Туре:	ACTION
Subject:	Consider approval of the minutes of the work session and the regular meeting held on July 28, 2020.
Background	Enclosed are the minutes of the work session and the regular meeting held on July
Information:	28, 2020.
Fiscal Impact:	None
Alternative/	Staff encourages City Council Members to provide any suggested corrections to the
Variations:	minutes in writing to City Clerk Kyle Box, prior to the meeting.
Recommendations:	that the minutes of the work session and the regular meeting held on July 28, 2020 be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL BUDGET WORK SESSION M I N U T E S Tuesday, July 28, 2020

The work session of the Common Council of the City of Marshall was held July 28, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. The meeting was called to order at 4:00 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steven Meister, Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Annette Storm, Director of Administrative Services and Kyle Box, City Clerk.

Lyon County Historical Society Community Contribution Request

In 2020 the Lyon County Historical Society requested, and council approved a contribution of \$24,000. The 2021 requested contribution to the Lyon County Historical Society is for \$24,000.

Lyon County Historical Society Executive Director, Jennifer Andries presented the request and summarized events and projects that have occurred in 2020.

Marshall Area Fine Arts Council (MAFAC)

In 2020 MAFAC requested, and council approved a contribution of \$6,000. The 2021 requested contribution to MAFAC is for \$6,000.

MAFAC President, Jan Loft and MAFAC Treasurer JoAnne Fraunfelder provided the budget request for 2021. MAFAC President Loft provided a summary of events and projects MAFAC completed in 2020.

United Community Action Partnership

United Community Action Partnership will present the new bus replacement schedule, which will include changes to 2020, 2021 and future funding.

Cathleen Amick with UCAP Transit presented the new bus replacement schedule and commented that UCAP Transit will not be requested any additional funds for 2021.

City Budget Update

Director of Administrative Services Annette Storm provided a brief update on the City of Marshall 2021 budget process. Director Storm reminded council that the next budget work session will be on August 18.

Adjournment

At 5:00 PM, Mayor Byrnes adjourned the meeting.

Attest:

Mayor

City Clerk

CITY OF MARSHALL CITY COUNCIL MEETING M I N U T E S Tuesday, July 28, 2020

The regular meeting of the Common Council of the City of Marshall was held July 14, 2020, at the Minnesota Emergency Response and Industrial Training (MERIT) Center, 1001 West Erie Road. 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, Steven Meister (5:35 PM), Glenn Bayerkohler, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Jessie Dehn, Assistant City Engineer; Annette Storm, Director of Administrative Services; Lauren Deutz, Economic Development Director; Ilya Gutman, Plan Examiner/ Assistant Zoning Administrator; Quentin Brunsvold, Fire Chief; Preston Stensrud, Parks Superintendent and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a consensus to operate under the current agenda.

Consider approval of the minutes of the work session and the regular meeting held on July 14, 2020.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the minutes of the work session and the regular meeting held on July 14, 2020 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

<u>Public Hearing and Adoption of Ordinance amendment to permit some slaughtering of animals in butcher</u> <u>shops in general business district and industrial districts and permit landscaping business in general</u> <u>industrial district</u>

There is currently a business owner interested in opening a butcher shop in Marshall. Part of his operations would involve some limited slaughtering of animals. Staff reviewed the Ordinance and determined that no district currently allows slaughtering operations either as a permitted or conditional use. Considering that this type of business is relatively common, it makes sense to add it to appropriate zoning districts. Since slaughtering may seem objectionable in some circumstances, it is added as a conditional use in all districts to retain some control. It is also described as limited in General Business and Limited Industrial districts, mostly to convey the limited nature to applicants, as the final determination of the limitations would be established during the conditional use permit process based on location and other applicable factors. Most other cities do not explicitly list butcher shops in the ordinance.

During the same review, it was determined that landscaping business is not listed in any of the zoning districts either. To correct this, it is suggested to add this type of use to general industrial district.

Meat processing facilities were also added to the I-2 General Industrial district as a conditional use, since this use is not listed anywhere either. Several other cities allow stockyards, including slaughtering, in industrial districts as a conditional use.

At the June 10, 2020, regular Planning Commission meeting Lee made a motion, second by Carstens to recommend to city council an approval as recommend by staff. All voted in favor of the motion.

At the meeting on June 18, 2020, Legislative and Ordinance Committee voted to recommend to council the approval of the Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district as recommended by staff.

The Ordinance Amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district was introduced at the July 14, 2020, City Council meeting.

Plan Examiner/Assistant Zoning Administrator Ilya Gutman provided the background information on the agenda item.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council close the public hearing on the Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district.

Councilmember Meister discussed the turkey producer located in Marshall and how they were compliant if butchering was not allowed in city limits. Gutman commented that the business would have been grandfathered in.

Councilmember Labat clarified that if a business was granted a conditional use permit that the permit would stay with the property.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council adopt Ordinance Number 753, Second Series, Amending Section Ordinance amendment to permit some slaughtering of animals in butcher shops in general business district and industrial districts and permit landscaping business in general industrial district. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Award of Bids for fire station electrical service change out.

The 2020 City of Marshall capital improvement plan included this project to change out the electrical service and all the breakers at the Marshall fire station. The project would convert 480/277v, 600-amp, 3 phase switch gear Federal Pacific breakers to 208/120v 600-amp 3 phase switch gear square D breakers. This proposal would also include an automatic transfer switch for the addition of a generator. This will be crucial in the event of power loss so we can get the equipment out of the fire station. The above description Is tabulated in the base bid. There was an alternate bid option to supply a 90 kw, natural gas-powered generator. This project will be coordinated with MMU so they can also change out the transformer behind the building as they've been wanting to complete this project for a long time.

The justification for this project is that Federal Pacific circuit breakers are notorious for sticking open and catching fire. Multiple tests done on the breakers since the 1980s have proven that one in four Stab-Lok breakers (currently in the fire station) are defective and will not properly trip off. Unfortunately, when the testing began in the early 1980s, a New Jersey court later ruled that Federal Pacific Electric committed testing.

fraud and a cover-up, labeling the breakers as meeting the standards set by the UL (Underwriters Laboratories) when they were defective. In 1983, the Consumer Product Safety Commission closed its twoyear investigation and felt it impossible to create a product recall at the time because of budget issues, even as Federal Pacific panels and breakers continued to be installed in millions of homes and businesses that to this day still run the risk of an electrical fire. An estimated 2,800 fires each year directly result from Federal Pacific panel breaker malfunction. Federal Pacific Electric has been out of business for many years, but the danger is still ever present.

The only price not included in this project is the stand for the transfer switch, which will be fabricated by a 3rd party local vendor. Estimate received for this stand to fabricate is not to exceed \$400.00.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer Accept base bid from Heartland Electrical, Inc. for \$30,766.91 with no alternate. Transfer switch stand cost to be paid direct to the vendor.

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. Voting Abstaining: Councilmember Labat. The motion **Passed. 6-0-1**

Consider Approval of the Consent Agenda

Councilmember Bayerkohler requested that item number 6, Review and approve amended Resolution No. 4042, being a resolution for vacation of a city street in the City of Marshall pursuant to City Charter and State Statutes, be removed for further discussion.

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

Approval of the ADA Transition Plan for Public Sidewalks & City Rights-of-Way – Call for Public Hearing.

Approval of the bills/project payments.

<u>Review and approve amended Resolution No. 4042, being a resolution for vacation of a city street in the</u> <u>City of Marshall pursuant to City Charter and State Statutes.</u>

The City of Marshall is proposing to improve drainage in the Merit Center and driving track region of the City of Marshall. There is an existing former township road (290th Street) in the region. That township road is now a City street pursuant to annexation of the surrounding property into the City of Marshall.

In 2014, a resolution was present to the City Council regarding a vacation of the portion of 290th Street between trunk Hwy 59 and CSAH 33. The previous Resolution No. 4042 was approved by Council action. That resolution, however, has never been filed of record in the recorder's office and as such 290th Street still appears to be as a City Street located within the City of Marshall.

The amended resolution hereto does address various deficiencies in the prior resolution. It is proposed that the amended resolution herein would be submitted to the appropriate county officials and would then be recorded of record so that the existing 290th Street would then be vacated between trunk Hwy 59 and CSAH.

33. By operation of law, the vacation of the roadway would transfer ownership of that roadway to abutting property owners. The resolution, however, does retain all utility easements and does authorize for a drainage easement to be retained by the City. The City is also negotiating with abutting property owners for the conveyance of the road right of way back to the City for future utility and drainage purposes. City officials believe that the vacation of the roadway and retention of easements is in the best interests of the City and that such action will allow for increased drainage in the area. There have been several complaints about area drainage in the Hwy 59 area. It is believed that the vacation of the roadway and improved drainage will address a number of pending concerns.

Councilmember Bayerkohler asked for an updated on the agenda item and why it was coming before the council again. City Attorney Dennis Simpson provided the background on the agenda item and commented that the document has been rejected by the County Recorder's Office due to the legal description needing to be updated.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the City Council approve the amended resolution and direct the appropriate City officials to file the resolution of record and to continue discussions with property owners regarding transfer of vacated roadway back to the City. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Award of Bids for Street Sweeper for the Street Department.

The City opened bids on July 10, 2020 for replacement Dump Box, Plow and Wing for Street Department. This is a replacement of the existing 2015 Elgin Pelican street sweeper.

At the July 14, 2020 City Council meeting, Council requested city staff to consider keeping the 2015 Elgin Pelican street sweeper instead of trading it in for \$68,200. By keeping the 2015 sweeper, the city is afforded redundancy with operations, the city may run two machines in tandem during early spring and fall time when demand is high, and the city could defer future street sweeper replacements by spreading machine time between two sweepers.

At their meeting on July 14, 2020, the City Council tabled action on this item to the July 28, 2020 meeting to allow for staff to review the Surface Water Management Utility budget to ensure that the fund could absorb the additional \$68,200 cost of not trading in the sweeper. After reviewing the budget, it has been determined that this purchase could be financed by utilizing Surface Water Management Fund reserves.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to remove the item from the table. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council authorize the purchase of a new 2020 Elgin Pelican NP Dual Street Sweeper for the Street Department from MacQueen Equipment of St. Paul, Minnesota, in the amount of \$240,259. The current 2015 Elgin Pelican street sweeper will be retained by the City Street Department and will be used to supplement city street sweeping operations. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer. Voting Nay: Councilmember

Meister, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. The motion Failed. 3-4

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to delay the purchase and reintroduce the item after the 2021 budget is complete. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember Labat, Councilmember Lozinski. Voting Nay: Mayor Byrnes, Councilmember DeCramer. The motion **Passed. 5-2**

Authorization for ADA Ped Ramp and Bike Trail Improvements

For the past couple years money has been allocated in the Parks Budget for bike trail maintenance and repairs. This year \$80,000 is included in the budget. This year's funds are proposed to be used towards repairs in numerous locations. Staff is working towards getting all trail sections on a preservation maintenance plan and has been working with the Engineering Dept. to rate the conditions of each section of trail to help prioritize maintenance needs in the future.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski Authorize staff to proceed with ADA Ped Ramp and Bike Trail Improvements not to exceed \$80,000. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Marshall EDA CARES Grant Program.

City Administrator Sharon Hanson provided the background information the agenda item. Administrator Hanson introduced Economic Development Director Lauren Deutz to present the application process for the Marshall EDA CARES Grant Program.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to approve the Marshall EDA CARES Grant Program. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

<u>Consider adoption of the ordinance amending salaries and compensation of mayor and councilpersons.</u> Chapter 2, Sec. 2.07 of the City of Marshall Charter requires salaries of the Councilmembers and Mayor to be discussed as an agenda item at the first council meeting in July of each year. After said discussions, the council shall set and determine said salaries in accordance with the applicable state law.

Minnesota State Statute 415.11 allows for the governing body fix their own salaries by ordinance in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election.

Staff have adjusted the proposed salaries to be in line with the nonunion employee general wage increases through December 31, 2021. The proposed ordinance will become effective January 1, 2021.

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer to adopt the ordinance with no change to the salaries and compensation of the mayor and councilpersons.

Councilmember Meister withdrew his motion, Councilmember DeCramer withdrew his Second to allow for further clarification and discussion on the agenda item.

Motion made by Councilmember Labat, Seconded by Councilmember Meister to adopt Ordinance Number 754, Second Series, an ordinance amending the salaries and compensation of the mayor and councilpersons and to readdress the COVID-19 salary reduction in January or February 2021. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Labat. Voting Nay: Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Lozinski. The motion **Passed. 4-3**

Consider a LG220 Application for Exempt Permit for SMSU Foundation for February 13, 2021.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on February 13, 2021, at Southwest Minnesota State University, 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Abstaining: Councilmember Bayerkohler. The motion **Passed. 6-0-1**

Commission/Board Liaison Reports

Byrnes	Fire Relief Association met and presented their annual report and schedule for 2021
	Region Development Commission met and discussed its revolving loan fund.
Schafer	No Report
Meister	Economic Development Authority met and discussed the CARES Act
Bayerkohler	No Report
DeCramer	Marshall Municipal Utilities Commission met and discussed the water treatment facility
	<u>Economic Development Authority</u> met and discussed the CARES Act, its work plan and budget for 2021.
Labat	Library Board met to discuss the 2021 budget.
Lozinski	<u>City Hall Committee</u> met to discuss the construction of the elevator shaft and met with the owners of Mainstay Café to discuss the next steps of the project with the shared wall.

Councilmember Individual Items

Councilmember Meister addressed an article from the New York Times titled, "Can you get COVID-19 Again? It's Very Unlikely, Experts Say". Councilmember Labat requested an update on the Helena Chemical property and MAHA agreement.

Councilmember Lozinski acknowledged the mask mandate put into place by Governor Tim Walz.

Mayor Byrnes commented how the city of Marshall apricates the diversity in the community.

City Administrator

City Administrator Sharon Hanson commented on the mayor and councilperson salary compensation and the amount of work and time that elected officials put in.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson responded to a question by Councilmember Labat on sidewalks at a residential property.

City Attorney

City Attorney Dennis Simpson commented that the MAHA agreement is still pending, the Helena Chemical property is continuing to move forward with phase I inspection being completed and work completed for the Commerce Park land transfer.

Information Only

There were no questions on the information items.

Upcoming Meetings

City Clerk Kyle Box reminded the council that the next regular meeting on August 11 will begin at 4 PM and end at 6 PM.

<u>Adjourn</u>

At 7:05 P.M., Motion made by Councilmember Schafer, Seconded by Councilmember Meister to adjourn. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Bayerkohler, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Attest:

Mayor

City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020							
Category:	PUBLIC HEARING							
Гуре:	ACTION							
Subject:	ADA Transition Plan for Public Sidewalks & City Rights-of-Way – Public Hearing.							
Background Information:	Attached is a draft of the ADA Transition Plan for Public Sidewalks & City Rights-of-Way. The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:							
	 Employment State and local government services Public accommodations Telecommunications Miscellaneous Provisions 							
	Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Marshall must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)							
	This document has been created to specifically cover accessibility within the public rights o way and does not include information on City of Marshall programs, practices, or building facilities not related to public rights of way.							
	As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150, the City of Marshall has conducted a self-evaluation of its public infrastructure within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document serves as a supplement to City of Marshall Comprehensive ADA Transition Plan covering buildings, services, programs and activities.							
	It is the intent receive public input at this hearing with subsequent input incorporated into the plan and Council adoption at the August 25, 2020 meeting.							
Fiscal Impact:	None.							
Alternative/ Variations:	No alternative actions recommended.							
Recommendations:	that the Council close the public hearing regarding the ADA Transition Plan for Public Sidewalks & City Rights-of-Way.							

ADA Transition Plan

For Public Sidewalks & City Rights-of-Way









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Plan Draft Date: 4/9/2018 Latest Revised Date: 7/21/2020 Council Adoption Date: TBD



INTRODUCTION

TRANSITION PLAN NEED AND PURPOSE

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability. ADA consists of five titles outlining protections in the following areas:

- 1. Employment
- 2. State and local government services
- 3. Public accommodations
- 4. Telecommunications
- 5. Miscellaneous Provisions

Title II of ADA pertains to the programs, activities and services public entities provide. As a provider of public transportation services and programs, City of Marshall must comply with this section of the Act as it specifically applies to public service agencies. Title II of ADA provides that, "...no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." (42 USC. Sec. 12132; 28 CFR. Sec. 35.130)



As required by Title II of ADA, 28 CFR. Part 35 Sec. 35.105 and Sec. 35.150 City of Marshall has conducted a self-evaluation of its public infrastructure within public rights of way and has developed this Transition Plan detailing how the organization will ensure that all of those facilities are accessible to all individuals. This document serves as a supplement to City of Marshall Comprehensive ADA **Transition Plan covering** buildings, services, programs and activities.

ADA AND ITS RELATIONSHIP TO OTHER LAWS

Title II of ADA is companion legislation to two previous federal statutes and regulations: the <u>Architectural Barriers</u> <u>Acts of 1968</u> and <u>Section 504 of the Rehabilitation Act</u> of 1973.



The Architectural Barriers Act of 1968 is a Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Section 504 of the Rehabilitation Act of 1973 is a Federal law that protects qualified individuals from discrimination based on their disability. The nondiscrimination requirements of the law apply to employers and organizations that receive financial assistance from any Federal department or agency. Title II of ADA extended this coverage to all state and local government entities, regardless of whether they receive federal funding or not.

AGENCY REQUIREMENTS

Under Title II, City of Marshall must meet these general requirements:

- Must operate their programs so that, when viewed in their entirety, the programs are accessible to and useable by individuals with disabilities (<u>28 C.F.R. Sec. 35.150</u>).
- May not refuse to allow a person with a disability to participate in a service, program or activity simply because the person has a disability (<u>28 C.F.R. Sec. 35.130 (a)</u>.
- Must make reasonable modifications in policies, practices and procedures that deny equal access to
 individuals with disabilities unless a fundamental alteration in the program would result (28 C.F.R. Sec.
 35.130(b) (7).
- May not provide services or benefits to individuals with disabilities through programs that are separate or different unless the separate or different measures are necessary to ensure that benefits and services are equally effective (<u>28 C.F.R. Sec. 35.130(b)(iv) & (d)</u>.
- Must take appropriate steps to ensure that communications with applicants, participants and members of the public with disabilities are as effective as communications with others (29 C.F.R. Sec. 35.160(a).
- Must designate at least one responsible employee to coordinate ADA compliance [<u>28 CFR Sec. 35.107(a)</u>]. This person is often referred to as the "ADA Coordinator." The public entity must provide the ADA coordinator's name, office address, and telephone number to all interested individuals [<u>28 CFR Sec.</u> <u>35.107(a)</u>].
- City of Marshall must provide notice of ADA requirements. All public entities, regardless of size, must provide information about the rights and protections of Title II to applicants, participants, beneficiaries, employees, and other interested persons [28 CFR Sec. 35,106]. The notice must include the identification of the employee serving as the ADA coordinator and must provide this information on an ongoing basis [28 CFR Sec. 104.8(a)].
- Must establish a grievance procedure. Public entities must adopt and publish grievance procedures providing for prompt and equitable resolution of complaints [28 CFR Sec. 35.107(b)]. This requirement provides for a timely resolution of all problems or conflicts related to ADA compliance before they escalate to litigation and/or the federal complaint process.

This document has been created to specifically cover accessibility within the public rights of way and does not include information on City of Marshall programs, practices, or building facilities not related to public rights of way.



SELF-EVALUATION

OVERVIEW

The City of Marshall is required, under Title II of the Americans with Disabilities Act (ADA) and 28CFR35.105, to perform a self-evaluation of its current transportation infrastructure policies, practices, and programs. This self-evaluation will identify what policies and practices impact accessibility and examine how the City of Marshall implements these policies. The goal of the self-evaluation is to verify that, in implementing the City of Marshall policies and practices, the department is providing accessibility and not adversely affecting the full participation of individuals with disabilities.



The self-evaluation also examines the condition of the City of Marshall Pedestrian Circulation Route/Pedestrian Access Route) (PCR/PAR) and identifies potential need for PCR/PAR infrastructure improvements. This will include the sidewalks, curb ramps, bicycle/pedestrian trails, traffic control signals and transit facilities that are located within the City of Marshall rights of way. Any barriers to accessibility identified in the self-evaluation and the remedy to the identified barrier are set out in this transition plan.



SUMMARY



In March 2018, the City of Marshall conducted an inventory of pedestrian facilities within its public right of way consisting of the evaluation of the following facilities:

- •72 miles of sidewalks
- •1300 curb ramps
- •14 miles of trails
- •4 traffic control signals
- 28 bus stops 7 locations on public property and 21 locations on private property

A detailed evaluation on how these facilities relate to ADA standards is found in Appendix B: SELF-EVALUATION RESULTS and will be updated periodically.



POLICIES AND PRACTICES

PREVIOUS PRACTICES

Since the adoption of the ADA, City of Marshall has striven to provide accessible pedestrian features as part of the City of Marshall capital improvement projects. As additional information was made available as to the methods of providing accessible pedestrian features, the City of Marshall updated their procedures to accommodate these methods.

POLICY

City of Marshall goal is to continue to provide accessible pedestrian design features as part of the City of Marshall capital improvement projects. The City of Marshall has established ADA design standards and procedures as listed in Appendix H: AGENCY ADA DESIGN STANDARDS AND PROCEDURES. These standards and procedures will be kept

up to date with national, state and local best management practices.

The City of Marshall will consider and respond to all accessibility improvement requests. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities. The City of Marshall will coordinate with external agencies to ensure that all new or altered pedestrian facilities within the City of Marshall jurisdiction are ADA compliant to the maximum extent feasible.



Maintenance of pedestrian facilities within the public right of way will continue to follow the policies set forth by the City of Marshall in accordance with regulatory guidance from both U.S. DOT and Minnesota DOT whom have adopted most of the Public Right of Way Advisory Group (PROWAG), reasonable and consistent policies.

Requests for accessibility improvements can be submitted to the City of Marshall Public Works Department with attention to Jason Anderson. Contact information for Jason Anderson is located in Appendix G: CONTACT INFORMATION.



IMPROVEMENT SCHEDULE

PRIORITY AREAS

City of Marshall has identified specific locations as priority areas for planned accessibility improvement projects. These areas have been selected due to their proximity to specific land uses such as schools, government offices and medical facilities, as well as from the receipt of public comments. The priority areas as identified in the March 2018 self-evaluation are Pedestrian Access Routes (PAR) as follows:

- Area 1, Near Public Schools
- Area 2, Near Public Buildings
- Area 3, Based on Public Input Received and verified requirements

CURRENT YEAR PLANNED ADA IMPROVEMENTS:

- Safe Route to School Initiative (Grant application submitted to Greater Minnesota Transportation Alternatives, MNDOT)
 - o Pedestrian Safety Enhancements including ADA accessibility improvements
 - True Light Christian School, Marshall Middle School, Parkside School, and the new Elementary School on Southview
 - Engineers Estimate cost of improvements +/- \$ 398,895
- 2020 Project Z75: South 4th Street Reconstruction Project
 - o Pedestrian Safety Enhancements including ADA accessibility improvements
 - Engineers Estimate cost of improvements +/- \$ 33,000
- 2020 Project Z64: South 1st Street Reconstruction Project
 - o Pedestrian Safety Enhancements including ADA accessibility improvements
 - Engineers Estimate cost of improvements +/- \$ 11,000
- 2020 Project Z51: Street Overlays
 - o Pedestrian Safety Enhancements including ADA accessibility improvements
 - Engineers Estimate cost of improvements +/- \$136,000





EXTERNAL AGENCY COORDINATION

Many other agencies are responsible for pedestrian facilities within the jurisdiction of City of Marshall. The City of Marshall will coordinate with those agencies to track and assist in the facilitation of the elimination of accessibility barriers along their routes.

SCHEDULE

The City of Marshall has set the following schedule goals for improving the accessibility of its pedestrian facilities within the City of Marshall jurisdiction:

- After 20 years, 100% of accessibility features within the priority areas identified by City of Marshall staff would be ADA compliant.
- After 30 years, 100% of accessibility features within the jurisdiction of City of Marshall would be ADA compliant.



ADA COORDINATOR

In accordance with 28 CFR 35.107(a), the City of Marshall has identified an ADA Title II Coordinator to oversee the City of Marshall policies and procedures. Contact information for this individual is located in Appendix G: CONTACT INFORMATION.





IMPLEMENTATION SCHEDULE

METHODOLOGY

City of Marshall will utilize two methods for upgrading pedestrian facilities to the current ADA standards. The first and most comprehensive of the two methods are the scheduled street and utility improvement projects. All pedestrian facilities impacted by these projects will be upgraded to current ADA accessibility standards. The second method is the standalone sidewalk and ADA accessibility improvement project. These projects will be incorporated into the 5-year Capital Improvement Program (CIP) on a case by case basis as determined by City of Marshall City Council based on public input. The City of Marshall CIP, which includes a detailed schedule for specific improvements, is included in Appendix C: SCHEDULE / BUDGET INFORMATION.



PUBLIC OUTREACH

The City of Marshall recognizes that public participation is an important component in the development of this document. Input from the community has been gathered and used to help define priority areas for improvements within the jurisdiction of City of Marshall.

Public outreach for the creation of this document consisted of the following activities:

The City of Marshall will provide an opportunity for interested persons, including individuals with disabilities or organizations representing such individuals, to comment on selfevaluation and Transition Plan process. A draft copy of the Transition Plan will be available to the public online at the City of Marshall webpage, www.ci.marshall.mn.us keyword "ADA Transition Plan."

A draft copy of the City of Marshall ADA Transition Plan was sent to the known organizations that serve with people with disabilities in the City of Marshall.



Southwest Center for Independent Living (SWCIL), www.swcil.com

Southwest Health and Human Services, <u>www.swmhhs.com</u>

United Community Action Partnership (UCAP), www.unitedcapmn.org



GRIEVANCE PROCEDURE

Under the Americans with Disabilities Act, each agency is required to publish its responsibilities in regards to the ADA. A draft of this public notice is provided in Appendix E: PUBLIC NOTICE. If users of City of Marshall facilities and services believe the City of Marshall has not provided reasonable accommodation, they have the right to file a grievance.

In accordance with 28 CFR 35.107(b), the City of Marshall has developed a grievance procedure for the purpose of the prompt and equitable resolution of citizens' complaints, concerns, comments, and other grievances. This grievance procedure is outlined in Appendix F: GRIEVANCE PROCEDURE.



MONITOR THE PROGRESS

This document will continue to be updated as conditions within the City of Marshall evolve. The appendices in this document will be updated annually or as needed, while the main body of the document will be reviewed annually and updated when applicable. With each main body update, a public comment period will be established to continue the public outreach.





APPENDICES

- A. GLOSSARY OF TERMS
- B. SELF-EVALUATION RESULTS
- C. SCHEDULE / BUDGET INFORMATION
- D. PUBLIC OUTREACH
- E. PUBLIC NOTICE
- F. GRIEVANCE PROCEDURE
- G. CONTACT INFORMATION
- H. AGENCY ADA DESIGN STANDARDS AND PROCEDURES



APPENDIX A – GLOSSARY OF TERMS

ABA: See Architectural Barriers Act.

ADA: See Americans with Disabilities Act.

ADA Transition Plan: Mn/DOT's transportation system plan that identifies accessibility needs, the process to fully integrate accessibility improvements into the Statewide Transportation Improvement Program (STIP), and ensures all transportation facilities, services, programs, and activities are accessible to all individuals.

ADAAG: See Americans with Disabilities Act Accessibility Guidelines.

Accessible: A facility that provides access to people with disabilities using the design requirements of the ADA.

Accessible Pedestrian Signal (APS): A device that communicates information about the WALK phase in audible and vibrotactile formats.

Alteration: A change to a facility in the public right-of-way that affects or could affect access, circulation, or use. An alteration must not decrease or have the effect of decreasing the accessibility of a facility or an accessible connection to an adjacent building or site.

Americans with Disabilities Act (ADA): The Americans with Disabilities Act; Civil rights legislation passed in 1990 and effective July 1992. The ADA sets design guidelines for accessibility to public facilities, including sidewalks and trails, by individuals with disabilities.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990.

APS: See Accessible Pedestrian Signal.

Architectural Barriers Act (ABA): Federal law that requires facilities designed, built, altered or leased with Federal funds to be accessible. The Architectural Barriers Act marks one of the first efforts to ensure access to the built environment.

Capital Improvement Program (CIP): The CIP for the Transportation Department includes an annual capital budget and a five-year plan for funding the new construction and reconstruction projects on the county's transportation system.

Detectable Warning: A surface feature of truncated domes, built in or applied to the walking surface to indicate an upcoming change from pedestrian to vehicular way.

DOJ: See United States Department of Justice

Federal Highway Administration (FHWA): A branch of the US Department of Transportation that administers the federal-aid Highway Program, providing financial assistance to states to construct and improve highways, urban and rural roads, and bridges.

FHWA: See Federal Highway Administration



Pedestrian Access Route (PAR): A continuous and unobstructed walkway within a pedestrian circulation path that provides accessibility.

Pedestrian Circulation Route (PCR): A prepared exterior or interior way of passage provided for pedestrian travel.

PROWAG: An acronym for the *Guidelines for Accessible Public Rights-of-Way* issued in 2005 by the U. S. Access Board. This guidance addresses roadway design practices, slope, and terrain related to pedestrian access to walkways and streets, including crosswalks, curb ramps, street furnishings, pedestrian signals, parking, and other components of public rights-of-way.

Right of Way: A general term denoting land, property, or interest therein, usually in a strip, acquired for the network of streets, sidewalks, and trails creating public pedestrian access within a public entity's jurisdictional limits.

Section 504: The section of the Rehabilitation Act that prohibits discrimination by any program or activity conducted by the federal government.

Uniform Accessibility Standards (UFAS): Accessibility standards that all federal agencies are required to meet; includes scoping and technical specifications.

United States Access Board: An independent federal agency that develops and maintains design criteria for buildings and other improvements, transit vehicles, telecommunications equipment, and electronic and information technology. It also enforces accessibility standards that cover federally funded facilities.

United States Department of Justice (DOJ): The United States Department of Justice (often referred to as the Justice Department or DOJ), is the United States federal executive department responsible for the enforcement of the law and administration of justice.



APPENDIX B - SELF-EVALUATION RESULTS

This initial self-evaluation updated in June 2020 of pedestrian facilities yielded the following results:

- 51.9% of pedestrian ramps have ADA compliant rectangular detectable warnings installed
- 75.7% of pedestrian ramps did not meet ADA requirements
- 0% of signalized intersection had push buttons that are ADA accessible
- 35% of bus stops met ADA accessibility criteria
- 35% of bus stops had amenities that met ADA accessibility criteria

Detailed initial self-evaluation:

- 10.4 miles of paved off-road bike trails
- 72.4 miles of existing pedestrian access route (PAR) in Right of Way
- 710 pedestrian ramps have ADA compliant rectangular detectable warnings installed (179 are owned by MnDOT)
- 958 pedestrian ramps do not meet ADA requirements (132 are owned by MnDOT)
- 28 bus stops currently are included in current Marshall Community Transit route system
- 10 bus stops met ADA requirements
- 18 bus stops do not meet ADA requirements
- 1 intersection South Fourth Street and Country Club Drive is owned and operated by City of Marshall which includes pedestrian crossing buttons

- Further detailed investigation of pedestrian access routes sidewalk slopes, pedestrian access ramps, and bus stops is planned to ensure compliance with ADA standards

- Trip hazards identified by self-evaluation or public input will be corrected as a sidewalk repair project
- The City of Marshall is adhering to MnDOT Project Scoping and Design Requirements, which determine which street project types require the provision of accessible curb ramps, per the Americans with Disabilities Act
- The City of Marshall utilizes approved MNDOT pedestrian curb ramp details and

Pedestrian Access Route (PAR) design principals which ensure compliance to ADA standards

in current and future street improvements

Courthouse	8:35	9:35	10:35	11:35	12:35	1:35	2:35	3:35	4:35
4th & Lyon	8:38	9:38	10:38	11:38	12:38	1:38	2:38	3:38	4:38
Parkview Apts	8:41	9:41	10:41	11:41	12:41	1:41	2:41	3:41	4:41
RC Square	8:45	9:45	10:45	11:45	12:45	1:45	2:45	3:45	4:45
Birchwood Apts	8:46	9:46	10:46	11:46	12:46	1:46	2:46	3:46	4:46
SMSU Apts	8:47	9:47	10:47	11:47	12:47	1:47	2:47	3:47	4:47
SMSU Conf. Center	8:50	9:50	10:50	11:50	12:50	1:50	2:50	3:50	4:50
Marshall Square Apts	8:53	9:53	10:53	11:53	12:53	1:53	2:53	3:53	4:53
ACMC Clinic	8:55	9:55	10:55	11:55	12:55	1:55	2:55	3:55	4:55
UCAP	9:05	10:05	11:05	12:05	1:05	2:05	3:05	4:05	5:05
Walmart	9:10	10:10	11:10	12:10	1:10	2:10	3:10	4:10	5:10
Susan Drive	9:12	10:12	11:12	12:12	1:12	2:12	3:12	4:12	5:12
ACMC Clinic	9:15	10:15	11:15	12:15	1:15	2:15	3:15	4:15	5:15
Marshall Square	9:17	10:17	11:17	12:17	1:17	2:17	3:17	4:17	5:17
SMSU Conf. Center	9:19	10:19	11:19	12:19	1:19	2:19	3:19	4:19	5:19
SMSU Apts	9:20	10:20	11:20	12:20	1:20	2:20	3:20	4:20	5:20
Birchwood Apts	9:21	10:21	11:21	12:21	1:21	2:21	3:21	4:21	5:21
RC Square	9:22	10:22	11:22	12:22	1:22	2:22	3:22	4:22	5:22
Parkview Apts	9:25	10:25	11:25	12:25	1:25	2:25	3:25	4:25	5:25
4th & Lyon	9:27	10:27	11:27	12:27	1:27	2:27	3:27	4:27	5:27

Community Transit

BLUE ROUTE

ROUTE INFORMATION

FARE: \$1.00 / ride **Route runs:**

Monday - Friday 8:35am to 5:30pm Must be waiting at the stop prior to the departure time. Requests for route deviation referred to Dispatch.

e rules for riding. Item 3. w.communitytransitswmn.org

You can be suspended for disruptive behavior, soiling and damaging the vehicle according to MN Statute 609.885; for repeated last minute cancellations or no-shows; or for not following the rules.

Community Transit is committed to providing non-discriminatory service, and informing customers about how to request more information and to file a discrimination complaint. UCAP is an equal opportunity employer. An EOE/ AA/ADA Employer

UNITED COMMUNITY **ACTION PARTNERSHIP**

1400 S. Saratoga St. • Marshall, MN 56258 www.communitytransitswmn.org



Dispatch Center 507-537-7628

Minnesota Relay 1-800-627-3529

Email: tpmarshall@unitedcapmn.org www.communitytransitswmn.org

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RED ROUTE DEPARTURE TIMES

LOCATION	RUN 1	RUN 2	RUN 3	RUN 4	RUN 5	RUN 6	RUN 7	RUN 8	RUN 9	RUN 10	RUN 11	RUN 12
YMCA	7:00	8:00	9:00	10:00	11:00	12:00	1:00	2:00	3:00	4:00	5:00	6:00
City Hall	7:05	8:05	9:05	10:05	11:05	12:05	1:05	2:05	3:05	4:05	5:05	6:05
Courthouse	7:07	8:07	9:07	10:07	11:07	12:07	1:07	2:07	3:07	4:07	5:07	6:07
Lyon City Apts	7:09	8:09	9:09	10:09	11:09	12:09	1:09	2:09	3:09	4:09	5:09	6:09
Riverview Apts	7:09	8:09	9:09	10:09	11:09	12:09	1:09	2:09	3:09	4:09	5:09	6:09
Parkview Apts	7:13	8:13	9:13	10:13	11:13	12:13	1:13	2:13	3:13	4:13	5:13	6:13
4th & Lyon	7:15	8:15	9:15	10:15	11:15	12:15	1:15	2:15	3:15	4:15	5:15	6:15
N 4th & Darlene	7:17	8:17	9:17	10:17	11:17	12:17	1:17	2:17	3:17	4:17	5:17	6:17
Village Drive	7:19	8:19	9:19	10:19	11:19	12:19	1:19	2:19	3:19	4:19	5:19	6:19
Windsong Apts	7:20	8:20	9:20	10:20	11:20	12:20	1:20	2:20	3:20	4:20	5:20	6:20
Birchwood Apts	7:21	8:21	9:21	10:21	11:21	12:21	1:21	2:21	3:21	4:21	5:21	6:21
SMSU Apts	7:22	8:22	9:22	10:22	11:22	12:22	1:22	2:22	3:22	4:22	5:22	6:22
SMSU Conf.	7:25	8:25	9:25	10:25	11:25	12:25	1:25	2:25	3:25	4:25	5:25	6:25
SMSU Apts	7:27	8:27	9:27	10:27	11:27	12:27	1:27	2:27	3:27	4:27	5:27	6:27
Peterson St	7:30	8:30	9:30	10:30	11:30	12:30	1:30	2:30	3:30	4:30	5:30	6:30
Riverwind Apts	7:31	8:31	9:31	10:31	11:31	12:31	1:31	2:31	3:31	4:31	5:31	6:31
Marshall Sq Apts	7:32	8:32	9:32	10:32	11:32	12:32	1:32	2:32	3:32	4:32	5:32	6:32
Susan Drive	7:35	8:35	9:35	10:35	11:35	12:35	1:35	2:35	3:35	4:35	5:35	6:35
Walmart	7:40	8:40	9:40	10:40	11:40	12:40	1:40	2:40	3:40	4:40	5:40	6:40
HyVee	7:43	8:43	9:43	10:43	11:43	12:43	1:43	2:43	3:43	4:43	5:43	6:43
Dogwood Ave	7:45	8:45	9:45	10:45	11:45	12:45	1:45	2:45	3:45	4:45	5:45	6:45
City Side Apts	7:47	8:47	9:47	10:47	11:47	12:47	1:47	2:47	3:47	4:47	5:47	6:47
Freedom Park	7:48	8:48	9:48	10:48	11:48	12:48	1:48	2:48	3:48	4:48	5:48	6:48
Ampride	7:50	8:50	9:50	10:50	11:50	12:50	1:50	2:50	3:50	4:50	5:50	6:50
Library	7:53	8:53	9:53	10:53	11:53	12:53	1:53	2:53	3:53	4:53	5:53	6:53

ROUTE INFORMATION

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Route runs:

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Know the rules for riding.

Visit: www.communitytransitswmn.org

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UNITED COMMUNITY ACTION PARTNERSHIP

1400 S. Saratoga St. • Marshall, MN 56258 www.communitytransitswmn.org



Community Transit

RED ROUTE

Dispatch Center 507-537-7628

Minnesota Relay 1-800-627-3529

Email: tpmarshall@unitedcapmn.org www.communitytransitswmn.org

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APPENDIX C - SCHEDULE / BUDGET INFORMATION

COST INFORMATION

UNIT PRICES

Construction costs for upgrading facilities can vary depending on each individual improvement and conditions of each site. Costs can also vary on the type and size of project the improvements are associated with. Listed below are representative 2020 costs for some typical accessibility improvements based on if the improvements are included as part of a retrofit type project, or as part of a larger comprehensive capital improvement project.

Intersection corner ADA improvement retrofit +/- \$5,000

Signalized Intersection control signal APS upgrade retrofit: +/-\$ 35,000

Sidewalk / Trail ADA improvement retrofit: +/- \$10.00 per SF

Sidewalk / Trail ADA improvement project: +/- \$5.00 per SF

Bus Stop ADA improvement retrofit: +/- \$1,200 per stop

Bus Stop ADA improvement as part of adjacent capital project: +/- \$50,000 per stop

Rectangle detectable warnings truncated domes installed +/- \$50 per square foot

PRIORITY AREAS

Based on the results of the self-evaluation, the estimated costs associated with eliminating accessibility barriers within the targeted priority areas is as follows:

- Near Schools \$292,500
- Near Public Buildings \$125,000
- Areas identified by Public Input

ENTIRE JURISDICTION

Based on the results of the self-evaluation, the estimate costs associated with providing ADA accessibility within the entire jurisdiction is +/- \$11,153,600. This amount is a significant investment that the City of Marshall is committed to making in the upcoming years. A systematic approach to providing accessibility will be taken in order to absorb the cost into the City of Marshall budget for improvements to the public right of way.

The 5-Year Capital Improvement Plan identifies significant street reconstruction activities with ADA accessibility improvements included in each project.


INS	SPECTION CRITERIA	
IN1	TERSECTION:	QUADRANT:
DIR	MP TYPE: COMBINED DIRECTIONAL / DIRECTIONAL RAMP / STANDARD ONE-WAY ECTIONAL / PERPENDICULAR / PARALLEL / FAN / TIERED PERPENDICULAR IAGIONAL	
IS T	THERE A PHOTO OF THIS RAMP FOR VERIFICATION? Yes or No	
1)	Minimum 4' wide pedestrian access route (PAR) maintained? Yes or No	
2)	Landing Slopes (%):	
3)	Are Landing dimensions a minimum 4' X 4' ? Yes or No	
4)	Are landing(s) located at the top of each ramp and at change(s) in direction and at inverse grades?	
5)	Ramp's running slope (%):	
6)	Ramp's cross slope (%):	
7)	Gutter flow line slope (%):	
8)	Does ramp comply with MNDOT Spec 2521.3? Yes or No	
9)	Do truncated domes cover the entire curb opening and are they properly oriented? Yes or No	
10)	Are there any vertical discontinuities greater than ¼"? Yes or No	
11)	Are the ramps fully compliant? Yes or No	
	If no explain why ramp does not meet compliance?	



City of Marshall Public Works Department

10-Year Capital Improvement Plan (C.I.P.)

2021 - 2030

All costs are estimated

YEAR	PROJECT DESCRIPTION	TOTAL ESTIMATE	SPECIAL ASSESSMENTS	WASTEWATER FUND	мми	MUNICIPAL STATE AID	SURFACE WATER MANAGEMENT UTILITY	AD VALOREM
2021	James Avenue Reconstruction & Storm Outfall Improvements	\$1,074,151	\$60,661	\$120,854	\$100,235	\$0	\$731,741	\$60,661
2021	North 1st Street (Main Street to Marshall Street) / West Marshall, W Redwood, W Lyon (North 1st to College)	\$1,922,947	\$251,226	\$543,533	\$429,428	\$0	\$447,534	\$251,226
2021	Tiger Drive Project	\$290,163	\$0	\$0	\$0	\$0	\$0	\$290,163
2021	Independence Park/Nwakama Sanitary Re-Route and Storm Culvert Replacement	\$100,000	\$0	\$75,000	\$0	\$0	\$0	\$25,000
2021	State Aid Overlay	\$875,000	\$0	\$0	\$0	\$875,000	\$0	\$0
2021	Legion Field Park River Stabilization Project (Bike Trail and Shelter Areas)	\$100,000	\$0	\$0	\$0	\$0	\$100,000	\$0
2021	2021 Street Mill & Overlays and ADA Improvements	\$675,000	\$0	\$0	\$0	\$0	\$0	\$675,000
2021	Diversion Channel Slope Repairs and Sheet Pile Removal	\$155,000	\$0	\$0	\$0	\$0	\$155,000	\$0
	TOTAL 2021	\$5,192,261	\$311,887	\$739,387	\$529,663	\$875,000	\$1,434,275	\$1,302,050
2022	W Lyon St (College to N 5th St) / N 3rd St Reconstruction (W Redwood to Main) including Rose and Addison Parking Lot Reconstruction	\$2,662,413	\$376,451	\$570,263	\$608,138	\$0	\$731,110	\$376,451
2022	Industrial Park Replacement Project-Phase III (Halbur Road)	\$1,510,329	\$184,786	\$382,766	\$0	\$0	\$450,015	\$492,762
2022	S. 4th/Country Club Intersection Reconfiguration	\$750,000	\$0	\$0	\$0	\$0	\$100,000	\$650,000
2022	SRTS RRFB and Flashing Beacon/Radar-Indicated Speed Sign Project	\$424,760	\$42,480	\$0	\$0	\$339,800	\$0	\$42,480
2022	2022 Street Mill & Overlays and ADA Improvements	\$725,000	\$0	\$0	\$0	\$0	\$0	\$725,000
2022	State Aid Overlay	\$875,000	\$0	\$0	\$0	\$875,000	\$0	\$0
	TOTAL 2022	\$6,947,502	\$603,717	\$953,029	\$608,138	\$1,214,800	\$1,281,126	\$2,286,693
2023	Bruce Street Reconstruction (Charles to Willow)	\$1,513,808	\$130,998	\$197,445	\$360,728	\$0	\$693,640	\$130,998
2023	Cheryl Avenue Reconstruction Project - Eatros Addition Phase 1	\$1,627,638	\$177,056	\$394,646	\$454,719	\$0	\$306,123	\$295,094
2023	Legion Field Road Stormwater Study: Phase 2-Parkway Filtration Basin	\$583,333	\$0	\$0	\$0	\$0	\$583,333	\$0
2023	2023 Street Mill & Overlays and ADA Improvements	\$775,000	\$0	\$0	\$0	\$0	\$0	\$775,000
	TOTAL 2023	\$4,499,779	\$308,054	\$592,091	\$815,447	\$0	\$1,583,095	\$1,201,092

YEAR	PROJECT DESCRIPTION	TOTAL ESTIMATE	SPECIAL ASSESSMENTS	WASTEWATER FUND	мми	MUNICIPAL STATE AID	SURFACE WATER MANAGEMENT UTILITY	AD VALOREM
2024	Williams St/George St (1st to Williams)/1st St/Greeley Reconstruction	\$3,100,335	\$367,160	\$748,246	\$813,927	\$0	\$559,069	\$611,933
2024	Runnings Pond	\$506,479	\$0	\$0	\$0	\$0	\$506,479	\$0
2024	Bladholm Street River Stabilization Project	\$319,000	\$0	\$0	\$0	\$0	\$319,000	\$0
2024	North High Street River Stabilization Project	\$319,000	\$0	\$0	\$0	\$0	\$319,000	\$0
2024	2024 Street Mill & Overlays and ADA Improvements	\$825,000	\$0	\$0	\$0	\$0	\$0	\$825,000
	TOTAL 2024	\$5,069,813	\$367,160	\$748,246	\$813,927	\$0	\$1,703,548	\$1,436,933
2025	Elaine Ave/Thomas Ave/Alan Ave Reconstruction Project - Eatros Addition Phase 2	\$3,013,070	\$361,542	\$908,073	\$674,142	\$0	\$105,201	\$964,112
2025	MnDOT College Drive Reconstruction - City Cost Participation	\$3,800,000	\$300,000	\$500,000	\$500,000	\$1,250,000	\$750,000	\$500,000
2025	Legion Field Road Stormwater Study: Phase 3-Legion Field Basin	\$784,666	\$0	\$0	\$0	\$0	\$784,666	\$0
2025	2025 Street Mill & Overlays and ADA Improvements	\$875,000	\$0	\$0	\$0	\$0	\$0	\$875,000
2025	USACE Betterments	\$175,000	\$0	\$0	\$0	\$0	\$175,000	\$0
	TOTAL 2025	\$8,647,736	\$661,542	\$1,408,073	\$1,174,142	\$1,250,000	\$1,814,867	\$2,339,112
	TOTALS 2021-2025	\$30,357,092	\$2,252,359	\$4,440,827	\$3,941,317	\$3,339,800	\$7,816,910	\$8,565,879
	% PARTICIPATION	100.0%	7.4%	14.6%	13.0%	11.0%	25.8%	28.2%

2026	N. 4th Street (Main to Bridge) Reconstruction Project - Phase 1	\$2,000,000	\$300,000	\$660,000	\$660,000	\$0	\$80,000	\$300,000
2026	Kennedy/Washington Sanitary/Watermain Replacement Project - Vanuden Addition Phase 1	\$1,954,761	\$226,946	\$489,419	\$544,117	\$0	\$89,089	\$605,189
2026	T.H. 23 and Hackberry Drive Watermain Replacement Project	\$313,439	\$0	\$0	\$313,439	\$0	\$0	\$0
2026	2026 Street Mill & Overlays and ADA Improvements	\$925,000	\$0	\$0	\$0	\$0	\$0	\$925,000
	TOTAL 2026	\$5,193,199	\$526,946	\$1,149,419	\$1,517,556	\$0	\$169,089	\$1,830,189
2027	Kathryn Ave/Donita Ave Reconstruction Project - Eatros Addition Phase 3	\$2,731,549	\$836,314	\$314,848	\$393,560	\$0	\$350,514	\$836,314
2027	S Hill St/Charles Ave Reconstruction - Liberty Park/Morningside Heights Phase 1	\$2,098,165	\$740,999	\$167,263	\$282,871	\$0	\$166,033	\$740,999
2027	2028 Street Mill & Overlays and ADA Improvements	\$925,000	\$0	\$0	\$0	\$0	\$0	\$925,000
	TOTAL 2027	\$5,754,714	\$1,577,313	\$482,111	\$676,431	\$0	\$516,547	\$2,502,313

YEAR	PROJECT DESCRIPTION	TOTAL ESTIMATE	SPECIAL ASSESSMENTS	WASTEWATER FUND	мми	MUNICIPAL STATE AID	SURFACE WATER MANAGEMENT UTILITY	AD VALOREM
	N. 4th Street (Bridge to Mason) Reconstruction Project - Phase 2	\$2,000,000		\$660,000	\$660,000	\$0	\$80,000	\$200,000
2028	S Whitney St/S Minnesota St Reconstruction - Liberty Park/Morningside Heights Phase 2	\$1,530,258	\$532,044	\$162,147	\$209,017	\$0	\$95,008	\$532,044
2028	Glenn/Peltier/Simmons Street Reconstruction Project	\$893,117	\$219,202	\$125,258	\$182,668	\$0	\$146,787	\$219,202
2028	2028 Street Mill & Overlays and ADA Improvements	\$925,000	\$0	\$0	\$0	\$0	\$0	\$925,000
	TOTAL 2028	\$5,348,376	\$1,151,246	\$947,405	\$1,051,685	\$0	\$321,795	\$1,876,246
2029	N. 4th Street (Mason to Bruce) Reconstruction Project - Phase 3	\$2,000,000	\$400,000	\$660,000	\$660,000	\$0	\$80,000	\$200,000
	Central/Roosevelt/Lincoln Sanitary/Watermain Replacement Project - Vanuden Phase 2	\$1,527,193	\$429,859	\$124,181	\$202,989	\$0	\$340,305	\$429,859
2029	Fairview Street / Robin Hood Lane Project	\$4,461,565	\$401,411	\$12,668	\$652,387	\$875,000	\$513,042	\$2,007,057
2029	2029 Street Mill & Overlays and ADA Improvements	\$925,000	\$0	\$0	\$0	\$0	\$0	\$925,000
	TOTAL 2029	\$8,913,758	\$1,231,270	\$796,849	\$1,515,375	\$875,000	\$933,347	\$3,561,916
2030	E Marshall/Park Ave/S High St Reconstruction - Liberty Park/Morningside Heights Phase 3	\$2,143,742	\$615,853	\$292,269	\$287,050	\$0	\$332,717	\$615,853
2030	Commerce Industrial Park-Phase III (Pacific Avenue)	\$2,147,832	\$0	\$0	\$1,073,916	\$0	\$0	\$1,073,916
2030	Commerce Industrial Park-Phase III (Gulf Avenue & Atlantic Avenue)	\$2,430,936	\$0	\$0	\$1,215,468	\$0	\$0	\$1,215,468
2030	Commerce Industrial Park III - CSAH 33 Watermain Looping	\$301,418	\$0	\$0	\$150,709	\$0	\$0	\$150,709
2030	2030 Street Mill & Overlays and ADA Improvements	\$925,000	\$0	\$0	\$0	\$0	\$0	\$925,000
2030	USACE Betterments	\$180,000	\$0	\$0	\$0	\$0	\$180,000	\$0
	TOTAL 2030	\$8,128,929	\$615,853	\$292,269	\$2,727,143	\$0	\$512,717	\$3,980,946
	TOTALS 2026-2030	\$33,338,976	\$5,102,628	\$3,668,053	\$7,488,191	\$875,000	\$2,453,495	\$13,751,610
	% PARTICIPATION	100.0%	15.3%	11.0%	22.5%	2.6%	7.4%	41.3%
	TOTALS 2021-2030	\$63,696,068	\$7,354,987	\$8,108,879	\$11,429,508	\$4,214,800	\$10,270,405	\$22,317,489
<u>.</u>	% PARTICIPATION	100.0%	11.6%		17.9%			



5/15/2020



CITY ENGINEERS OFFICE 344 WEST MAIN STREET MARSHALL, MINNESOTA 56258 CITY OF MARSHALL, MN

Proposed Locations for Pedestrian Crossings & School Zone Speed Limit & Radar-Indicated Speed Signage



APPENDIX D – PUBLIC OUTREACH

The City of Marshall announced and advertised a Public Hearing to review and receive public comment regarding the implementation of the City of Marshall Americans with Disabilities Act Transition Plan for 2020.

Insert Public Hearing Presentation, sign-in info and notification/invite strategy on the following pages.



ADA Transition Plan

Open House Presentation





What is an ADA Transition Plan?

The Americans with Disabilities Act (ADA), enacted on July 26, 1990, is a civil rights law prohibiting discrimination against individuals on the basis of disability.

As a provider of public transportation services and programs, the City of Marshall must comply with this Act. A Transition Plan is being developed detailing how the City will ensure that all facilities are accessible to all individuals.



The City of Marshall must meet these general requirements for individuals with disabilities:

- Access to all public programs and places
- Modification of policies that deny equal access
- Effective communication procedures
- An ADA Coordinator that coordinates ADA compliance
- Public notice of ADA requirements
- Grievance procedure for resolution of complaints

The City of Marshall has set a goal to provide ADA accessible pedestrian design features as part of the City's Capital Improvement Plan (CIP) projects. These standards and procedures will be kept up to date with nationwide and local best management practices.



ADA Improvement Schedule

The City of Marshall ADA improvement schedule is based on items identified in the City's Capital Improvement Program (CIP) and includes the following schedule:

- All new construction and reconstruction projects with pedestrian facilities will be designed and constructed to conform with the most current ADA design practices to the extent feasible.
- ADA improvements on rehabilitation/resurfacing projects will be addressed on a case-by-case basis.
- ADA improvements requested by the public will be evaluated by City staff. All accessibility improvements that have been deemed reasonable will be scheduled consistent with transportation priorities.

City of Marshall Public Works Goals:

- After 20 years, 100% of accessibility features within the priority areas identified by City of Marshall staff would be ADA compliant.
- After 30 years, 100% of accessibility features within the jurisdiction of City of Marshall would be ADA compliant.





Basic Ramp Elements

Without these basic ramp elements, sidewalk travel can be dangerous, difficult, and in some cases, impossible for people who use wheelchairs, scooters and other mobility aids.

Curb ramps allow people with mobility impairments to gain access to the sidewalks and to pass through center islands in streets. Otherwise, these individuals are forced to travel in streets and roadways and are put in danger or are prevented from reaching their destination.





ADA Compliance Example Non-Compliant Ramp



Compliant Ramp





Contact Information

The City of Marshall has identified two roles within the City to oversee the City policies, procedures and implementation.



ADA Title II Coordinator

Sheila Dubs, Human Resources Director 344 West Main Street Marshall, MN 56258 Phone: 507-537-6790 E-Mail: Sheila.Dubs@ci.marshall.mn.us

Public Right-of-Ways ADA Implementation Coordinator Jason R. Anderson, P.E., Public Works Director/City Engineer 344 West Main Street Marshall, MN 56258 Phone: 507-537-6773 E-Mail: Jason.Anderson@ci.marshall.mn.us





APPENDIX E – PUBLIC NOTICE

As part of the ADA requirements the City/County has posted the following notice outlining its ADA requirements:

PUBLIC NOTICE

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990, City of Marshall will not discriminate against qualified individuals with disabilities on the basis of disability in City of Marshall services, programs, or activities.

EMPLOYMENT: The City of Marshall does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

EFFECTIVE COMMUNICATION: The City of Marshall will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Marshall programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

MODIFICATIONS TO POLICIES AND PROCEDURES: The City of Marshall will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City of Marshall programs, services, and activities. For example, individuals with service animals are welcomed in City of Marshall offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City of Marshall program, service, or activity, should contact the office of ADA Coordinator, Sheila Dubs as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Marshall to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City of Marshall will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.



APPENDIX F – GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City of Marshall. The City of Marshall Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Sheila Dubs

City of Marshall ADA Coordinator/ Human Resource Manager 344 West Main Street, Marshall, Minnesota 56258

Within 15 calendar days after receipt of the complaint, Sheila Dubs or her designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, Sheila Dubs or her designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Marshall and offer options for substantive resolution of the complaint.

If the response by Sheila Dubs or her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City Administrator Sharon Hanson or her designee.

Within 15 calendar days after receipt of the appeal, the City Administrator Sharon Hanson or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Administrator Sharon Hanson or her designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by Sheila Dubs or her designee, appeals to the City Administrator Sharon Hanson or her designee, and responses from these two offices will be retained by the City of Marshall for at least three years.

Those wishing to file a formal written grievance with City of Marshall may do so by one of the following methods:

Internet

Visit the City of Marshall website (website) and click the "ADA" link to the <u>ADA Grievance Form</u>. Fill in the form online and click "submit." A copy of The ADA Grievance Form is included in this Appendix.

Telephone



Contact the pertinent City of Marshall staff person listed in the **Contact Information** section of Appendix E to submit an oral grievance. The staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

Paper Submittal

Contact the pertinent City of Marshall staff person listed in the **Contact Information** section of Appendix E to request a paper copy of the county's grievance form, complete the form, and submit it to ADA Coordinator Sheila Dubs. A staff person will utilize the Internet method above to submit the grievance on behalf of the person filing the grievance.

The ADA Grievance Form will ask for the following information:

The name, address, telephone number, and email address for the person filing the grievance

The **name**, **address**, **telephone number**, **and email address** for the person alleging an ADA violation (if different than the person filing the grievance)

A **description and location of the alleged violation and the nature of a remedy sought**, if known by the complainant.

If the complainant has filed the same complaint or grievance with the United States Department of Justice (DOJ), another federal or state civil rights agency, a court, or others, the **name of the agency or court where the complainant filed it and the filing date**.

The City of Marshall will acknowledge receipt of the grievance to the complainant within 10 working days of its submittal. City of Marshall will also provide to the complainant within 10 working days of its submittal; 1) a response or resolution to the grievance or; 2) information on when the complainant can expect a response or resolution to the grievance.

If the grievance filed does not concern an City of Marshall facility, the City of Marshall will work with the complainant to contact the agency that has jurisdiction.

3. Within 60 calendar days of receipt, an City of Marshall staff person will conduct an investigation necessary to determine the validity of the alleged violation. As a part of the investigation, the staff person would conduct an engineering study to help determine the City of Marshall's response. The staff person will take advantage of department resources and use engineering judgment, data collected, and any information submitted by the resident to develop a conclusion. A staff person will be available to meet with the complainant to discuss the matter as a part of the investigation and resolution of the matter. The City of Marshall will document each resolution of a filed grievance and retain such documentation in the department's ADA Grievance File for a period of seven years.

The City of Marshall will consider all specific grievances within its particular context or setting. Furthermore, the City of Marshall will consider many varying circumstances including: 1) the nature of the access to services, programs, or facilities at issue; 2) the specific nature of the disability; 3) the essential eligibility requirements for participation; 4) the health and safety of others: and 5) the degree to which an accommodation would constitute a fundamental alteration to the program, service, or facility, or cause an undue hardship to City of Marshall.



Accordingly, the resolution by City of Marshall of any one grievance does not constitute a precedent upon which the county is bound or upon which other complaining parties may rely.

File Maintenance

The City of Marshall shall maintain ADA grievance files for a period of seven years.

Complaints of Title II violations may also be filed with the DOJ within 180 days of the date of discrimination. In certain situations, cases may be referred to a mediation program sponsored by the Department of Justice (DOJ). The DOJ may bring a lawsuit where it has investigated a matter and has been unable to resolve violations.

For more information, contact:

U.S. Department of Justice Civil Rights Division 950 Pennsylvania Avenue, N.W. Disability Rights Section - NYAV Washington, D.C. 20530 www.ada.gov

(800) 514-0301 (voice – toll free)

(800) 514-0383 (TTY)

Title II may also be enforced through private lawsuits in Federal court. It is not necessary to file a complaint with the DOJ or any other Federal agency, or to receive a "right-to-sue" letter, before going to court.

Copies of the City of Marshall ADA Grievance Form and ADA Discrimination Complaint Form are included on the following pages. These forms will also be available electronically on the City of Marshall's website.



City of Marshall

Americans with Disabilities Act Grievance Form

In accordance with Title II of the Americans with Disabilities Act (ADA) of 1990, the City of Marshall makes all programs and services associated with its operation of the City of Marshall accessible to all persons with disabilities. Please use this form to file a grievance if you believe that you were denied access to an City of Marshall program or service based on disability. You may submit your grievance to Sheila Dubs, ADA Coordinator, City Hall, 344 West Main Street, Marshall, Minnesota 56258, or office phone: 507-537-6790, or email sheila.dubs@ci.marshall.mn.us

Grievant Name: Address: Phone number with area code:		
Address:		
Phone number with area code:		
Email Address:		
Description of Alleged Violation a	nd Requested Remedy – Please include date, t	ime, location and specific

information. Please use additional sheets of paper if necessary.



Americans with Disabilities Act Discrimination Complaint Form

Please complete this form. Fields marked with an asterisk (*) are required. If you wish to send attachments, you may do so after submitting this form. You will receive a response email after you have submitted this form that will contain a complaint reference number and instructions on how you may send attachments.

Person filling out this form:

First Name*	Middle	Last Name*				
Address*						
City*	State*	ZIP*				
Telephone*	Email*					
Person Discriminated Against (if o	other than the compl	ainant) *				
Discriminatory Incident*:						
Date when did the discrimination	occur? *					
Primary type of disability (circle appropriate) *: mobility, cognitive/intellectual/developmental, learning, mental/psychiatric, vision, hearing, seizure, speech, HIV/AIDS, diabetes, other not listed						

Issue (circle appropriate) * : physical access, other or don't know



Describe the acts of discrimination*:



Has the compliant been filed with another Agency or US Department of Justice or any other Federal, State, civil rights agency or court*?

____Yes ____No

Agency or Court*:





APPENDIX G - CONTACT INFORMATION

ADA TITLE II COORDINATOR

Name: Sheila Dubs, Human Resources Director Address: 344 West Main Street, City Hall, Marshall, Minnesota, 56258 Phone: 507-537-6790 E-mail: <u>sheila.dubs@ci.marshall.mn.us</u>

PUBLIC RIGHT OF WAYS ADA IMPLEMENTATION COORDINATOR

Jason R. Anderson, P.E., Public Works Director/City Engineer Address: 344 West Main Street, City Hall, Marshall, Minnesota, 56258 Phone: 507-537-6051 E-mail: jason.anderson@ci.marshall.mn.us

CITY ADMINISTRATOR

Sharon Hanson

Address: 344 West Main Street, City Hall, Marshall, Minnesota, 56258

Phone: 507-537-6761

E-mail: sharon.hanson@ci.marshall.mn.us



APPENDIX H – AGENCY ADA DESIGN STANDARDS AND PROCEDURES

DESIGN PROCEDURES

Implementing the US Access Board's Public Rights of Way Accessibility Guidelines (PROWAG) issued in 2005. All pedestrian facilities and shared use trails within MNDOT Right of Way must be constructed according to PROWAG (as of February 2010) and the 2010 ADA Standards, and MNDOT ADA construction guidance.

INTERSECTION CORNERS

Curb ramps or blended transitions will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for an intersection corner to achieve full accessibility within the scope of any project. Those limitations will be noted and those intersection corners will remain on the transition plan. As future projects or opportunities arise, those intersection corners shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each intersection corner shall be made as compliant as possible in accordance with the judgment of City of Marshall Public Works staff.

SIDEWALKS / TRAILS

Sidewalks and trails will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for segments of sidewalks or trails to achieve full accessibility within the scope of any project. Those limitations will be noted and those segments will remain on the transition plan. As future projects or opportunities arise, those segments shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, every sidewalk or trail shall be made as compliant as possible in accordance with the judgment of City of Marshall Public Works staff.

TRAFFIC CONTROL SIGNALS

Traffic control signals will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual traffic control signal locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each traffic signal control location shall be made as compliant as possible in accordance with the judgment of City of Marshall Public Works staff.

BUS STOPS

Bus stops will attempt to be constructed or upgraded to achieve compliance within all capital improvement projects. There may be limitations which make it technically infeasible for individual bus stop locations to achieve full accessibility within the scope of any project. Those limitations will be noted and those locations will remain on the transition plan. As future projects or opportunities arise, those locations shall continue to be incorporated into future work. Regardless on if full compliance can be achieved or not, each bus stop location shall be made as



compliant as possible in accordance with the judgment of City of Marshall Public Works staff. New Transit facilities to be located within the limits of City of Marshall will be designed to meet all appropriate accessibility standards.

OTHER POLICIES, PRACTICES AND PROGRAMS

Policies, practices and programs not identified in this document will follow the applicable ADA standards.

DESIGN STANDARDS

City of Marshall has implemented PROWAG, as adopted by the Minnesota Department of Transportation (MnDOT), as its design standard. A copy of this document is included in the following pages of this appendix. Additional MnDOT ADA standards, details and plans can be found on the MnDOT Accessibility and ADA web page found at <u>http://www.dot.state.mn.us/ada/design.html</u>.

MnDOT ADA Standards

All designs need to be ADA compliant and follow the ADA Standards unless all alternatives have been explored and the results have been documented. While ADA compliance is the minimum standard that must be met, in order to meet the long term objectives, all designs must also be constructible, maintainable, and address the range of pedestrian user needs. The ADA Standards were created to implement best practices and incorporate lessons learned in a manner that provides construction tolerances and meets the long term maintenance and usability needs.

MnDOT PROWAG MUTCD						
ITEM		MIN	ΜΑΧ	STANDARD	REASON*	
LANDING		4' X 4'	VARIES	5' X 5'	C & U	 Match Pedestrian Access Ro Enlarge landings to achieve Landings should be designed
	(F)	2.0%	5.0%	4.0%		1) Maintains drainage in gutter
RAMP SLOPE	(S)	5.0%	8.3%	7.0%	C, M & U	2) Blend in better with surrour3) Reduce removal limits while
	FAN	2.0%	5.0%	4.0%		4) For (S) Fans, see Curb Ramp
						Avoid inverse slaned houlover
RAMP SLOPE	(S) FAN	5.0% 2.0%	8.3% 5.0%	7.0% 4.0%	C, M & U	 Maintains drainage in gutter Blend in better with surrour Reduce removal limits while

ONCE YOU HAVE REACHED THE 3" MIN CURB HEIGHT, THE CURB HEIGHT SHOULD MATCH PAR HEIGHT. SHOW INTERMEDIATE CURB HEIGHTS WHEN (A) LANDING ELEVATIONS ARE LESS THAN THE TYPICAL CURB SECTION OR (B) BOULEVARDS ARE LESS THAN 3 FEET AT M & U THE CURB RAMP OR (C) WHEN SIDEWALK IS AT BACK OF CURB.

Avoid inverse sloped boulevards and keep landing above or within an inch of the top of curb to reduce trip hazards. Utilizing an appropriate ramp slope helps maintain the PAR height and provides a very usable pedestrian network, in addition to the guidance seen above.

RAMP WIDTH	4'	VARIES	6' MIN APS 6' MIN COMMERCIAL AREA MATCH TRAIL WIDTH	M & U	Match PARs.
RAMP LENGTH	3'	15'	4' MIN 6' MAX	C & U	Construction can build a minim
LANDING & RAMP CROSS SLOPE	POSITIVE FLOW	2.0%	1.0% MIN 1.5% MAX	С	Steep trails and side landings u
GUTTER FLOWLINE	POSITIVE FLOW	2.0%	1.0% MIN 1.5% MAX	С	Maintain positive drainage, flo grade, show tabling of curb an flowline is over 3%. If 2-3%, sta
ROADWAY CROSS SLOPE	POSITIVE FLOW	5.0%	1.0% MIN 5.0% MAX	C & U	Used when adjusting flowline, not exceed 5%.

(1) Design to the nearest minimum half-foot increment, one-foot increment (preferred) for all ADA and APS Applications.

(2) When inverse grades are present, minimize the elevation change of the PAR unless proven necessary to maintain drainage.

(3) With regards to v-curb/grading, see Curb Ramp Standard Plans 5-297.250 Pg 1 of 6 Note 7. Talk with property/land owners to find out which treatment they would prefer.

(4) With regards to multiple ramps design at a quadrant, see Curb Ramp Standard Plans 5-297.250 Pg 2 of 6 Note 4. The "bump" typically happens when ramp separation is minimal on a combined directional and no (or narrow) boulevard is present. In these instances, a Fan/Depressed Corner will alleviate this problem and provide better maintainability and usability. 7' min. separation between ramps should be achieved in areas with concrete boulevards while 5.5' min. separation applies for areas with grass boulevards.

(5) Flowlines need a 3" minimum freeboard to doorways. (3" below threshold i.e. depressed corners must not be used when adjacent to corner doorways at buildings).

*C for Constructability, M for Maintainability, U for Usability.

DEPARTMENT OF TRANSPORTATION

revision: 1/12/2018

GUIDANCE

Routes (PAR). ve perpendicular grade breaks. ned in one continuous plane.

ter. Junding terrain. Jile minimizing v-curb. Np Standard Plans 5-297.250 Pg 1 of 6 Note 10.

imum 2.5' ramp if necessary.

use 0.5% cross slope.

lowline with radial domes should have a continuous and gutter with adequate construction limits if existing state designer intent to obtain <2% with note on plan.

e, maintain positive drainage to edge of road and do

Page 60

PUSH BUTTON STATION SETBACK LS IO 6-3' MIN RURAL, 9.5' MAX M (rural) at outside zero point. PUSH BUTTON FROM INITIAL RAMP GRADE BREAK OR BACK OF WALK 0.75' - 2' MIN C & U Place push button 2' min from access. 6' MAR takes priority of access. 6' MA						
PUSH BUTTON STATION SETBACK1.5104'MIN URAN, 6'S' MIN RURAL, 9.5' MAXMPush button setback measured (rural) at outside zero point.PUSH BUTTON FROM INITIAL RAMP GRADE BREAK OR BACK OF WALK0.75'-2'MINC & UPlace push button 2' min from access. 6' MAR takes priority of access. 6' MAR takes priority of access	MnDOT PROWAG MUTCD		A			
PUSH BUTTON STATION SETBACK 1.5 10 6-8' MIN RURAL, 9.5' MAX M PUSH DUItion setback measured (rural) at outside zero point. PUSH BUTTON FROM INITIAL RAMP GRADE BREAK OR BACK OF WALK 0.75' - 2' MIN C & U Place push button 2' min from access. 6' MAR takes priority or access. 6' MAR takes prior access. 6' MAR takes priority or access. 6' MAR takes	ITEM	MIN	ΜΑΧ	STANDARD	REASON*	
BACK OF WALK U.75 - Z MIN C & U access. 6' MAR takes priority of access. 6' MAR takes priori	PUSH BUTTON STATION SETBACK	<mark>1.5'</mark>	<mark>10'</mark>	6-8' MIN RURAL,	М	Push button setback measured (rural) at outside zero point.
MAINTENANCE ACCESS ROUTE (MAR) 6 - - - M & U Iocal agencies to understand the local agencies to understand the		0.75'	-	2' MIN	C & U	Place push button 2' min from access. 6' MAR takes priority or
PUSH BUTTON OFFSET FROM OUTSIDE EDGE OF CROSSWALK O' 5' - U preferred over a graded flare s traverse a concrete surface. Dis of crosswalk. PUSH BUTTON SEPARATION 10' - 10.5' MIN C Must meet minimum MAR crite	MAINTENANCE ACCESS ROUTE (MAR)	6'	-	-	M & U	Move push button to back of la local agencies to understand th
		<mark>0'</mark>	51	-	U	When the push button is offset preferred over a graded flare so traverse a concrete surface. Dis of crosswalk.
	PUSH BUTTON SEPARATION		-	10.5' MIN	С	Must meet minimum MAR crite

(1) A leveled landing shall be adjacent to all push buttons.

(2) Keep all push buttons outside of sidewalk PAR's. Push buttons shall not be in the middle of shared-use paths. Allowable push button encroachment: 2' on 10' wide trails and 1' on 8' wide trails if needed.

(3) When sidewalk is at the back of curb, the push button should be placed toward the back of walk. Typically placed at 8' - 9.5' from the back of curb.

(4) When installing new signal poles, it is preferred to get them out of the way as to not obstruct the pedestrian facilities. When in congested quadrants (i.e. downtown corridors), APS push buttons on signal poles are preferred although new signal poles need thorough underground utility coordination.

*C for Constructability, M for Maintainability, U for Usability.

revision: 1/12/2018

GUIDANCE

ed from the back of curb (urban) or edge of roadway

m edge of landing to provide usable push button over this criteria.

^f landing when 6' MAR cannot be achieved. Talk with their snow and ice maintenance requirement widths.

set from the edge of crosswalk a walkable flare is e so users who depart from the push button will Distance is measured perpendicularly from extension

iteria at pork chop islands.

Page 61

MnDOT PROWAG MUTCD		SIDE	RITERIA				
ITEM	MIN	MAX	STANDARD	REASON*			
LANDING	5' X 5'	VARIES	-	C & U	MATCH PARs, enlarge landings		
SIDEWALK CROSS SLOPE	POSITIVE FLOW	2.0%	1.5% MAX 1.0% MIN	С	For steep sidewalk running slop should be used 0.5% typical.		
SIDEWALK RUNNING SLOPE		5.0%	-	C, M & U	For sidewalk running slopes, th steeper).		
SIDEWALK RAMP SLOPE	5.0%	8.3%	7.0%	C, M & U	Only for sidewalk not adjacent vertical rise with compliant har ramp slopes are 5% max. unles		
SIDEWALK OFFSET AND TAPER	-	-	-	M & U	Maximum offset is 1/2 the wid min. sidewalk taper is 1:3 with sidewalk reconstruction projec		
SIDEWALK WIDTH	5'	VARIES	-	M & U	 Based on context and volut Talk with local partners to requirements. Recommend 10' min meas doorways at back of walk. 		
SIDEWALK WIDTH AT BACK OF CURB (NON-COMMERCIAL AREAS)	5'-6'	VARIES	7' MIN 8' PREFERRED	M & U	The sidewalk minimums of 5'-6 lighting or sign impacts present		
SIDEWALK PAVED BOULEVARD SLOPE	POSITIVE FLOW	8%	1.0% MIN 5.0% MAX	M & U	Slopes greater than 8% can be and sloped boulevard. Adjust shoulder/parking lane to raise		
PAVED BOULEVARD WIDTH	2' MIN	-	1/3 BLVD. WIDTH TO 2/3 PAR WIDTH	M & U	For example a 9' sidewalk at a boulevard.		
GRASS BOULEVARD WIDTH	3' MIN	-	4' FOR 4" HIGH CURB 6' FOR 6" HIGH CURB	M & U	When the boulevard width is le		
PAR WIDTH	4' MIN	VARIES	6' MIN ADJ. TO BUILDINGS. 2/3 PAR MIN TO 1/3 BLVD	M & U	PAR width adjacent to building building and doorways. The 6' boulevard criteria.		
*C for Constructshility, NA for Maintainshility, 11 for Usahi	1:4. /						

*C for Constructability, M for Maintainability, U for Usability.

revision: 1/12/2018

GUIDANCE

igs to achieve perpendicular grade breaks.

lopes greater than 5%, flatter cross-slopes

the max. running slope is 5% (unless roadway grade is

nt to roadway. A landing is needed for every 30" of nandrails on both sides of ramp For building access, less covered.

vidth of the ramp. On Curb ramp retrofit projects the th 1:5 being preferred. However the min. taper for jects is 1:10.

blume of users. to understand their snow and ice maintenance

asured from back of curb for commercial areas with k.

'-6' should only be used if there are no driveway, ent with in the sidewalk.

become tripping hazards for user traversing the curb st centerline road profile or flatten the se the curb line to achieve desired boulevard slope.

a min. should have 6' wide par with a 3' wide

less than 3', it should be paved.

ngs should be 6' min. to allow for a 1' buffer to the 6' min. PAR takes priority over 2/3 PAR width to 1/3

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	MnDOT PROWAG MUTCD	DRIVEWAY DESIGN CRITERIA									
	ITEM	MIN	ΜΑΧ	STANDARD	REASON*						
	APRON LENGTH	18"	-	6' FOR 6" CURB HEIGHT, 4' FOR 4" CURB HEIGHT	U	Add one foot of driveway apron Right-of-Way (ROW) allows.					
	COMMERCIAL APRON SLOPE RESIDENTIAL APRON SLOPE	POSITIVE FLOW	10% 12%	1.0% MIN 8.0% MAX	U	Design adequate slope for PAR t PAR elevation and limit the sidev					
	PAR HEIGHT (6" C&G) PAR HEIGHT (4" C&G)	0" 0"	6" 4"	3" MIN, 6" PREFERRED 2" MIN, 4" PREFERRED	M & U	 Minimize sidewalk roller coa Desirable to keep PAR elevat height. Do not introduce unnecessa Standard criteria do not app consecutive parallel drivewa 					
	PAR CROSS SLOPE	<mark>0.5%</mark>	2.0%	1.0% MIN 1.5% MAX	C, M & U						
	SIDEWALK RUNNING SLOPE (PAR) AT DRIVEWAY TRANSITIONS	2.0%	5.0%	4.0% MAX	C, M & U	Can match roadway slope if road					
	PEDESTRIAN ACCESS ROUTE (PAR)	4'	VARIES	5′ MIN	C & U	Preferred to match sidewalk/tra					
*	BACK OF CURB HEIGHT AT DRIVEWAY APRON C for Constructability, M for Maintainability, U for Usability	1"	<mark>3"</mark>	1"	M & U	 Refer to Sidewalk & Driv DW Curb Type 2 can be negative driveways. 4" c areas adjacent to negative Only use DW Curb Type driveways like railroad a 					
	C for Constructability, which wantaniability, O for USability	•									

revision: 1/12/2018
GUIDANCE
pron length for every inch of designed curb height if
PAR to match designed curb height, maintain consistent sidewalk roller coaster effect.
er coaster effect. elevation continuous or at least in the upper half of curb cessary elevation changes into the PAR. t apply to parallel driveway. Recommend to not have veway in a series.
f roadway profile is >5%
k/trail widths

& Driveway Standard Plan 5-297.254.

In be used to maintain drainage in gutter flowline at 5. 4" curb height is preferred in sidewalk fill areas and in negative driveways slipping downward from the roadway. Type 3 with garage doors at back of walk or minor usage oad access along tracks.



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	CONSENT AGENDA
Туре:	ACTION
Subject:	Approval to surplus two (2) 2016 Ford Explorers.
Background Information:	The Marshall Police Department is on a four (4) year patrol vehicle replacement schedule put in place by the Marshall City Council. The 2020 Ford Explorer Police units ordered in August of 2019 were received on June 23 rd , 2020. The two police squad units that have been replaced by the new vehicles are units: 1503 and 1508. Squad 1503 details: 2016 Ford Explorer Police Package. Low KBB value: \$13702.00-\$15689.00 Squad 1508 details: 2016 Ford Explorer Police Package Low KBB value: \$12200.00-\$14187.00
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Deem both 2016 Police Ford Explorer units 1503 and 1508 as "surplus" and allow the police department to list both vehicles for sale on the State of MN Surplus Site.



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	CONSENT AGENDA
Туре:	ACTION
Subject:	Wastewater Treatment Facilities Improvement Project – Consider Application for Payment No. 13 to Magney Construction, Inc.
Background Information:	Attached is Application for Payment No. 13 to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$1,063,948.04 for the above-referenced project. As this project is financed with a Public Facilities Authority low interest loan through the State of Minnesota, pay applications are required to be placed on the City Council agenda for approval.
Fiscal Impact:	This project is financed with a Public Facilities Authority low interest loan through the State of Minnesota.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize Application for Payment No. 13, per the recommendation of the City's consultant, Bolton & Menk, Inc., to Magney Construction, Inc. of Chanhassen, Minnesota, in the amount of \$1,063,948.04.



Real People. Real Solutions.

1960 Premier Drive Mankato, MN 56001-5900

> Ph: (507) 625-4171 Fax: (507) 625-4177 Bolton-Menk.com

MEMORANDUM

Date:August 3, 2020To:Bob Van Moer, Wastewater Treatment SuperintendentFrom:Jon D. Peterson, P.E., Project Engineer 𝔅?Subject:Wastewater Treatment Facility Improvements – Magney Construction Inc.
Pay Request No. 13
City of Marshall, Minnesota
Project No.: T22.115360

INTRODUCTION

Pay Request No. 13 for the above-referenced project in the amount of \$1,063,948.04 is being submitted for approval.

DISCUSSION

This pay application covers work completed on the project through July 31, 2020. The Contractor has completed installation of membrane roofing on the sludge storage building, placed concrete for final clarifier No. 3 walls, begun preparation work for painting of the trickling filter, and taken delivery of the motor control panels on site for the project. We recommend approval of the attached Request for Payment No. 13.

BUDGET IMPACT

This expenditure is part of the overall wastewater treatment facility improvements project and will be covered by the PFA loan proceeds.

ACTION REQUESTED

Approve the attached pay request from Magney Construction Inc. in the total amount of \$1,063,948.04.

C:\Users\JonPe\Documents\bmi work\Marshall WW\Pay App\8-3-20 Marshall Pay App 13.docx

Bolton & Menk is an equal opportunity employer.

Appli			
To: The City of Marshall, MN			
From: Magney Construction, Inc.,			
Contract: Project: Wastewater Treatment Fac			
Project: wastewater Treatment Fac	inty improvements		
Owners Contract No Date of this Invoice: 7/31/2020	Engineer's Project No.	T22.115360	
Invoice Work Period: July 1-31, 2020			
1) Original Contract amount			\$14,074,300.00
2) Change Orders to date			\$0.00
3) Revised Contract amount			\$14,074,300.00
4) Value completed to date			\$9,197,401.46
5) Materials stored on site			\$452,110.00
6) Total Earned to date			\$9,649,511.46
7) Amount retained			\$482,475.57
8) Amount previously paid			\$8,103,087.85
Amount due this Payment	t		\$1,063,948.04
A acompaning Desumentations			

Accompaning Documentation:

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title of all work, materials and equipment incorporated in said Work otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interest or encumbrance (expect such as are recovered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance by the Contract Documents and not defective.

Magney Construction, Inc. (Contractor)

Project Manager By:

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Owner:	City of Marshall	Engineer:	Bolton & Menk
By:	10	By:	GORE
Date:	8-4-2020	Date:	8-3-20

VENDER 0 5459	53
MODE (#13 - T22, 115360	~
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Contractor:Magney Construction, Inc. Owner: City of Marshall, MN Project: Wastewater Treatment Facility Improvements BMI Project No. T22.115360

Date of Application: Work Completed Through:

APPLICATION FOR PAYMENT SCHEDULE

			cheduled	Work	Completed	Materials	Total	%	Balance
Spec.			Value	Previous	This	Presently	Completed &	Complete	То
Section	Description of Work			Application	Application	Stored	Stored to Date		Finish
						_			
0520	Bond & Insurance	\$	168,892	168,892.00		0.00	168,892.00	100%	0.00
1000	Mobilization	\$	696,545	545,926.00		0.00	545,926.00	78%	150,619.00
1010	Supervision & General Conditions	\$	276,000	136,000.00	13,000.00	0.00	149,000.00	54%	127,000.00
1020	General Construction Allowance	\$	250,000	-42,357.91	6,432.30	0.00	-35,925.61	-14%	285,925.61
1021	Building Permit Allowance	\$	10,000	7,499.38	0.00	0.00	7,499.38	75%	2,500.62
2060	Demolition of Existing WWTP Facilities:								
	Trickling Filter Pump Station Top	\$	4,650	0.00	0.00	0.00	0.00	0%	4,650.00
	Trickling Filter Pump Station Pumps/Piping	\$	3,480	0.00	0.00	0.00	0.00	0%	3,480.00
	Sludge Control Structure	\$	13,540	0.00	0.00	0.00	0.00	0%	13,540.00
	Control Building Pumps and Piping	\$	5,850	0.00	0.00	0.00	0.00	0%	5,850.00
	Blower Building Blowers and Piping	\$	6,420	0.00	0.00	0.00	0.00	0%	6,420.00
	Trickling Filter Roof/Media/Rotary Distributor	\$	62,460	62,460.00	0.00	0.00	62,460.00	100%	0.00
	Aeration Equipment and Piping	\$	17,500	0.00	0.00	0.00	0.00	0%	17,500.00
	Intermediate Clarifier Equipment	\$	26,417	0.00	0.00	0.00	0.00	0%	26,417.00
2140	Dewatering	\$	19,555	17,555.00	0.00	0.00	17,555.00	90%	2,000.00
2210	Finish Grading	\$	14,320	0.00	0.00	0.00	0.00	0%	14,320.00
2220	Structure Excavation - Final Clarifier and Splitter Box	\$	71,200	50,000.00	21,200.00	0.00	71,200.00		0.00
2221	Structure Excavation - Sludge Storage Structure	\$	133,600	133,600.00	0.00	0.00	133,600.00	100%	0.00
2220A	Backfill of Structures - Final Clarifier and Splitter Box	\$	91,500	0.00	60,000.00	0.00	60,000.00	66%	31,500.00
2221A	Backfill of Structures - Sludge Storage Structure	\$	172,620	152,620.00	16,000.00	0.00	168,620.00	98%	4,000.00
2370	Erosion and Sediment Control	\$	12,400	9,000.00	0.00	0.00	9,000.00	73%	3,400.00
2550	Site Utilities	\$	565,333	163,206.62	190,000.00	0.00		62%	212,126.38
2551	Bypass Piping	\$	49,504	0.00	0.00	0.00	0.00	0%	49,504.00
2600	Roads, Walks and Curbs	\$	22,540	0.00	0.00	0.00	0.00	0%	22,540.00
2800	Fencing	\$	12,200	5,500.00	0.00	0.00	5,500.00	45%	6,700.00
2920	Seeding	\$	6,100	0.00	0.00	0.00	0.00	0%	6,100.00
3200	Rebar - Materials	\$	678,400	678,400.00	0.00	0.00		100%	0.00
3201	Rebar - Labor	\$	457,600	451,330.00	0.00	0.00	451,330.00	99%	6,270.00
3300	Concrete Work					1 C			0,21 0100
	Clarifier Splitter Structure	\$	71,760	71,760.00	0.00	0.00	71,760,00	100%	0.00
	Final Clarifier	\$	214,650	185,000.00	25,650.00	0.00	210,650.00	98%	4,000.00
	Control Structure	\$	29,075	0.00	14,075.00	0.00	14,075.00	48%	15,000.00
	Sludge Storage Tank	\$	2,180,839	2,180,839.00	0.00	0.00	2,180,839.00	100%	0.00
	Miscellaneous Concrete	\$	1,860.00	0.00	0.00	0.00	0.00	0%	1,860.00
3410	Precast Double Tees	\$	448,980	448,980.00	0.00	0.00	448,980.00	100%	1,800.00
3411	Precast Hollow Core Planks		Double Tees	,	0.00	0.00	0,000.00	100 %	0.00

Contractor:Magney Construction, Inc. Owner: City of Marshall, MN Project: Wastewater Treatment Facility Improvements BMI Project No. T22.115360

APPLICATION FOR PAYMENT SCHEDULE

Date of Application: Work Completed Through:

	Pay Application #13	s	cheduled	Work	Completed	Materials	Total	%	Balance
Spec.			Previous	This	Presently	Completed &	Complete	То	
Section	Description of Work			Application	Application	Stored	Stored to Date		Finish
	Precast Non-Architectural Wall Panels	W/	Double Tees						
5100	Structural Metals, Misc Metals and Handrail	\$	456,850	170,774.00	110,000.00	47,950.00	328,724.00	72%	128,126.00
5500	Access Hatches	\$	7,820	7,296.00	0.00	0.00	7,296.00	93%	524.00
7535	Fully Adhered Membrane Roofing & Sheet Metal	\$	279,400	87,875.00	95,000.00	0.00	182,875.00	65%	96,525.00
7900	Joint Sealant	\$	1,600	0.00	0.00	0.00	0.00	0%	1,600.00
8110	Hollow Metal Doors, Frames and Hardware	\$	22,540	0.00	0.00	18,977.00	18,977.00	84%	3,563.00
9960	Painting	\$	299,000	85,000.00	55,000.00	0.00	140,000.00	47%	159,000.00
10400	Identifying Devices	\$	3,690	0.00	0.00	0.00	0.00	0%	3,690.00
11213	Vertical Non-Clog Solids Handling Pumps	\$	212,600	204,274.04	0.00	0.00	204,274.04	96%	8,325.96
11214	Vertical Turbine Pumps	\$	143,100	0.00	0.00	0.00	0.00	0%	143,100.00
11311	Submersible Centrifugal Pumps	\$	17,400	13,500.00	0.00	0.00	13,500.00	78%	3,900.00
	Replace Vaughan Chopper Pump	\$	36,400	32,840.00	0.00	0.00	32,840.00	90%	3,560.00
	Progressive Cavity Pumps	\$	54,750	50,125.00	0.00	0.00	50,125.00	92%	4,625.00
11321	Grit Separation Equipment	\$	96,560	96,560.00	0.00	0.00	96,560.00	100%	0.00
11351	Clarifier Equipment - Suction Type Clarifier	\$	428,500	387,864.00	0.00	0.00	387,864.00	91%	40,636.00
11365	Gravity Actuated Rotary Distributor	\$	135,840	104,200.00	0.00	0.00	104,200.00	77%	31,640.00
11366	Trickling Filter Media	\$	345,600	0.00	0.00	0.00	0.00	0%	345,600.00
	Blower Allowance	\$	650,000	483,118.19	0.00	0.00	483,118.19	74%	166,881.81
11372	Blower System (Positive Displacement w/ Enclosure)	\$	4,630	1,650.00	1,650.00	0.00	3,300.00	71%	1,330.00
11374	Fine Pore Membrane Aeration Equipment	\$	82,900	0.00	0.00	0.00	0.00	0%	82,900.00
11376	Hybrid Blower System	\$	6,800	0.00	0.00	0.00	0.00	0%	6,800.00
	Circular Tank Covers	\$	185,300	0.00	0.00	0.00	0.00	0%	185,300.00
13262	Long Term Storage Mixing System	\$	266,500	140,040.00	25,000.00	86,200.00	251,240.00	94%	15,260.00
	ATAD Equipment Replacement	\$	140,000	117,800.00	0.00	0.00	117,800.00	84%	22,200.00
13263	ATAD Equipment Installation	\$	29,850	0.00	0.00	0.00	0.00	0%	29,850.00
	Blower Master Control Panel	\$	900	0.00	0.00	0.00	0.00	0%	900.00
	Slide Gates	\$	10,500	0.00	0.00	8,943.00	8,943.00	85%	1,557.00
	Fiberglass Baffles and Weir Plates	\$	31,200	14,310.00	0.00	0.00	14,310.00	46%	16,890.00
14620	Portable Hoist	\$	9,200	7,982.75	0.00	0.00	7,982.75	87%	1,217.25
15060	Process Piping - Materials	\$	307,200	263,626.51	0.00	17,442.00	281,068.51	91%	26,131.49
15060	Process Piping - Labor	\$	172,800	27,500.00	25,000.00	0.00	52,500.00	30%	120,300.00
15100	Valves - Materials	\$	744,040	494,665.45	0.00	0.00	494,665.45	66%	249,374.55
15130	Gauges	\$	1,600	0.00	0.00	0.00	0.00	0%	1,600.00
15140	Pipe Supports and Anchors	\$	11,600	0.00	0.00	0.00	0.00	0%	11,600.00
15150	Stainless Steel Manways w/ Blind Flanges	\$	34,500	34,300.00	0.00	0.00	34,300.00	99%	200.00
15250	Plumbing	\$	14,800	0.00	0.00	0.00	0.00	0%	14,800.00
15500	HVAC	\$	97,800	23,025.13	0.00	0.00	23,025.13	24%	74,774.87

Contractor:Magney Construction, Inc. Owner: City of Marshall, MN Project: Wastewater Treatment Facility Improvements BMI Project No. T22.115360

Date of Application: Work Completed Through:

APPLICATION FOR PAYMENT SCHEDULE

	Pay Application #13	S	cheduled	Work	Completed	Materials	Total	%	Balance
Spec.			Previous	This	Presently	Completed &	Complete	То	
Section				Application	Application	Stored	Stored to Date		Finish
16010			50,000.00	3,000.00	0.00	53,000.00	53%	47,000.00	
16100	Basic Materials and Methods	\$	260,575	25,030.00	6,828.00	0.00	31,858.00	12%	228,717.00
16150	Motors	\$	20,000	0.00	0.00	0.00	0.00	0%	20,000.00
16400	Electrical Distribution	\$	83,000	0.00	0.00	13,855.00	13,855.00	17%	69,145.00
16900	Starters and Motor Control Centers	\$	463,000	180,000.00	0.00	258,743.00	438,743.00	95%	24,257.00
16950	Instrumentation and Controls	\$	958,165	0.00	0.00	0.00	0.00	0%	958,165.00
16990	Computer Allowance	\$	50,000	0.00	0.00	0.00	0.00	0%	50,000.00
	Totals	14,	,074,300.00	8,529,566.16	667,835.30	452,110.00	9,649,511.46	69%	4,424,788.54
			0.00						
	Original Contract amount			14,074,300.00		1			
	Change Orders to date			0.00					
	Revised Contract amount			14,074,300.00					
	Value completed to date			9,197,401.46					
	Materials stored on site		452,110.00						
	Total Earned to date		9,649,511.46						
	Amount retained		482,475.57						
	Amount previously paid		8,103,087.85						
	Amount due this Payment			1,063,948.04					



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	CONSENT AGENDA
Туре:	ACTION
Subject:	Authorize the Issuance of a Certificate of Completion Related to the Development of Property Lots 1,2, and 3 of Tiger Park Fourth Addition, Located at 1651 and 1661 East College Drive Marshall
Background Information:	The City of Marshall has previously entered into a development contract for the development of property at 1651 and 1661 East College Drive in Marshall. The property has been developed in accordance with the development contract. The City of Marshall has previously installed public infrastructure serving the property with sanitary sewer, water, storm sewer, streets, curb, and gutter, etc. The developer has met their obligations to provide for the platting of property and payment of charges pursuant to the terms of the development contract. The terms and conditions of the development contract have been met and developer has recently requested that the City issue its certificate of completion verifying the terms of the development contract no longer encumber the property. A review of the development contract and property development has lead to the conclusion that the request for issuance of a certificate of completion is appropriate and that the City Attorney's office is recommending that a certificate of completion as contemplated within the development contract be issued so as to remove this development contract as an encumbrance from the property. A copy of a certificate of completion is attached and it is recommended that the certificate be executed by the property City officials.
Fiscal Impact:	None
Alternative/ Variations:	No alternative action recommended.
Recommendations:	That the certificate of completion be issued to the property owner in satisfaction of the requirements set forth within the development contract and as anticipated within the development contract.

CERTIFICATE OF COMPLETION

The undersigned hereby certifies that Worthington Real Estate, LLC (The Owner) has fully complied with Owner's obligations pursuant to the First Development Contract for Tiger Park Fourth Addition, dated April 3, 2012, filed April 4, 2012 in the office of the Lyon County Recorder and recorded as document No. 194597, with respect to its development and financial obligations in accordance with said development contract. That the owner is hereby released and forever discharged from its obligation pursuant to the first development contract referenced herein.

CITY OF MARSHALL

By: Robert J. Byrnes Its: Mayor

By: Kyle Box Its: City Clerk

STATE OF MINNESOTA)
) ss.	
COUNTY OF LYON)	

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Robert J. Byrnes and Kyle Box, the Mayor and City Clerk of the City of Marshall, a Municipal Corporation under the laws of the State of Minnesota, on behalf of the City of Marshall.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)


CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020			
Category:	CONSENT AGENDA			
Туре:	INFO/ACTION			
Subject:	Request Authorization for the Appropriate City Officials to Execute a Certificate of Completion and Final Certificate related to Finalization and Closing Out of a Contract for Private Development Including Land Purchase and Business Subsidy Agreement by and between City of Marshall, HRA, and Ralco Nutrition and Knochenmus Enterprises.			
Background Information:	On April 13, 2012, the City of Marshall, HRA and Ralco Nutrition entered into a contract for private development including land purchase and business subsidy agreement. The agreement authorized the transfer of Sonstegard Addition Property to Ralco Nutrition and Knochenmus Enterprises. The Agreement further obligated those entities to retain six jobs for a specified period of time at certain income obligation. In addition, the developer was required to construct improvements on said property.			
	All obligations from the developer have been met. Property has been developed and jobs have been retained as required. All documentation noting that information has been provided to the State of Minnesota Department of Employment and Economic Development.			
	The Developer has requested that the certificate of completion and final certificate related to the development project be provided as set forth within the agreement. As indicated all property improvements have been made and all job retention obligations have been met and documented. It is reasonable to provide the certificates as requested.			
Fiscal Impact:	None			
Alternative/ Variations:	No alternative action recommended.			
Recommendations:	That the City Council and HRA provide the certificate of completion and final certificate as requested by developer. That the appropriate officials be authorized to sign said certificates.			

FINAL CERTIFICATE OF COMPLETION

The undersigned hereby certifies that Ralco Nutrition, Inc. (the "Redeveloper") and Knochenmus Enterprises, LLP, a Minnesota Limited Liability Partnership (The "Owner") have fully complied with their obligations as set forth in a Contract for Private Development dated November 13, 2012, filed in the office of the Lyon County Recorder on December 14, 2012 and recorded as Document No. 197771, and have further complied with all terms and condition as set forth in limited warranty deed dated November 20, 2012, filed November 24, 2012 in the office of the Lyon County Recorder and recorded as Document No. 197772. That the Owner and Redeveloper are hereby released and forever discharged; and the covenants, conditions, restrictions and provisions of said documents are hereby satisfied and said Contract for Private Development and Limited Warranty Deed provisions are hereby satisfied and released from Lot 1, Block 1, Sonstegard Subdivision II to the City of Marshall, Lyon County, Minnesota.

THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE CITY OF MARSHALL

By__

Its Chair, Robert J. Byrnes

By___

Its Executive Director, Sharon Hanson

STATE OF MINNESOTA)) SS. COUNTY OF LYON)

On this _____ day of _____, 2020, before me, a Notary Public within and for said County, personally appeared Robert Byrnes and Sharon Hanson, to me personally known, who, being each by me duly sworn, did say that they are the Chair and Executive Director, respectively, of the Housing and Redevelopment Authority in and for the City of Marshall.

Notary Public

THE CITY OF MARSHALL

By__

Its Mayor, Robert J. Byrnes

By_____ Its City Clerk, Kyle Box

STATE OF MINNESOTA)) SS. COUNTY OF LYON)

On this _____ day of _____, 2020, before me, a Notary Public within and for said County, personally appeared Robert Byrnes and Kyle Box, to me personally known, who, being each by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Marshall.

Notary Public



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	CONSENT AGENDA
Туре:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if here 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:	That the following bills and project payments be authorized for payment

Marshall, MN



Council Check Report

By Vendor Name

Date Range: 07/27/2020 - 08/07/2020

Vendor Number Bank Code: AP-REG AP	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5813	ACE HOME & HARDWARE	07/31/2020	Regular	0.00	1,075.32	116734
5813	ACE HOME & HARDWARE	08/07/2020	Regular	0.00		116771
6128	ACTION CO LLC	07/31/2020	EFT	0.00	240.00	
0548	ACTION SPORTS INC	08/07/2020	EFT	0.00	42.29	
0560	AFSCME COUNCIL 65	08/07/2020	EFT	0.00	1,307.98	
6412	AG PLUS COOPERATIVE	08/07/2020	Regular	0.00	2,295.21	
0578	AMAZON CAPITAL SERVICES	07/31/2020	EFT	0.00	507.61	4840
0578	AMAZON CAPITAL SERVICES	08/07/2020	EFT	0.00	148.33	4874
6561	AMEE CENTRAL	07/31/2020	Regular	0.00	3,000.00	116736
3761	AMERICAN BOTTLING CO.	08/07/2020	Regular	0.00	110.16	116773
0583	AMERICAN FAMILY LIFE ASSURANCE CO	08/07/2020	EFT	0.00	1,588.40	4875
0595	AMERIPRIDE SERVICES, INC	08/07/2020	EFT	0.00	92.72	4876
5880	AMERITAS LIFE INSURANCE CORP	08/07/2020	Regular	0.00	396.68	116774
5837	ANDERSON, JASON	08/07/2020	EFT	0.00	80.00	4877
0606	ANIMAL HEALTH CENTER	08/07/2020	Regular	0.00	165.00	116775
0658	AP DESIGN	08/07/2020	EFT	0.00	1,980.73	4878
0630	ARCTIC GLACIER	07/31/2020	Regular	0.00	472.05	116737
0630	ARCTIC GLACIER	08/07/2020	Regular	0.00	425.29	116776
5447	ARTISAN BEER COMPANY	07/31/2020	Regular	0.00	1,223.10	116738
5447	ARTISAN BEER COMPANY	08/07/2020	Regular	0.00	154.90	116777
5327	BAUMANN, ADAM	08/07/2020	EFT	0.00	30.00	4879
0688	BELLBOY CORPORATION	08/07/2020	EFT	0.00	5,421.32	4880
0689	BEND RITE FABRICATION INC	07/31/2020	Regular	0.00	5,149.20	116739
0699	BEVERAGE WHOLESALERS	07/31/2020	Regular	0.00	37,487.86	116740
0699	BEVERAGE WHOLESALERS	08/07/2020	Regular	0.00	37,851.30	116778
0707	BISBEE PLUMBING AND HEATING INC	07/31/2020	Regular	0.00	100.00	116741
5591	BORCHERT, STEVE	08/07/2020	Regular	0.00	112.00	116779
0726	BORCHS SPORTING GOODS	08/07/2020	EFT	0.00	405.00	4881
0018	BORDER STATES ELECTRIC SUPPLY	07/31/2020	Regular	0.00	131.80	116742
0018	BORDER STATES ELECTRIC SUPPLY	08/07/2020	Regular	0.00	275.11	116780
4506	BOT, JOSEPH	08/07/2020	EFT	0.00	696.00	4882
6231	BOX, KYLE	08/07/2020	EFT	0.00	30.00	
4457	BREAKTHRU BEVERAGE	07/31/2020	Regular	0.00	10,067.48	116743
4457	BREAKTHRU BEVERAGE	08/07/2020	Regular	0.00	10,872.58	
5696	BROTHERS FIRE PROTECTION	07/31/2020	EFT	0.00	345.00	
3568	BRUNSVOLD, QUENTIN	08/07/2020	EFT	0.00	30.00	
0728	BUFFALO RIDGE CONCRETE, INC	08/07/2020	EFT	0.00	5 <i>,</i> 959.38	
0378	BUYSSE, JASON	08/07/2020	EFT	0.00	30.00	
0380	CALLENS, DAVID	08/07/2020	EFT	0.00	30.00	
0818	CAUWELS, ROGER	08/07/2020	EFT	0.00	30.00	
5860	CENTRAL STATES GROUP	07/31/2020	Regular	0.00		116744
0843	CHRIST EV. LUTHERAN CHURCH	07/31/2020	Regular	0.00		116745
0875	COMPUTER MAN INC	08/07/2020	EFT	0.00	137.00	
0384	COUDRON, DEAN	07/31/2020	EFT	0.00	132.50	
0384	COUDRON, DEAN	08/07/2020	EFT	0.00	30.00	
3819	DACOTAH PAPER CO	07/31/2020	Regular	0.00		116746
6537	DEHN, JESSIE	08/07/2020	Regular Baala Daaft	0.00		116782
0966	DELTA DENTAL OF MINNESOTA	07/31/2020	Bank Draft	0.00		DFT0000332
6472	DEUTZ, LAUREN	08/07/2020	EFT	0.00	80.00	
5731		07/31/2020	EFT	0.00	12,320.06	
5731		08/07/2020	EFT	0.00	20,750.65	
1020	DUININCK BROS., INC.	08/07/2020	EFT	0.00	4,143.81	
5511		08/07/2020	Regular	0.00		116783
1047	ELECTRIC PUMP INC	08/07/2020	Regular	0.00	118.21	116784

Council Check Report

Date Range: 07/27/2020 - 08/07/2020

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1090	FASTENAL COMPANY	08/07/2020	EFT	0.00	359.68	
6562	GESKE HOME INPROVEMENTS CO	07/31/2020	Regular	0.00	24.55	116747
6560	GOVERNMENT FINANCE OFFICERS ASSOCIATION	07/31/2020	Regular	0.00		116748
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	08/07/2020	Regular	0.00	107.39	116785
1201	GRAINGER INC	07/31/2020	EFT	0.00	265.60	4844
5595	GRAMS, JON	08/07/2020	Regular	0.00	392.00	116786
1215	GREENWOOD NURSERY	07/31/2020	Regular	0.00	195.00	116749
1229	HABITAT FOR HUMANITY	07/31/2020	Regular	0.00	156.00	116750
1230	HACH COMPANY	07/31/2020	Regular	0.00	344.97	116751
1243	HARDWARE HANK	07/31/2020	EFT	0.00	585.26	4845
1243	HARDWARE HANK	08/07/2020	EFT	0.00	344.41	4895
1256	HAWKINS INC	08/07/2020	Regular	0.00	6,568.37	116787
1267	HEIMAN INC.	08/07/2020	EFT	0.00	8,844.00	4896
5408	HERITAGE POINTE PARTNERS LLC	07/31/2020	Regular	0.00	23,594.78	116752
5515	HOFFMANN, RYAN	08/07/2020	EFT	0.00	30.00	4897
4885	HORIZON COMMERCIAL POOL SUPPLY	08/07/2020	EFT	0.00	3,245.60	4898
1311	HYVEE FOOD STORES INC	07/31/2020	Regular	0.00	48.66	116753
6540	INTERNATIONAL CHEMTEX, LLC	08/07/2020	Regular	0.00	1,678.59	116788
1399	JOHNSON BROTHERS LIQUOR COMPANY	07/31/2020	Regular	0.00	11,069.89	116754
1399	JOHNSON BROTHERS LIQUOR COMPANY	08/07/2020	Regular	0.00	19,993.01	116789
1417	KENNEDY & GRAVEN, CHARTERED	07/31/2020	EFT	0.00	133.00	4846
5095	KIBBLE EQUIPMENT	07/31/2020	EFT	0.00	363.28	4847
5095	KIBBLE EQUIPMENT	08/07/2020	EFT	0.00	450.54	4899
2983	KLEIN, STEVE	07/31/2020	Regular	0.00	500.00	116755
0450	KOPITSKI, JASON	08/07/2020	Regular	0.00	30.00	116791
5377	KRUK, CHRISTOPHER	08/07/2020	EFT	0.00	30.00	4900
5138	L & A SYSTEMS, LLC	08/07/2020	EFT	0.00	3,359.36	4901
6563	LANDGRAFF, TIMOTHY & MALINDA	07/31/2020	Regular	0.00	300.00	116756
1480	LAW ENFORCEMENT LABOR SERVICE INC	08/07/2020	EFT	0.00	1,178.00	4902
6183	LEE, JERRED	08/07/2020	EFT	0.00	30.00	4903
5606	LEGALSHIELD	08/07/2020	Regular	0.00	145.50	116792
6567	LINCOLN CO SHERIFF'S OFFICE	08/07/2020	Regular	0.00	319.81	116793
6543	LINNCO, INC	07/31/2020	Regular	0.00	308,086.40	116757
1507	LOCHER BROTHERS INC	07/31/2020	EFT	0.00	1,084.65	4848
6566	LOWER SIOUX POLICE DEPT	08/07/2020	Regular	0.00	201.82	116794
6323	LUTHER, ERIC	08/07/2020	EFT	0.00	106.04	4904
1531	LYON COUNTY AUDITOR-TREASURER	07/31/2020	Regular	0.00	33,534.79	116758
1548	LYON COUNTY LANDFILL	08/07/2020	Regular	0.00	29.47	116795
1553	LYON COUNTY SHERIFF'S DEPT.	08/07/2020	Regular	0.00	615.81	116796
1571	MADISON NATIONAL LIFE INSURANCE COMPANY	08/07/2020	EFT	0.00	950.71	4905
1575	MAILBOXES & PARCEL DEPOT	07/31/2020	EFT	0.00	15.98	4849
1575	MAILBOXES & PARCEL DEPOT	08/07/2020	EFT	0.00	16.01	4906
6564	MARKS, BRADLEY	07/31/2020	Regular	0.00	95.55	116759
1604	MARSHALL AREA CHAMBER OF COMMERCE	08/07/2020	EFT	0.00	2,284.00	4907
1616	MARSHALL CONVENTION & VISITORS BUREAU	08/07/2020	EFT	0.00	7,000.00	4908
4874	MARSHALL GIRL'S BASKETBAL BOOSTERS	08/07/2020	Regular	0.00	427.50	116797
1623	MARSHALL INDEPENDENT, INC	07/31/2020	Regular	0.00	3,678.28	116760
1623	MARSHALL INDEPENDENT, INC	08/07/2020	Regular	0.00	220.00	116798
0460	MARSHALL JAMES	08/07/2020	Regular	0.00	80.00	116799
1633	MARSHALL MUNICIPAL UTILITIES	07/31/2020	EFT	0.00	7,276.83	4850
1633	MARSHALL MUNICIPAL UTILITIES	08/07/2020	EFT	0.00	15,691.67	4909
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	07/31/2020	EFT	0.00	15.83	4851
1637	MARSHALL PUBLIC SCHOOLS	07/31/2020	EFT	0.00	37,051.00	4852
1649	MARSHALL TRUCK SALVAGE INC.	07/31/2020	Regular	0.00	25.00	116761
6397	MARTINEZ, ADRIAN	08/07/2020	Regular	0.00	184.00	116800
5139	MATHESON TRI-GAS INC	08/07/2020	Regular	0.00	54.97	116801
5924	MAXWELL FOOD EQUIPMENT	07/31/2020	Regular	0.00		116762
6025	MELLENTHIN, CODY	08/07/2020	EFT	0.00	30.00	4910
4980	MENARDS INC	07/31/2020	Regular	0.00		116763
4980	MENARDS INC	08/07/2020	Regular	0.00	57.15	116802
3971	MEULEBROECK, ANDY	08/07/2020	EFT	0.00	30.00	

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Council Check Report

Date Range: 07/27/2020 - 08/07/2020

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5688	MINNESOTA LIFE	08/07/2020	EFT	0.00	1,520.98	4912
1839	MINNESOTA VALLEY TESTING LABS INC	08/07/2020	EFT	0.00	153.60	4913
1757	MN CHILD SUPPORT PAYMENT CENTER	08/07/2020	Regular	0.00		116803
0971	MN DEPT OF PUBLIC SAFETY	08/07/2020	Regular	0.00	18,500.00	
6440	MN PEIP-C/O MMB FISCAL SVC	08/07/2020	Regular	0.00	135,872.38	
5216	NBS CALIBRATIONS	07/31/2020	EFT	0.00	181.00	
1923	NCPERS MN GROUP LIFE INS.	08/07/2020	EFT	0.00	368.00	
1945	NORMS GTC	08/07/2020	Regular	0.00		116808
1986	NORTH CENTRAL INTERNATIONAL, INC	07/31/2020	EFT	0.00	558.55	
1986	NORTH CENTRAL INTERNATIONAL, INC	08/07/2020	EFT	0.00	345.72	
1946	NORTH CENTRAL LABS	07/31/2020	EFT	0.00	1,926.03	
1961	NORTHERN SAFETY COMPANY INC	07/31/2020	EFT	0.00	129.68	
5891	ONE OFFICE SOLUTION	07/31/2020	EFT	0.00	232.00	
2019	PAUSTIS WINE COMPANY	07/31/2020	Regular	0.00	4,496.67	
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	07/31/2020	EFT	0.00	82.95	
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	08/07/2020	EFT	0.00	35.55	
2036	PHILLIPS WINE AND SPIRITS INC	07/31/2020	Regular	0.00	10,783.43	
2036	PHILLIPS WINE AND SPIRITS INC	08/07/2020	Regular	0.00	13,789.61	
6569 2049	PIPESTONE COUNTY SHERIFF'S OFFICE	08/07/2020	Regular EFT	0.00 0.00	39.08	116810
0477	PLUNKETTS PEST CONTROL INC PRZYBILLA, SCOTT	07/31/2020 08/07/2020	EFT	0.00	30.00	
6166	PULVER MOTOR SVC, LLC	08/07/2020	EFT	0.00	75.00	
2096	QUARNSTROM & DOERING, PA	08/07/2020	EFT	0.00	10,874.67	
2112	R and G CONSTRUCTION COMPANY INC	08/07/2020	EFT	0.00	404,202.67	
4939	RECSUPPLY	07/31/2020	EFT	0.00	153.60	
6570	REDWOOD COUNTY SHERIFF	08/07/2020	Regular	0.00	1,009.19	
6571	REDWOOD FALLS POLICE DEPARTMENT	08/07/2020	Regular	0.00		116812
2156	RH SEALCOATING & .	08/07/2020	Regular	0.00	46,255.80	
4826	RIEKE, BENJAMIN	08/07/2020	EFT	0.00	30.00	
6365	RJM DISTRIBUTING, INC	07/31/2020	Regular	0.00		116766
0481	ROKEH, JASON	08/07/2020	Regular	0.00		116814
2201	RUNNINGS SUPPLY INC	07/31/2020	EFT	0.00	643.82	
4908	SFC GLOBAL SUPPLY CHAIN, INC.	07/31/2020	Regular	0.00	29,989.45	
6251	SHRED RIGHT	07/31/2020	EFT	0.00	15.00	4862
3495	SMSU	08/07/2020	EFT	0.00	258.00	4922
4855	SOUTHERN GLAZER'S OF MN	07/31/2020	EFT	0.00	6,386.33	4863
4855	SOUTHERN GLAZER'S OF MN	08/07/2020	EFT	0.00	9,358.15	4923
2311	SOUTHWEST GLASS CENTER	08/07/2020	Regular	0.00	260.00	116815
2318	SOUTHWEST SANITATION INC.	07/31/2020	EFT	0.00	468.65	4864
0491	ST AUBIN, GREGORY	08/07/2020	EFT	0.00	30.00	4924
5823	STAN MORGAN & ASSOCIATES, INC	07/31/2020	Regular	0.00	744.34	116768
3808	STELTER, GEOFFREY	08/07/2020	Regular	0.00	30.00	116816
4134	STENSRUD, PRESTON	08/07/2020	EFT	0.00	30.00	4925
5491	STORM, ANNETTE	08/07/2020	EFT	0.00	80.00	4926
2373	STREICHERS	07/31/2020	EFT	0.00	3.01	4865
0495	SWANSON, GREGG	08/07/2020	Regular	0.00	30.00	116817
2395	SWEDE'S SERVICE CENTER	08/07/2020	Regular	0.00		116818
6277	TALKING WATERS BREWING CO, LLC	07/31/2020	EFT	0.00	396.00	
6277	TALKING WATERS BREWING CO, LLC	08/07/2020	EFT	0.00	840.00	
4734	TESSMAN COMPANY	08/07/2020	EFT	0.00	1,818.53	
2428	TITAN MACHINERY	08/07/2020	EFT	0.00	1,295.84	
6156	TRUE BRANDS	07/31/2020	EFT	0.00	437.20	
3342	TRUEDSON, SCOTT	08/07/2020	EFT	0.00	30.00	
6510	TX CHILD SUPPORT, SDU	08/07/2020	Regular	0.00		116819
5106		07/31/2020	EFT	0.00	336.72	
2472	ULTRA-CHEM, INC.	07/31/2020	Regular	0.00		116769
2511	USA BLUE BOOK	07/31/2020	EFT	0.00	346.63	
6092		08/07/2020	EFT	0.00	80.00	
0512	VANLEEUWE, SARA J.	08/07/2020	EFT	0.00	70.00	
0513 5733	VANMOER, ROBERT	08/07/2020 07/31/2020	EFT Begular	0.00	30.00	
5733	VAST BROADBAND	07/31/2020	Regular	0.00	1,531.62	110/10

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Council Check Report

Date Range: 07/27/2020 - 08/07/2020

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5733	VAST BROADBAND	08/07/2020	Regular	0.00	133.50	116820
4489	VERIZON WIRELESS	07/31/2020	EFT	0.00	1,721.87	4870
2538	VIKING COCA COLA BOTTLING COMPANY	07/31/2020	EFT	0.00	1,766.70	4871
4594	VINOCUPIA	08/07/2020	EFT	0.00	1,294.00	4934
4118	WALMART BUSINESS	08/07/2020	Regular	0.00	474.54	116821
0518	WENKER, JEFFREY	08/07/2020	Regular	0.00	30.00	116822
2605	WINE MERCHANTS	08/07/2020	Regular	0.00	381.07	116823
2632	ZIEGLER INC	08/07/2020	EFT	0.00	460.65	4935

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	221	86	0.00	793,436.55
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	1	1	0.00	1,071.32
EFT's	191	97	0.00	596,496.41
-	413	184	0.00	1,391,004.28

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All Bank Codes Check Summary

	Payable	Payment		
Payment Type	Count	Count	Discount	Payment
Regular Checks	221	86	0.00	793,436.55
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	1	1	0.00	1,071.32
EFT's	191	97	0.00	596,496.41
	413	184	0.00	1,391,004.28

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	7/2020	566,892.96
999	POOLED CASH FUND	8/2020	824,111.32
			1,391,004.28

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CITY OF MARSHALL, MINNESOTA PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS 8/11/2020

PROJECT #	Coding	DATE		CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2018 Prior Payments	2019 Prior Payments	2020 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
Z67	475-43300-55170	6/12/2018	Michigan Road/Superior Road Reconsctruction	D & G Excavating	1,022,427.60	3,792.25	1,026,219.85	959,481.14	11,130.87	55,607.84			-	100.00%
Z72	630-49600-55170	5/14/2019	Hahn Road Storm Sewer Reconstruction	A & C Excavating, LLC	136,970.00	(11,540.11)	125,429.89		113,279.89	12,150.00			-	100.00%
W13	602-49500-55120	5/28/2019	WWTF Improvement Project	Magney Construction, Inc.	14,074,300.00		14,074,300.00		3,618,459.20	4,484,628.65	1,063,948.04	482,475.57	4,424,788.54	68.56%
	401-46400-55130	6/25/2019	Chip Seal of Roadways & Parking Lot - Airport	RH Sealcoating	46,255.80		46,255.80				46,255.80		-	100.00%
MER	493-42600-55130	2/12/2019	MERIT Center Track	R & G Construction	2,712,530.50	47,152.46	2,759,682.96		2,636,570.66	156,938.25		5,037.64	(38,863.59)	101.41%
	401-45200-55120		Liberty Park Restroom	Doom & Cuypers Construction	78,286.12	(475.00)	77,811.12		50,540.81	27,270.25			0.06	100.00%
Z52	401-41900-55130	8/13/2019	Transit ADA Bus Access Project (UCAP)(MN/DOT)	Hisken Construction Inc.	185,250.15		185,250.15			184,169.25		1,860.30	(779.40)	100.42%
E22	630-49600-55130	9/24/2019	COE Flood Control 2019 Betterments	U.S. Army Corps of Engineers	190,000.00		190,000.00		150,483.00				39,517.00	79.20%
CH1	494-41900-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	50,091.00	5,080,291.00			1,509,392.35		167,710.26	3,403,188.39	33.01%
CH1	494-41900-55121	11/12/2019	Removal of Hazardous Materials from City Hall	Advanced Health, Safety & Security	67,028.25	23,775.25	90,803.50			86,263.33		4,540.17	-	100.00%
B20	476-45200-55120	3/10/2020	Fredom Park Restroom	Sussner Construction	120,961.00		120,961.00			65,620.11		3,453.69	51,887.20	57.10%
Z50	101-43300-53425	3/24/2020	2020 Chip Seal (\$14,300 - Arena Parking Lot)	Pearson Bros., Inc.	154,300.00		154,300.00						154,300.00	0.00%
Z51	495-43300-55170	3/24/2020	2020 Bituminous Resurfacing	Duininck, Inc	598,912.10		598,912.10			570,091.31		30,004.81	(1,184.02)	100.20%
Z75	476-43300-55170	4/14/2020	S 4th St Reconstruction	R & G Construction	2,583,754.90		2,583,754.90				404,202.67	21,273.83	2,158,278.40	16.47%
PF1	495-41900-53110	5/12/2020	Demolition of Structure at 326 West Main Street	LinnCo, Inc	523,444.00		523,444.00			102,668.80	308,086.40		112,688.80	78.47%
Z76	476-43300-55170	5/26/2020	S 1st St Reconstruction	Duininck, Inc	617,136.55		617,136.55						617,136.55	0.00%
Z77	630-49600-55170	6/23/2020	Legion Field Strom Water Improvements-Phase 1	Towne & Country Excavating LLC	277,943.00		277,943.00						277,943.00	0.00%
	401-42400-55120	7/28/2020	Fire Station Electrical Service Change Out	Heartland Mechanical, Inc	30,766.91		30,766.91						30,766.91	0.00%
					28,450,466.88	112,795.85	28,563,262.73	959,481.14	6,580,464.43	7,254,800.14	1,822,492.91	716,356.27	11,229,667.84	



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	NEW BUSINESS
Туре:	INFO
Subject:	City of Marshall/Lyon County Economic Development Authority Partnership
Background Information:	Economic Development Director Lauren Deutz will be in attendance to present the draft plan. The EDA will meet on Monday, August 10 to review the draft plan. The draft will be provided to the council after review from the EDA.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations	:



Lyon County Economic Advancement Partnership

The Lyon County Economic Advancement Partnership (LEAP) was established to ensure the economic prosperity of Lyon County, providing resources, support, and inspiration for current and potential businesses. LEAP leads the way in exploring emerging opportunities, strengthening the regional workforce, and illustrating the benefits of living, working, and owning a business in Lyon County.

Board Governance

Voting Members: County Commissioner/Staff (3), EDA Board Members (3)

Advisory Roles: City Administrators, EDA Staff (Tracy/Balaton), Mayors

Target Areas:

-Business Retention and Expansion

-Marketing/Recruitment

-Representation/Financial Opportunities

-Workforce Development

Business Retention and Expansion

Build relationships with area businesses, with a key intent to inform them of available resources, better understand needs/challenges, and help them share their successes.

Focus

- 1. To show appreciation for their contribution to the local economy
- 2. To encourage expansion that leads to sustainable job growth
- 3. To help solve problems and challenges
- 4. To gain awareness of available resources
- 5. To develop collaborative relationships
- 6. To build the county capacity and cooperation to sustain growth and development activities
- 7. To provide better information and understanding for all area leaders of the strengths and weaknesses of the business climate.

Measurable Action Items

-One-on-one meetings with existing businesses (two communities per month | 2-5 businesses per visit)

-Develop business "support group" for new and emerging businesses (businesses in operation for 5 or less years)

-Serve as support center for current business owners

Estimated Cost

Staff time – 10 hours per week

CRM Service - \$5,000 - \$10,000 (one-time cost with annual maintenance fee)

Hosting Workshops/Tours - \$1,000 annually

Marketing/Recruitment

Market our communities outside of our region/state to attract targeted businesses.

Focus

- 1. Branding/Image: Who we are? What we do? What makes us unique/special?
- 2. Positioning/Messaging: Print and Digital materials
- 3. Sectoral Analysis (Targeting): Survey/Research
- 4. Media Relations: Taking control of the narrative

Measurable Action Items

-Press Kit: Bundled marketing materials available for potential developers

-Video Series: Videos featuring local businesses, communities, etc.

-Surveys: Information gathering surveys for both businesses and residents

-Press Releases/Stories on Businesses

-Newsletters?

Estimated Cost Print Materials: \$3,000 Advertising: \$5,000

Digital (Videos) : \$500 (dependent on internal media department availability)

Staff Time: 10 hours per week

Representation/Financial Opportunities

Funds/programs to help revitalize, expand, and upgrade physical infrastructure to attract new industry, encourage business expansion, diversify local economies, and generate or retain long-term, private sector jobs and investment.

Focus

- 1. Grants
- 2. Lobbying
- Program Development

Item 10.

Action Areas

-Grant writing and fund distribution

-Presence in legislative action

Estimated Cost

-Staff time: 5 hours per week

Workforce Development

Building a base of support and implementing innovative strategies that expand opportunities for building a skilled workforce that meets the needs of our local economy and helps businesses grow.

Focus

- 1. Training/College Transition
- 2. Affordable and adequate workforce housing options
- 3. Childcare availability for workforce

Action Areas

-Build connections with Minnesota West/SMSU

-Business Education Network

-Leadership Academy

Estimated Cost

-Staff time: 5 hours per week

CITY COUNCIL WORK SESSION ECONOMIC DEVELOPMENT

October 8, 2019

ECONOMIC DEVELOPMENT STRUCTURE

Economic Development Structure

One of the primary goals of this Work Session is to answer the question of what structure best meets the economic development goals of the City of Marshall

Development Organizations

Commercial Club Chamber of Commerce Development Corporations EDA/HRA Port Authority

ECONOMIC DEVELOPMENT STRUCTURE

Development Organizations

Commercial Club-promote retail and community events

Chamber of Commerce-local business memberships, sometimes political active and lobbying force in dealing with policy that affects the economic strategy

Development Corporations-typically develop and sell land/provide financing

ED Commission-a board used to advise the City Council, has limited decision making authority

Port Authority-promotes general welfare of the City's port district.

Joint Powers Board-multiple cities, townships, counties

EDA-legal entity created by the City or County, allowed to buy/sell property; make loans and grants to businesses and to sell bonds.

HISTORY OF CITY OF MARSHALL EDA

- Marshall Civic and Commerce Association (present day Chamber)
- 1975-Marshall Industries Foundation
- 1987-MN Legislation to Authorize Formation of EDAs
- 1988-City EDA Formed
- Chamber Business and Economic Development Committee
- Around 2006-County Economic Development Facilitator
- 2008/2009-City EDA Director
- 2011-Present-Discover Southwest Partnership

CITY OF MARSHALL ORGANIZATIONAL STRUCTURE



PRIMARY POWERS OF AN EDA

- Serve to promote business and to recruit new businesses
- Issue revenue bonds
- Acquiring property
- Purchase and sell land
- Make or guarantee or other credit enhancements
- Issue general obligation bonds

POWERS OF EDA AND LIMITATIONS

- Per Enabling Resolution and Ordinance
- Limited by MN Statutes
- Sale of all bonds issued by EDA approved by the City Council before issuance
- Follow City budget process
- Consistent with Comprehensive Plan
- Submit all planned activities to the City Council for approval
- EDA structure to the City Council for approval

- Industrial development was the primary game
- EDA work was being done by business leaders who did business deals with focus on real estate transactions
- Corporate expansion and need for new buildings and labor supply fed industrial search for available/cheaper land and labor
- Local success measured by how many companies you attracted; failure to do so led to short careers

- Goal: create lots of industrial jobs, with less focus on the quality of the wages/salaries
- Tools: free land, loans, grants, training, TIF
- Competition: often fierce among cities, including luring companies from elsewhere

- "Economic Developers" were often ex-businessmen
- Few trained in the discipline of "economic development" as taught today
- Volunteer local leadership, typically local businessmen, city council, trusted community leaders
- Little formal educational support

- Formal tools to support development included:
 - Printed community profiles
 - Local one and five year plans
 - 3-ring binders with a VHS tape touting the city
 - Prepared presentations
- Companies mailed requests for information

- Many older concepts and approaches still apply but have been complemented, amended, and replace:
 - Industrial/manufacturing/technology expansion AND retention
 - Small business/retail/wholesale/distribution
 - Workforce development strategies
 - Adapting to the global economy and new business models
 - Regional approaches

- Formal training for EDA staff
- Knowledge of finance, business principles, marketing, infrastructure, workforce development, political environment, public relations, redevelopment tools....

- Process for corporate decision making as changed
 - Compressed time frame
 - Outside site consultants, not company staff
 - Most data is electronically available
 - Develop short list of sites from on-line tools
 - Goal is to eliminate sites that don't work

- Process for Corporate decision-making has changed (cont.)
 - Land is still plentiful, but brownfields in play
 - Workforce is not plentiful, and often primary driver
 - Still seek incentives, but even better at extracting them
 - Economic Developers increasingly work in a virtual world, but it is still a relationship-orientated profession

- Economic development work more sophisticated than ever:
 - Community websites furnish great detail
 - Site information tools better all the time
 - Marketing of sites increasingly more attuned to specific purposes; i.e. shovel ready, site certified

CITY EDA SURVEY INFO

FINDINGS

Almost all cities have in-house staff with EDA duties

Most cities also contribute to a regional/Chamber type EDA arrangement

Most cities have larger EDA levies

EDA LEVY HISTORY

Year	Levy Amount
2008	121,500
2009	126,329
2010	9,677
2011	119,677
2012	119,677
2013	119,677
2014	119,677
2015	119,677
2016	119,677
2017	9,677
2018	120,000
2019	125,000
2020	I 35,000

CHAMBER APPROPRIATION HISTORY

Year	Amount
2011	44,759 (Jun-Dec)
2012	92,424
2013	96,000
2014	96,000
2015	96,000
2016	96,000
2017	108,000
2018	108,000
2019	I I 2,800
2020	117,600

CURRENT CHAMBER EDA BUDGET

Chamber Structure	
Consultant Fees	117,600
General Professional Services	2000
Conferences	750
General Liability	171
Advertising/Marketing	4500
Dues	9000
Supplies	500
Chamber Appropriation	3500
Revenue	-5500
Legal Fees	1500
Intern	1500
Grand Total	135,521

CITY DISTRIBUTION TO CHAMBER OUTSIDE OF EDA STAFF

- \$3,500 Chamber Membership
- \$6,000 Chamber Transportation Budget
- \$8,400 Chamber Yearly Rent
- \$17,900 Annual City Financial Support to Chamber



EDA BUDGET CHAMBER IN COMPARISON TO CITY

City Structure	
ED Director Salary/Benefits	88,654
Chamber Support	25,000
Mileage	2400
Professional Fees	3000
Conferences	1000
Meals/Lodging	600
Advertising/Marketing	5000
Dues	9000
Supplies	500
Chamber	3500
Revenue	-5500
Legal Fees	2000
Intern	1500
Grand Total	136,654

Chamber Structure		
Consultant Fees	117,600	
General Professional Services	2000	
Conferences	750	
General Liability	171	
Advertising/Marketing	4500	
Dues	9000	
Supplies	500	
Chamber Appropriation	3500	
Revenue	-5500	
Legal Fees	1500	
Intern	1500	
Grand Total	135,521	


City Hires Full-time EDA Director

CONCLUSION



City Initially Supplements Chamber EDA Funding Void

Rent of Space Admin Support



City Supports Regional Approach

Provide Seed Money



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020		
Category:	NEW BUSINESS		
Туре:	ACTION		
Subject:	Authorization to purchase two (2) squad cars for the Marshall Police Department.		
Background Information:	The Marshall Police Department is on a four (4) year patrol vehicle replacement schedule put in place by the Marshall City Council. The Police Department currently has two (2) 2016 Ford Explorers purchased in 2016 that are scheduled to be replaced. The police department received two (2) quotes to purchase replacement vehicles, (2021 Ford Explorer Police Packages) from the Cooperative Purchasing Venture (State Bid) and from KRUSE Motors. The bid spec sheet utilized was the same used in last year's purchase. The following is the bid from CPV and KRUSE Motors:		
	STATE BID PRICE (per unit): \$32,720.24 2 UNITS = \$65,440.48		
	KRUSE MOTORS (per unit): \$33,580.00 2 UNITS = \$67,160.00		
	The difference between the two bids received is \$859.76 per unit for a total difference of \$1,719.52.		
	The 2021 Ford Explorers have been redesigned and will have equipment replaced or transferred from the surplus units. The anticipated cost to remove, reuse, replace and install needed equipment in each unit is estimated to be \$12,000 dollars.		
Fiscal Impact:	STATE BID PRICING: \$65,440.48 (2 UNITS) KRUSE BID PRICING: \$67,160.00 (2 UNITS)		
	Planned for in the 2020 Capital Improvement Plan squad replacement (\$85,200.00)		
Alternative/ Variations:			
Recommendations:	Approve the purchase of two (2) squad cars from either KRUSE Motors or Cooperative Purchasing Venture (State Bid).		



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	NEW BUSINESS
Туре:	ACTION
Subject:	Grant of Utility Easement to Great Plains Natural Gas Company.
Background Information:	Great Plains Natural Gas has completed gas main replacement on South 4 th Street between Country Club Drive and Elaine Avenue. The purpose of their work was to replace aging facilities in advance of our South 4 th Street reconstruction project this summer. The design of new city utilities created significant conflict with Great Plains' facilities located in city right of way, and this, along with the age and type of material of their facilities, prompted Great Plains to push forward with this work. Part of this project required moving the district regulator (DR) facility that was located in City right-of-way in front of 615 South 4 th Street to a more acceptable location. Great Plains staff approached the City about locating in a more suitable location, and city staff proposed a location on vacant, City-owned property on the southwest corner of South 4 th Street and Camden Drive. At a previous City Council meeting, City staff informed Council of the proposed action to move the DR facility onto this property. Because work needed to occur in an expedited fashion, staff needed quick Council consideration. City Council did not indicate any
Fiscal Impact:	opposition to this proposal.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the City grant a utility easement to Great Plains Natural Gas for relocation of district regulator on City-owned property on the southwest corner of South 4 th Street and Camden Drive.

GREAT PLAINS NATURAL GAS CO PIPELINE EASEMENT BY OWNER

THIS INDENTURE, made this ______ day of ______, A.D., 2020, between GREAT PLAINS NATURAL GAS CO., a Delaware corporation, 705 West Fir, Fergus Falls, Minnesota 56537, hereinafter called "COMPANY," its successors and assigns, and the following named persons, herein, whether singular or plural, called "OWNER," namely:

City of Marshall		
whose address is	344 West Main Street	

WITNESSETH, that for valuable considerations received, OWNER does hereby grant unto COMPANY, its successors and assigns, an easement <u>13'</u> feet in width, being <u>--</u> feet left, and <u>--</u> feet right of the center line as laid out and/or surveyed, or as finally installed through, over, under and across the tract of land hereinafter described, for the purpose of installing and constructing thereon, and thereafter to operate, inspect, protect, maintain, repair, increase the capacity of, remove, replace and abandon in place, a gas pipeline or lines, including without limitation necessary pipes, equipment, and fixtures, said tract of land being situated in the County of Lyon ______, State of ________, and more particularly described as follows:

An easement in part of Outlot A of Eastros Place Addition to the City of Marshall, Lyon County, Minnesota more fully described in attached Exhibit A

Should additional pipelines be laid under this grant, at any time, an additional consideration equal to the consideration paid for this grant, calculated on a lineal rod basis, shall be paid for each additional line.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed, any obstruction, building, engineering works or other structures upon, over, or under the above described tract of land or that would interfere with said pipeline or lines or COMPANY'S rights hereunder. Company shall have the right, but not the obligation, to cut and clear trees and shrubbery from the above described tract of land.

The OWNER, its successors and assigns, hereby grants to COMPANY, its successors and assigns, the right at all reasonable times of ingress and egress to the above describe premises across adjacent lands of the Owner, it successors and assigns, at convenient points for the enjoyment of the aforesaid uses, rights, and privileges.

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, inspecting, protecting, maintaining, repairing, increasing the capacity of, operating or removing said pipeline or lines. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive. If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years. If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written.

CITY OF MARSHALL

By: Robert J. Byrnes Its: Mayor

By: Kyle Box Its: City Clerk

STATE OF MINNESOTA))ss. COUNTY OF LYON)

The foregoing instrument was acknowledged before me this _____ day of _____, 2020, by Robert J. Byrnes and Kyle Box, the Mayor and City Clerk of the City of Marshall, a Municipal Corporation under the laws of the State of Minnesota, on behalf of the City of Marshall.

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)	
	SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

My Commission Expires:

W.O. <u>2077742</u> L.R.R NO_____

FILE NO._____TRACT NO. ____





CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	NEW BUSINESS
Туре:	ACTION
Subject:	Striping and Signage (Southview Drive, Saratoga Street, North 7th Street).
Background Information:	 Staff is reviewing striping plans on various Municipal State Aid (MSA) streets to better align with traffic needs on the roadways. Two of the streets, Saratoga Street and North 7th Street, are included in this year's seal coating project. We expect the seal coating work to be completed the week of August 17th. These segments are both striped with a continuous two-way left turn lane (TWLTL) today. Staff is proposing to generally stripe Saratoga as it is today, but include a solid white line to delineate parking lane from travel lane for southbound traffic and including yellow hatching around the crosswalk that leads to the middle school property. In its current configuration, North 7th Street is striped with a TWLTL. Staff is proposing to stripe with a TWLTL from the Diversion Channel bridge to a point north of the Flint Hills property. At this point we are proposing to transition to a two-way striping, including the white edge stripe. Due to the lack of left turning traffic between CR 33 and the Flint Hills property, staff does not believe the TWLTL is needed through this segment at this point in time. The other street that was analyzed was Southview Drive from Saratoga Street to US 59/Main Street. This segment of Southview Drive was studied by engineering firm SEH prior to the new elementary school project being approved. The traffic review resulted in a recommendation to stripe this segment of street in a 3-lane configuration, with a continuous two-way left turn lane (TWLTL). To accommodate a TWLTL, staff is proposing to remove parking from the north side of the road and move the on-street bike trail to off-street shared use path is being constructed by the contractor for the new elementary school project. Between East Southview Court and US 59/Main Street, the on-street bike trail to off-street shared use path is being constructed by the contractor for the new elementary school project. Between TH 59 and Saratoga in 2021. The striping work would occur after this mill and over
Fiscal Impact:	layouts (revised 8-6-20) reflect the revisions discussed and recommendations at said meeting. Cost to restripe the streets are included in the Street Department repair and maintenance
	budget. Costs for North 7 th Street and Saratoga Street are included in the 2020 chip seal contract. Southview Drive would not be restriped until 2021.
Alternative/	No alternative actions recommended.
Variations:	
Recommendations:	that the City Council approve the striping plans as presented by staff.











ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MINNESOTA STRIPING PLAN

SARATOGA ST. – N. 4TH TO MN TH 23

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR	DATE	STATE AID PROJECT NO.
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.	8/3/2020 DESIGNED BY	Page 120
LICENSE NO53322	DRAWN BY JLD CHECKED BY	3 OF 3









MINUTES

PUBLIC IMPROVEMENT/TRANSPORTATION COMMITTEE MEETING August 5, 2020 4:00 PM Southwest Minnesota State University, SS 235

MEMBERS PRESENT:	Councilmembers Schaefer, Labat, Lozinski
<u>STAFF PRESENT:</u>	Director of Public Works/City Engineer Jason Anderson, Assistant City Engineer Jessie Dehn

Schaefer called the meeting to order at 4:00 pm.

Approval of the Minutes:

MOTION BY LABAT, SECONDED BY LOZINSKI to approve the minutes of the February 6, 2020 Public Improvement/Transportation Committee meeting. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

New Business:

1. Striping and Signage (Saratoga Street, North 7th Street, Southview Drive)

Saratoga Street & North 7th Street: Anderson indicated staff is reviewing striping plans on various Municipal State Aid (MSA) streets to better align with traffic needs on the roadways. Two of the streets, Saratoga Street and North 7th Street, are included in this year's seal coating project, which is expected to be completed the week of August 17th. These segments are both striped with a continuous two-way left turn lane (TWLTL) today. Staff is proposing to generally stripe Saratoga as it is today, but include a solid white line to delineate parking lane from travel lane for southbound traffic and including yellow hatching around the crosswalk that leads to the middle school property. Southview Drive: The other street that was analyzed was Southview Drive from Saratoga Street to US 59/Main Street. This segment of Southview Drive was studied by engineering firm SEH prior to the new elementary school project being approved. The traffic review resulted in a recommendation to stripe this segment of street in a 3-lane configuration, with a continuous two-way left turn lane (TWLTL).

In its current configuration, North 7th Street is striped with a TWLTL. Staff is proposing to stripe with a TWLTL from the Diversion Channel bridge to a point north of the Flint Hills property. At this point we are proposing to transition to a two-way striping, including the white edge stripe. Due to the lack of left turning traffic between CR 33 and the Flint Hills property, staff does not believe the TWLTL is needed through this segment at this point in time.

To accommodate a TWLTL, staff is proposing to remove parking from the north side of the road and move the on-street bike trail to off-street shared use path on the north side between Saratoga Street and East Southview Court. The shared use path is being constructed by the contractor for the new elementary school project. Between East Southview Court and US 59/Main Street, the onstreet bike trail is proposed to co-exist with the TWLTL by removing parking from both sides of the street.

Schaefer called for discussion on the item. Anderson discussed background information on the agenda item. Discussion was held regarding several variations relating to striping and signage.

<u>Southview Drive</u>- Anderson and Dehn presented the proposed plans. Schaefer questioned refuge area and island. Anderson elaborated on the scenario regarding narrowing and pedestrian health and allowing for adequate plowing. Striping consistent to Southview Court. School putting shared use path on their side in lieu of painted on-street path. Striping accommodates businesses and return to typical striping at TH59. Potential grant application available for bike trail. Schaefer questioned turning onto Southview as well as turning on Main to Southview. Lozinski questioned traffic backing up at Saratoga. Dehn indicated once new elementary school is operational putting up candlesticks and analyze function of traffic flows and queues. Labat questioned bike lane and shared use path and jumping back and forth. Anderson indicated school did build this in to their project, and drive lane has ample room for back up left turn traffic.

LOZINSKI MADE A MOTION, SECONDED BY LABAT to recommend approval of Southview Drive as presented with three lanes, removal of parking, and no refuge island. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

Discussion by Labat regarding letters sent to property owners. Lozinski indicated more cost-effective to post on website/social media. Labat indicated all concerned with safety.

<u>Saratoga Street</u>- Anderson and Dehn presented the proposed plans. Labat commented regarding 3-way stop at the intersection of C Street and Saratoga. SEH analyzed this intersection in study of elementary school. Reviewed intersections indicated that intersection was a hot topic. Traffic study indicated stop sign warrant was not met as it did not happen more than once a day. Anderson proposed revisiting 3-way stop at the intersection after new school is operational. Schaefer pointed out and discussion was held regarding driveway on northwest side of intersection as not a straight jog across. Adequate widths must be maintained for snow removal operations. South of Southview remains as existing. Schaefer indicated he is acceptable to all as presented with the exception of problematic intersection of Saratoga and College Drive turning eastbound onto College Drive.

MOTION BY LOZINSKI, SECONDED BY LABAT to recommend approval of Saratoga Street as presented. VOTING IN FAVOR were Schaefer and Lozinski. VOTING AGAINST was Labat due to the exclusion of the 3-way stop at the intersection of C Street and Saratoga Street. MOTION PASSED 2:1.

<u>North 7th Street</u>- Anderson and Dehn presented the proposed plans. Schaefer questioned striping at Kossuth intersection. Lane configuration at bridge is tight and intersection is constrained. Leave white paint on bridge.

MOTION BY SCHAEFER, SECONDED BY LOZINSKI to approve North 7th Street as presented with exception of elimination of bike lane and paint extension south of bridge. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

Adjourn:

MOTION BY SCHAEFER, SECONDED BY LOZINSKI to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 3:0.

Respectfully Submitted,

Lona Rae Konold Administrative Assistant



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020	
Category:	NEW BUSINESS	
Туре:	ACTION	
Subject:	Consider Resolution Amending the Resolution Establishing and Providing for the City of Marshall Special Assessment Policy.	
Background Information:	Each year the City of Marshall constructs various street improvement projects, portions of which are often special assessed to area property owners.	
	The current Special Assessment Policy was originally adopted in 2004 and revised in 2005, 2007 and 2018. During the special assessment process, various requests have been made to review the policy.	
	The Ways & Means Committee has reviewed the proposed Special Assessment Policy. The minutes of those meetings are attached.	
	Attached please find a draft of the recommended revisions to the Special Assessment Policy incorporating recommended revisions for City Council review.	
Fiscal Impact:	Relative changes to the amounts of the cost of the project to the property owners and the City.	
Alternative/ Variations:	No alternative actions recommended.	
Recommendations:	that the Council adopt RESOLUTION NUMBER XXXX, which is the "Resolution Amending the Resolution Establishing and Providing for the City of Marshall Special Assessment Policy".	

RESOLUTION NUMBER ____, SECOND SERIES

RESOLUTION AMENDING RESOLUTION NUMBER 4522, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2946, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2757, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2673, SECOND SERIES ESTABLISHING AND PROVIDING FOR THE CITY OF MARSHALL SPECIAL ASSESSMENT POLICY



CITY OF MARSHALL SPECIAL ASSESSMENT POLICY

(Originally Adopted: October 18, 2004) (First Revision: August 1, 2005) (Second Revision: March 19, 2007) (Third Revision: June 12, 2018)

Fourth Revision: _____, 2020

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I. GENERAL INFORMATION

Resolution Number _____, Second Series -- Adopted: 08/11/2020

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A. <u>THE THEORY OF SPECIAL ASSESSMENTS</u>

Special assessments are those charges levied against certain parcels of land for the cost of public improvements and for which the City Council has determined that said parcels being assessed will be specifically benefited by the improvements.

B. <u>SPECIAL ASSESSMENT USES</u>

Special assessments may be used to pay the cost of all or a portion of public improvement projects, including the maintenance and/or repair of the City's infrastructure. Improvement projects include, but are not necessarily limited to, the construction and/or reconstruction of streets (sub-base, base, hard surfacing), alleys, curb and gutter, sidewalks, driveway approaches, sewer service lines, water service lines, and amenities. Special assessments for reconstruction of watermains, sanitary sewer mains, and storm sewer mains will not be special assessed.

C. <u>THE BENEFIT PRINCIPLE</u>

Special assessments may be levied only upon property receiving a special benefit from the improvement. The rate must be uniform upon the same classes of property receiving special benefits. Assessments must be confined to property benefited, and the amount of the assessment must not exceed the benefit derived by the improved property.

II. GENERAL STATEMENTS OF PURPOSE, POLICY, AND LIMITS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

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A. <u>Purpose</u>

The purpose of this Special Assessment Policy is to set forth the policies and procedures for the determination of benefit and the assessment of cost of the various public improvements which are constructed and installed by the City of Marshall (hereinafter called "City") pursuant to the law, the City Charter and Code of Ordinances, and the order of the City Council (hereinafter called "Council") of the City of Marshall. These policies shall serve as a guide for this and future Councils, for administrative personnel, and as a source of information for all persons concerned with such matters. It is the intent and purpose of these policies to provide for and insure consistent, uniform, fair, and equitable treatment, insofar as is practical, lawful, and possible, of all property owners in regard to the assessment of cost for benefits to property for the various improvements of streets and utilities within the City.

B. POLICY

The Council hereby declares:

That the assessment policies contained herein are the policies that the City is dedicated to follow, as nearly as possible and practical; and

That all improvement costs shall, whenever possible, be assessed in full against benefited property on a one hundred (100) percent basis. In order to keep the City's share of the cost of improvements to a minimum, and to avoid deferred assessments, no improvements shall be made outside the City limits unless a petition for annexation of the property to the City is signed, or the assessments against the benefited property can be collected by a voluntarily negotiated contract.

C. <u>LIMITS</u>

These assessment policies are designed to serve only as a general guide for the Council in allocating benefits to properties for the purpose of defraying the cost of installing public facilities. The Council reserves the right to vary from these policies if the policies act to create obvious inequities, or where the assignment of benefit to a particular property is difficult because of an extreme and unusual situation which may occur in the future, or if such variance is deemed to be in the best interest of the City.

III. SPECIFIC POLICIES

Resolution Number _____, Second Series -- Adopted: 08/11/2020

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A. <u>Assessments</u>

Special assessments for public improvement projects will be determined by taking into consideration total project costs and an assessment formula based on front footage, area, or unit basis. The total amount of assessments will not exceed the project cost, as defined in Section III.D., and will be apportioned uniformly among properties having the same general land use based on benefit. The total assessment against any parcel shall not exceed benefit. Project cost may include part or all of the cost of previously installed projects, not previously assessed, subject to legal considerations.

B. ASSESSMENT PERIOD

The standard term of assessment for public improvements shall be eight (8) years. The Council may, however, establish a shorter or longer term if it is determined to be in the best interests of the City. In no event shall the term exceed a period of twenty (20) years.

C. INTEREST RATE

The Council shall establish an interest rate to be paid on the unpaid balance of special assessments as may be necessary to meet bond principal and interest, as well as other related municipal costs. The interest rate shall generally be established at the time of the public hearing on the proposed assessment. Said interest rate shall be established at 2 percentage points above the bond interest rate incurred by the City for bond related to the project. If no bond is required, the interest rate shall be 2.5 percent.

D. PROJECT COST

The Council shall determine the cost of the improvement by adding: the amount of contract cost; the cost of labor and materials furnished by the City, if not contained in contract costs; the cost of engineering, legal, fiscal, and administrative services provided by City staff or other parties; the cost of acquiring easements, property, or right-of-way required by the improvement; interest costs incurred by the City between the time money is borrowed for the improvement and special assessments are paid in full; and any other costs which, in the opinion of the Council, should be included as part of the total project cost.

E. <u>DEFERRED ASSESSMENTS</u>

Assessments deferred by resolution or agreement by the Council will be recorded at the Office of the Lyon County Recorder.

<u>AGRICULTURAL LAND EXEMPTIONS</u>. It shall be the policy of the City to exempt temporarily from assessments certain lands currently used for agricultural purposes.

When considering whether to grant an approval for agricultural exemption, the Council shall consider the following: the likelihood of the property being developed in the reasonably foreseeable future, the current use of the property, the ownership/management structure of the property, the size of the property, and other factors deemed pertinent.

Real estate shall be eligible for the assessment exemption if it is actively and exclusively devoted to agricultural use as defined hereinafter, and either:

- 1. is the homestead or thereafter becomes the homestead of a surviving spouse, child, or sibling of the said owner, or is real estate which is farmed with the real estate which contains the homestead property; or
- 2. has been in possession of the applicant, his or her spouse, parent, or sibling, or any combination thereof, for a period of at least seven (7) years prior to application; or
- 3. is the homestead of a shareholder in a family farm operation. Family farm corporation for the purpose of this section means a corporation founded for the purpose of farming and owning agricultural land in which all of the stockholders are related and members of a family.

Real property shall be considered to be in agricultural use provided that it is devoted by the owner of said real property to the raising of crops, forage, produce, fruits, or horticulture/nursery stock, or the production of livestock/poultry or livestock/poultry products. Real property which is enrolled in a government conservation or set-aside program shall also be considered to be in agricultural use. Slough, wasteland, and woodland contiguous to or surrounded by those lands above-described shall be considered to be in agricultural use if under the same ownership and management.

In all cases, the temporary exemption shall be deemed to have expired at such time as the property is platted and/or developed. For sewer and water projects, a tapping fee shall be charged at the time of connection or when the final plat is approved. These tapping fees shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater. For street projects, assessments will be charged when the property is developed or when the final plat is approved. These assessments shall be based on the project year bid price per front foot or unit, or on the current costs at the time of development/platting, whichever is greater.

AGRICULTURAL LAND DEFERMENTS.

It shall be the policy of the City to defer assessments against those lands which qualify for deferment under the Minnesota Agricultural Property Tax Law ("Green Acres" Law), M.S. 273.111, as amended.

It is the policy of the City not to defer assessments for improvements within the City unless circumstances warrant special consideration. Assessments shall be considered deferred only after the Council has ordered an improvement. The assessments shall remain in this classification until such time as they are paid in full by the property owner or certified to the county for collection. While deferred, interest will be certified to the county annually at the rates as established unless the Council by resolution defers such interest with the principal, at which time it shall be added to the principal. The Council may also, by resolution, forgive interest during the period assessments are deferred. All eligible applicants must file an application on a form provided by the Finance Director. The individual application must be filed on or before September 15 of the year preceding the year in which deferral status is requested in order to implement the deferral status for such year. The estimated useful life of the improvement shall apply to the payment of deferred assessments. This paragraph does not refer to deferred assessments for elderly and low-income persons, which are addressed below.

DEFERRAL FOR SENIOR CITIZENS OR DISABLED HOMEOWNERS.

(a) Authority of state law provisions cited. Pursuant to Minn. Stat. §§ 435.193-195, senior citizens OR retired disabled homeowners may defer special assessments levied against homestead property owned by the applicant if they meet the criteria of this section.

(b) *Eligibility.* Any person 65 years of age or older or totally and permanently disabled, as determined by the Social Security Administration, may defer special assessments levied against real property for public improvements if the following conditions are met:

 Ownership. The applicant must be a fee simple owner of the property or must be a contract vendee for fee simple ownership. If the ownership interest is split between multiple parties, all parties must be applicants. The applicants must provide either a recorded deed or recorded contract for deed with the application to establish a qualified ownership interest as required in this section.
 Homestead. The property must be the applicant's principal place of domicile and classified on the city's and county's real estate tax rolls as the applicant's homestead.

(3) *Net income.* The total of the applicant's net income and the net income of all other joint tenants, tenants in common or contract vendees entitled to the property may not exceed 80 percent of the latest median family income as determined by the Department of Housing and Urban Development.

(4) *Total assets.* The total net assets of the applicant may not exceed \$150,000.00, and such total assets shall include the homestead. The homestead value shall be determined by using the city assessor's value as determined for taxing purposes for the year preceding the year in which the application is made. (Marshall Ordinance 54-3 (b)(4).

(c) *Interest on deferred assessment.* All deferred special assessments shall be subject to and charged simple interest at the prevailing interest rate applicable to the assessment as originally levied. Such interest shall be payable upon termination of the deferral status.

(d) *Termination of deferral status.* The special assessment payments deferred pursuant to the eligibility requirements set forth by this section, together with any

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interest upon such deferred assessment, shall become immediately payable effective upon the occurrence of any of the following events: (Marshall Ordinance 54-3(d).

(1) Sale of property. The subject property is sold, transferred, subdivided, or in any way conveyed to another by the fee owner qualified for deferral status.

(2) *Death of owner.* The death of the fee owner qualified for deferral status unless a surviving joint tenant, tenant in common, or contract vendee is eligible for the deferral benefit provided under this section.

(3) *Nonhomestead property.* The subject property loses its homestead status for any reason.

(4) *No hardship.* The city council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment.

(e) *Filing for deferral status; fee.* All eligible applicants must file an application on a form provided by the Finance Director. All applicants must attach to their application their last federal and state income tax returns which they had to file according to the law. The individual application must be filed on or before September 15 of the year preceding the year for which deferral status is requested in order to implement the deferral status for such year. The applicant shall be charged a filing fee and/or other fee as determined by a resolution of the city council.

F. <u>CITY SHARE OF PROJECT COST</u>

Generally speaking, the City shall not participate in project costs for new developments. Exceptions to the rule will involve the installation of larger than normal water mains and/or sanitary and storm sewer mains for transmission purposes, or when a larger and stronger than normal street is required. In these instances, the City's participation will be limited to those costs directly attributable to the over-sizing or enhancements beyond those required to support the benefited properties. Additionally, it can be expected that the City will be a participant if it owns property in the proposed project area, except as outlined in paragraph "I" of this section.

The City will participate in the cost of street reconstruction projects. Assessments to benefited residential property owners under a reconstruction program shall be determined by establishing the total cost of reconstructing a standard residential street and assessing fifty (50) percent of the total cost to the property owners. Any costs directly attributable to over-sizing or enhancements may be paid fully or partially by the City and/or commercial or industrial properties requiring the over-sizing. Intersections of cross streets are not considered City-owned property for the purposes of this section.

The City may, at its discretion, finance the City's share of any such improvement costs by one or more of the following methods or any combination thereof:

- 1. <u>Street improvements</u> -
 - a. Pay all or portions of the reconstruction cost with ad valorem city tax

levies, municipal state-aid street funds (if applicable), reserves or such other funds which may be appropriate and available to the City from time to time.

- b. For street reconstruction or repairs required due to a utility line relocation, repair, or replacement, the City may require partial or total cost sharing from the Marshall Municipal Utilities Commission or any other public or private utility company which may be involved.
- c. General Obligation Public Improvement Bonds, under Minn. Stat. Chapter 429, may be issued to bridge the cash flow gap between collecting funds and paying for improvements. If the City intends to utilize Chapter 429 tax-exempt bonds as a revenue source for the construction of any special assessment project, the initial estimated value of special assessments to the benefited properties may not be less than twenty percent (20%) of the total adjusted project cost.
- d. General Obligation Street Reconstruction Bonds may be used for the reconstruction of streets as per Minn. Stat. § 475.58, Subd. 3.b.
- 2. Water, sanitary sewer or storm sewer improvements -
 - a. Pay all or portions of the project cost through an assessment as shown in Section V.
 - b. Levy an ad valorem tax to pay all or a portion of the City's share of any project, or use such other funds as may be available to the City from time to time.
 - c. Apply sanitary sewer service revenues from the Wastewater Treatment Fund.
 - d. Apply storm sewer revenues from the Surface Water Management Utility Fund.
 - e. General Obligation Water or Sewer Bonds may be issued under Minn. Stat. Chapter 444 to bridge the cash flow gaps between revenues, collections, and paying project costs.

G. DRIVEWAY PAVEMENT

Any driveway aprons located on the public right of way disturbed by any street/utility reconstruction project, shall be repaired and/or removed and replaced as part of the reconstruction project. The repair and/or removal and replacement shall be paid one-half by the owner and one-half by the City. Any enlargement or additional apron shall be paid 100% by the property owner for the additional apron portion requested by the property owner.

H. <u>PRIVATE DEVELOPER PROJECTS</u>

No special assessments for improvements shall be left pending, and the developer requesting the improvements shall be required to fund and pay the special assessments benefiting any such properties according to the Development Contract with the City. The "no pending" policy shall apply to properties lying outside the City limits as well. The Council may consider reimbursement to the appropriate parties if such property is annexed and subsequently assessed for the improvement, and if the entire assessment and accrued interest is paid within ten (10) years from the date of construction.

I. <u>GOVERNMENT-OWNED PROPERTIES</u>

Government property owners shall be responsible for assessments associated with new developments and/or reconstruction projects, or other improvements consistent with procedures of like improvements.

J. FRONTAGE ROADS

Frontage roads along highways or other arterial streets are generally deemed to be of benefit only to properties served; therefore, the entire cost of any such improvement shall be assessed totally to the property owners. The Council may consider special circumstances as appropriate to determine and adjust benefit and subsequent cost, subject to reductions by State Aid or other outside funding.

K. <u>DELETION OF PROPERTIES</u>

The City shall reserve the right to delete land within the improvement area from the assessment rolls if, in the opinion of the City, the land cannot be developed and/or is not benefited. In that event, no development of that property shall be permitted nor shall any physical connection to the City's water, sewer, or storm drainage facilities be made by any development on that property, unless and until a development contract is approved defining the costs to be paid by the developer/owner of the property for the connection or use of said improvements.

L. SERVICE OUTSIDE THE CITY LIMITS

If the City installs facilities which benefit property which lies outside the corporate limits, that area and the allocable costs shall be included in the original public hearing for the improvement. The City may negotiate a contract with the owner of such property, which will provide for payment to the City on the same basis as if the property were within the City, and charge for the improvement as a prepayment upon completion of the project. No physical connection to the City's sanitary sewer or water main trunk line systems will be permitted until a development contract, including satisfaction of costs or assessments, is executed. To the greatest extent possible and practical, it shall be the policy of the City to require annexation prior to the extension of any service or facility to any property outside the City limits.

M. INTERSECTIONS

The cost of all improvements in street intersections shall be included as part of the total project and assessable costs.

N. IRREGULAR SHAPED LOTS AND CORNER LOTS, CUL-DE-SACS

Assessments for street improvements on cul-de-sacs shall be based upon the number of lots in the cul-de-sac and the assessments shall be equal and not dependent on lot frontage.

Assessments for other irregularly shaped lots may be based upon land area or frontages or a combination of both frontage and area of similar properties in the assessment area.

Corner lots shall be assessed for the frontage of the lot with the frontage determined by the address of the property.

O. <u>Use of Connection Fees</u>

In addition, to the normal tapping fees as set by resolution, for properties for which special assessments for utilities have not been paid, additional tapping fees are established by the City to reflect approximately the usual assessment charged for sewer and/or water in the year of connection. The Director of Public Works/City Engineer will annually calculate sewer and water tapping fees based on current project costs. The City shall collect said connection fees in total at the time a permit is issued for connection to the City sewer and/or water mains, or at the time a permit is issued for remodeling or for an addition which will increase the number of units on a parcel beyond what was originally assessed for. No part of said connection fees shall be delayed, deferred, or suspended. The estimated useful life of the improvement shall be considered when calculating each individual connection fee.

P. <u>TAX FORFEITED PROPERTIES</u>

Properties which have been forfeited to the State for nonpayment of taxes are subject to possible reassessment. The amount of special assessments subject to reassessment are determined by Council resolution following notice from the county of the appraised value of the tax forfeited land and the date of proposed sale. A resolution of the County Board eventually authorizes and fixes the terms of the sale. Following notice of any sale of a tax forfeited property, the City will conduct an assessment hearing and certify for collection any unpaid special assessment balance for a period of five (5) years, or the remaining length of the bond issue debt service schedule, whichever is longer. These assessment terms and conditions may be modified on a case by case basis only if there is variation in the sale price established by the county.

Q. <u>MMU AGREEMENTS</u>

An agreement between the City and Marshall Municipal Utilities (hereinafter referred to as "MMU") exists for the installation and maintenance of street lights.

R. <u>TAX EXEMPT PROPERTIES</u>

Private cemeteries (except as exempt per Minn. Stat. § 306.14, Subd. 2), churches, hospitals, schools and similar institutions, and railroads must pay special assessments.

S. <u>REAPPORTIONMENT</u>

The splitting of special assessments shall only be accomplished by a resolution of the Council after the applicant has filled in the necessary forms as provided by the City Clerk and has paid the application fee as set by Council resolution.

Property owners may apply to the City for reapportionment of special assessments for any tract of land against which a special assessment has been levied and is subsequently subdivided. The City may, on its own motion or on application of the owner of any part of the tract, equitably apportion among the lots in the tract all of the unpaid assessments. Such action must, however, be preceded by a notice served upon all owners of any part of the tract and subsequent public hearing. The public hearing may be waived upon approval of all affected property owners.

As a part of its approval process, the City will require the reapportionment of special assessments to be based on benefit and assessed equitably against the front footage, lot size, or number of units, or by whatever means the City deems appropriate.

T. <u>Alleys</u>

Improvements to alleys will be assessed to benefited property owners for one hundred (100) percent of the cost. Exceptions will include routine maintenance as determined by the Director of Public Works/City Engineer.
IV. PROCEDURES

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>INITIATION OF PROCEDURES</u>

- 1. <u>By Petition</u>: A petition for improvement by property owners may initiate proceedings. Said petition must have the signature of the owners of at least thirty-five (35) percent of the frontage of the property bordering the proposed improvements. Petitions for public improvements must be received by the City Clerk prior to November 15 of the previous year in which the construction is requested. The City may delay construction to the following year for petitions received after the deadline.
- 2. <u>By Council Action</u>: If the Council determines that an improvement is in the best interest of the City, it can, without petition, order an improvement. If the Council acts on its own initiative, a simple majority only is necessary to initiate the proceedings.
- 3. <u>100% Signed Petition</u>: When a petition is signed by one hundred (100) percent of the property owners affected by an improvement, the Council may order said improvement without holding an improvement hearing. This can be accomplished by special resolution declaring adequacy of petition.

B. RESOLUTION ORDERING PREPARATION OF A REPORT ON IMPROVEMENT

The Council shall order an improvement report from the Director of Public Works/City Engineer which reviews such factors as the need for the project, the availability of City funds, an estimate of total project costs, and other information necessary for the Council to make a decision.

C. PUBLIC HEARING ON PROPOSED IMPROVEMENT

With the exception of the one hundred (100) percent signed petition, the City shall publish notice of the hearing twice in the official newspaper, with the notices appearing at least one (1) week apart. At least three (3) days must elapse between the last publication date and the date of the hearing. A notice shall be mailed to each affected property owner at least ten (10) days prior to the hearing date stating hearing date, time and place information, general nature of the proposed improvements, and estimated costs to be assessed to property owners.

D. <u>RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND</u> <u>RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT</u> FOR BIDS

If improvement proceedings are initiated by petition, the Council needs a simple majority to pass a resolution for improvement. If the Council initiated the proceedings, the resolution may be adopted only by favorable vote of four-fifths or more of all members of the Council. The Council will then direct the Director of Public Works/City Engineer to prepare plans and specifications, followed by a call for bids.

E. <u>RESOLUTION DECLARING THE CITY'S INTENT TO BOND FOR ALL PUBLIC IMPROVEMENT</u> COSTS RELATED TO THE SPECIFIC PROJECT BEING APPROVED

To preserve the option to bond later, should there be cash flow gaps, the Council should approve the reimbursement resolution allowing costs incurred no more than 60 days preceding the resolution and any future costs to be reimbursed or funded from bond proceeds.

F. <u>RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF</u> <u>PROPOSED ASSESSMENT</u>

Assessment rolls are prepared by City staff pursuant to provisions of M.S. §429.061. Assessment rolls will be prepared for each project involving assessments to benefited properties, and are to include parcel descriptions and estimated assessment costs.

G. <u>WAIVERS</u>

The City reserves the right, in certain circumstances, to obtain and enter into agreements of assessment and waiver of irregularities and appeal with property owners. Any agreement of assessment and waiver of rights is effective only for the assessment agreement upon by the City and property owners.

H. <u>PUBLIC HEARING ON THE PROPOSED ASSESSMENT</u>

The assessment hearing is designed to give affected property owners an opportunity to express their concerns. The City must publish notice of the hearing, including the total cost of the improvement, in the official City newspaper one or more times at least two (2) weeks prior to the hearing date. The City will also mail a statement showing possible prepayment provisions, and the interest rate on the assessments if they are to be paid in installments, all as required by Minn. Stat. Chapter 429.

I. RESOLUTION ADOPTING ASSESSMENT AND CERTIFICATION OF ASSESSMENT ROLLS

Following the hearing, the assessment roll shall be officially adopted by the Council and certified to the Office of the Lyon County Auditor. All adjustments to the roll shall be made by contacting the Finance Director prior to the hearing, or by the Council at the time of the hearing. The assessments will be levied in equal annual principal installments with interest set by the Council on the unpaid balance.

J. <u>Prepayments</u>

Partial prepayment of assessments permitted. After the adoption of an assessment roll pursuant to Minn. Stat. Chapter 429, and before certification of such assessment roll to the Office of the Lyon County Auditor, the authorized official, is directed to accept partial prepayment of such assessment and reduce the amount certified to the Office of the Lyon County Auditor accordingly. Interest on unpaid special assessments will be charged beginning 30 days after the adoption of assessment roll.

ii. Prepayment in full. The property owner may, at any time prior to November 15 of any year, prepay to the finance director of the City of Marshall, that whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is made.

V. METHODS OF DETERMINING ASSESSMENTS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>GENERAL ASSESSMENT INFORMATION</u>

It shall be the policy of the City to assess benefited properties by linear foot, area, service size, or per property, whichever is determined by the City to be the most equitable and appropriate. All facilities which represent new service to areas previously without City utility service shall be assessed at the rate of one hundred (100) percent of the cost of installation.

B. <u>SANITARY SEWERS</u>

New Construction Projects: Paid for by developer or 100% assessed. Generally the project costs are divided by the total number of services to determine the rate per service. The rate is then multiplied by the number of services to each individual property to determine the individual property assessment. In those projects where oversizing is required due to service for areas outside the proposed improvement area, funding for oversizing of the sewer infrastructure comes from the Wastewater Treatment Fund. These costs may be reduced by State Aid or other outside funding.

Replacement Projects:

Residential:

100% of sanitary sewer replacement costs to be funded by the Wastewater Treatment Fund. These costs may be reduced by State Aid or other outside funding.

Industrial/Commercial:

100% of sanitary sewer replacement costs to be funded by the Wastewater Treatment Fund. These costs may be reduced by State Aid or other outside funding.

C. WATERMAIN AND WATER SERVICES

New Construction Projects: If agreed upon by the City during the development of a Development Agreement, special assessment may be used to fund a portion of the costs of water main and water service lines. The City shall take a secured position in the benefited property until such time as the special assessments are paid in full for said improvement. If special assessment is utilized, the project costs are divided by the total number of services to determine the rate per service. The rate is then multiplied by the number of services to each individual property to determine the individual property assessment. In areas of the community not in a Water Area Charge or WAC zone, as determined by MMU, the developer may receive partial funding from MMU, as determined during the preparation of the Development Agreement for upsizing of water main to serve adjoining areas. These costs may be reduced by State Aid or other outside funding.

In a WAC zone a developer may be eligible for cost participation in the installation of water transmission mains according to the policy established by MMU.

Replacement Projects:

Special Assessments will not be used for water main and water service line replacement projects

D. <u>LIFT STATIONS</u>

All newly developed properties whose sanitary sewage or storm water runoff must be elevated by a lift station in order to reach the Waste Treatment Plant or storm water system and have not previously been assessed for a portion of the lift station, shall be assessed a lift station connection fee equal to ten (10) percent of a normal sanitary sewer assessment.

E. <u>STORM SEWERS</u>

New Construction Projects: Paid for by developer or 100% assessed. Generally the project costs are divided by the total square footage of the assessable lots to determine the rate per square foot. The rate is then multiplied by the square footage of each individual property to determine the individual property assessment. In those projects where significant drainage areas are outside the proposed improvement area, funding for oversizing of drainage infrastructure should come from adjacent areas or City funds. These costs may be reduced by State Aid or other outside funding.

Replacement Projects:

100% of storm sewer replacement costs to be funded by the Surface Water Management Utility Fund. These costs may be reduced by State Aid or other outside funding.

F. <u>New Street Construction</u>

Paid for by developer or 100% assessed. Generally the project costs are divided by the total front footage of the assessable lots to determine the rate per front lineal foot. The rate is then multiplied by the front footage of each individual property to determine the individual property assessment. These costs may be reduced by State Aid or other outside funding.

G. STREET RECONSTRUCTION

Industrial/Commercial: The maximum commercial/industrial assessment shall be the lesser of:

- 1) the actual project cost spread by the front footage of the property adjacent to the project
- 2) the equivalent number of residential parcels based upon 10,000 SF per average residential property size, multiplied by the Residential 20-Year Maximum Street Reconstruction Assessment (per the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall")

Example: For a 100,000 SF Industrial/Commercial property: 100,000 / 10,000 x \$5,700 = \$57,000.00

3) the average residential front foot cost (\$5,700/80=\$71.25) (per the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall") multiplied by a width factor (for street widths in excess of the 36-ft. standard residential street width) times the strength factor (10-ton divided by 7-ton) times the front footage of the property adjacent to the project

Example: For a 300 LF frontage Industrial/Commercial property with a street width of 38 ft.:

71.25 x 38 / 36 x 10 / 7 x 250 = \$32,232.14

These costs may be reduced by State Aid or other outside funding.

Residential: 50% assessed to adjacent property owners. The City will contribute the remaining 50%. In areas that street sections have additional strength requirements, the added base and surfacing thicknesses are paid for by the City. These costs may be reduced by State Aid or other outside funding.

The Residential 20-Year Maximum Street Reconstruction Assessment is in accordance with the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall".

For multiple-lot properties or properties with frontages greater than 120 LF (average 80-ft. frontage residential lot x 1.5) times the Residential 20-Year Maximum Street Reconstruction Assessment will be increased by the actual front footage divided by the average front footage.

Example: For a multiple-lot or single-lot of 200 LF $200 / 120 \times 5,700 = \$9,500.00$

H. SIDEWALKS AND BIKE PATHS

All costs for installing sidewalk facilities may be assessed against abutting properties based on the same formula applicable to street or curb and gutter improvements.

<u>City-Ordered Sidewalk</u>: In any case where a sidewalk is planned and constructed upon order by the Council, the cost of that improvement may be assessed, may be part of a development agreement, or may be paid in full by the City.

<u>Bike Paths</u>: Bike Paths shall be assessed according to the sidewalk provisions above with the additional width over the normal sidewalk width paid by the City. The City participation may be reduced by State Aid or other outside funding.

I. CALCULATING CONNECTION FEES (FOR WATERMAINS NOT PREVIOUSLY ASSESSED)

Connection fees are established by the Council, upon recommendation by MMU, and reviewed annually to assure that amounts accurately reflect comparable assessment amounts for sewer and/or water from recent improvement project. The estimated useful life of the improvement shall be considered when calculating each individual connection fee, and the amount charged shall reflect the pro-rated fee based on useful life theory (see section VI.A.).

For property on which multiple residential units are constructed, the connection fee shall include the initial amount for the first living unit, and, for each unit thereafter, an amount equal to twenty (20) percent of the initial amount or standard fee for a residential unit. The amount for additional units in a multiple family structure shall be due the City regardless of previous assessments and shall be payable at the time the building permit is obtained. In no event shall the connection fee exceed the cost of installing an eight (8)-inch water main based on current year prices.

Remodeling projects which result in the number of living units in a structure being increased shall be subject to the connection fee described above.

VI. LIFE EXPECTANCY OF IMPROVEMENTS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>IMPROVEMENT CLASSIFICATION</u>

<u>Watermain</u>: The estimated useful life of watermain facilities shall be thirty (30) years from the date of initial construction.

<u>Sanitary Sewer</u>: The estimated useful life of sanitary sewer facilities shall be thirty (30) years from the date of initial construction.

<u>Storm Sewer</u>: The estimated useful life of a storm sewer system involving installation of pipe and appurtenances shall be thirty (30) years from the date of initial construction.

<u>Streets</u>: The estimated useful life of a street shall be twenty (20) years from the date of initial construction.

<u>Street Lights</u>: The estimated useful life of street lights shall be twenty (20) years from the date of initial construction.

<u>Sidewalks</u>: The estimated useful life of a sidewalk shall be twenty (20) years from the date of initial construction.

B. <u>USEFUL LIFE APPLICATION</u>

<u>Street and Utility Infrastructure</u>: When any municipal infrastructure must be reconstructed or replaced, and that infrastructure has provided a period of use equal to or more than the estimated useful life of a infrastructure as hereinbefore described, all costs for such replacement shall be according to assessment procedures appropriate to the improvement constructed or reconstructed.

Assessments for any public infrastructure which must be reconstructed or replaced before the estimated useful life of the infrastructure shall be multiplied by the percentage of useful life attained for the respective infrastructure. This shall not include street overlay projects.

If failures are caused by changes in use, the Council may, at its discretion, assess one hundred (100) percent of the replacement cost to benefited properties.

VII. WORK BY OTHERS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. WORK BY PRIVATE DEVELOPERS

Work by private developers shall occur only within the boundaries of private property. Any public utility or street construction work within a public right-of-way shall be done only by contract with the City, or by the provisions of an approved Development Contract.

B. PRIVATE INSTALLATIONS ON PUBLIC RIGHT-OF-WAY

Property owners are strongly discouraged from placing any improvement in, or in any way altering, the public right-of-way, except that a driveway may be installed at the expense of the property owner to the curb when approved by the City.

All private installations on public right-of-way shall be the responsibility of the property owner, and any damages to such private installations shall be the full responsibility of the property owner. This includes, but is not limited to, mailboxes and their supports, sprinkler systems, storm drains and landscaping. All such items may not be included in any special assessment project.

The foregoing was duly adopted by the Common Council of the City of Marshall at its regular meeting held on the 11th day of August, 2020.

THE COMMON COUNCIL

Mayor of the City of Marshall, MN

ATTEST:

City Clerk

RESOLUTION NUMBER <u>4522</u>, SECOND SERIES

RESOLUTION AMENDING RESOLUTION NUMBER 4522, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2946, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2757, SECOND SERIES RESOLUTION AMENDING RESOLUTION NUMBER 2673, SECOND SERIES ESTABLISHING AND PROVIDING FOR THE CITY OF MARSHALL SPECIAL ASSESSMENT POLICY



CITY OF MARSHALL SPECIAL ASSESSMENT POLICY

(Originally Adopted: October 18, 2004) (First Revision: August 1, 2005) (Second Revision: March 19, 2007) (Third Revision: June 12, 2018)

Third Revision:June 12, 2018Fourth Revision:________, 2020

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I. GENERAL INFORMATION

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>THE THEORY OF SPECIAL ASSESSMENTS</u>

Special assessments are those charges levied against certain parcels of land for the cost of public improvements and for which the City Council has determined that said parcels being assessed will be specifically benefited by the improvements.

B. <u>SPECIAL ASSESSMENT USES</u>

Special assessments may be used to pay the cost of all or a portion of public improvement projects, including the maintenance and/or repair of the City's infrastructure. Improvement projects include, but are not necessarily limited to, the construction and/or reconstruction of streets (sub-base, base, hard surfacing), alleys, curb and gutter, sidewalks, driveway approaches, sewer service lines, water service lines, and amenities. Special assessments for reconstruction of watermains, sanitary sewer mains, and storm sewer mains will not be special assessed.

C. <u>THE BENEFIT PRINCIPLE</u>

Special assessments may be levied only upon property receiving a special benefit from the improvement. The rate must be uniform upon the same classes of property receiving special benefits. Assessments must be confined to property benefited, and the amount of the assessment must not exceed the benefit derived by the improved property.

II. GENERAL STATEMENTS OF PURPOSE, POLICY, AND LIMITS

Resolution Number _____, Second Series -- Adopted: 08/11/2020



A. <u>Purpose</u>

The purpose of this Special Assessment Policy is to set forth the policies and procedures for the determination of benefit and the assessment of cost of the various public improvements which are constructed and installed by the City of Marshall (hereinafter called "City") pursuant to the law, the City Charter and Code of Ordinances, and the order of the City Council (hereinafter called "Council") of the City of Marshall. These policies shall serve as a guide for this and future Councils, for administrative personnel, and as a source of information for all persons concerned with such matters. It is the intent and purpose of these policies to provide for and insure consistent, uniform, fair, and equitable treatment, insofar as is practical, lawful, and possible, of all property owners in regard to the assessment of cost for benefits to property for the various improvements of streets and utilities within the City.

B. POLICY

The Council hereby declares:

That the assessment policies contained herein are the policies that the City is dedicated to follow, as nearly as possible and practical; and

That all improvement costs shall, whenever possible, be assessed in full against benefited property on a one hundred (100) percent basis. In order to keep the City's share of the cost of improvements to a minimum, and to avoid deferred assessments, no improvements shall be made outside the City limits unless a petition for annexation of the property to the City is signed, or the assessments against the benefited property can be collected by a voluntarily negotiated contract.

C. <u>LIMITS</u>

These assessment policies are designed to serve only as a general guide for the Council in allocating benefits to properties for the purpose of defraying the cost of installing public facilities. The Council reserves the right to vary from these policies if the policies act to create obvious inequities, or where the assignment of benefit to a particular property is difficult because of an extreme and unusual situation which may occur in the future, or if such variance is deemed to be in the best interest of the City.

III. SPECIFIC POLICIES

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>Assessments</u>

Special assessments for public improvement projects will be determined by taking into consideration total project costs and an assessment formula based on front footage, area, or unit basis. The total amount of assessments will not exceed the project cost, as defined in Section III.D., and will be apportioned uniformly among properties having the same general land use based on benefit. The total assessment against any parcel shall not exceed benefit. Project cost may include part or all of the cost of previously installed projects, not previously assessed, subject to legal considerations.

B. ASSESSMENT PERIOD

The standard term of assessment for public improvements shall be eight (8) years. The Council may, however, establish a shorter or longer term if it is determined to be in the best interests of the City. In no event shall the term exceed a period of twenty (20) years.

C. INTEREST RATE

The Council shall establish an interest rate to be paid on the unpaid balance of special assessments as may be necessary to meet bond principal and interest, as well as other related municipal costs. The interest rate shall generally be established at the time of the public hearing on the proposed assessment. Said interest rate shall be established at 2 percentage points above the bond interest rate incurred by the City for bond related to the project. If no bond is required, the interest rate shall be 2.5 percent.

D. PROJECT COST

The City-Council shall determine the cost of the improvement by adding: the amount of contract cost; the cost of labor and materials furnished by the City, if not contained in contract costs; the cost of engineering, legal, fiscal, and administrative services provided by City staff or other parties; the cost of acquiring easements, property, or right-of-way required by the improvement; interest costs incurred by the City between the time money is borrowed for the improvement and special assessments are paid in full; and any other costs which, in the opinion of the Council, should be included as part of the total project cost.

E. <u>DEFERRED ASSESSMENTS</u>

Assessments deferred by resolution or agreement by the City Council will be recorded at the Office of the Lyon County Recorder's Office.

<u>AGRICULTURAL LAND EXEMPTIONS</u>. It shall be the policy of the City to exempt temporarily from assessments certain lands currently used for agricultural purposes.

When considering whether to grant an approval for agricultural exemption, the Council shall consider the following: the likelihood of the property being developed in the reasonably foreseeable future, the current use of the property, the ownership/management structure of the property, the size of the property, and other factors deemed pertinent.

Real estate shall be eligible for the assessment exemption if it is actively and exclusively devoted to agricultural use as defined hereinafter, and either:

- 1. is the homestead or thereafter becomes the homestead of a surviving spouse, child, or sibling of the said owner, or is real estate which is farmed with the real estate which contains the homestead property; or
- 2. has been in possession of the applicant, his or her spouse, parent, or sibling, or any combination thereof, for a period of at least seven (7) years prior to application; or
- 3. is the homestead of a shareholder in a family farm operation. Family farm corporation for the purpose of this section means a corporation founded for the purpose of farming and owning agricultural land in which all of the stockholders are related and members of a family.

Real property shall be considered to be in agricultural use provided that it is devoted by the owner of said real property to the raising of crops, forage, produce, fruits, or horticulture/nursery stock, or the production of livestock/poultry or livestock/poultry products. Real property which is enrolled in a government conservation or set-aside program shall also be considered to be in agricultural use. Slough, wasteland, and woodland contiguous to or surrounded by those lands above-described shall be considered to be in agricultural use if under the same ownership and management.

In all cases, the temporary exemption shall be deemed to have expired at such time as the property is platted and/or developed. For sewer and water projects, a tapping fee shall be charged at the time of connection or when the final plat is approved. These tapping fees shall be based on the project year bid price per front foot or unit, or on the current year costs at the time of connection/platting, whichever is greater. For street projects, assessments will be charged when the property is developed or when the final plat is approved. These assessments shall be based on the project year bid price per front foot or unit, or on the current costs at the time of development/platting, whichever is greater.

AGRICULTURAL LAND DEFERMENTS.

It shall be the policy of the City to defer assessments against those lands which qualify for deferment under the Minnesota Agricultural Property Tax Law ("Green Acres" Law), M.S. 273.111, as amended.

It is the policy of the City not to defer assessments for improvements within the City unless circumstances warrant special consideration. Assessments shall be considered deferred only after the Council has ordered an improvement. The assessments shall remain in this classification until such time as they are paid in full by the property owner or certified to the <u>county County</u> for collection. While deferred, interest will be certified to the <u>county County</u> annually at the rates as established unless the Council by resolution defers such interest with the principal, at which time it shall be added to the principal. The Council may also, by resolution, forgive interest during the period assessments are deferred. All eligible applicants must file an application on a form provided by the Finance Director. The individual application must be filed on or before September 15 of the year preceding the year in which deferral status is requested in order to implement the deferral status for such year. The estimated useful life of the improvement shall apply to the payment of deferred assessments. This paragraph does not refer to deferred assessments for elderly and low-income persons, which are addressed below.

DEFERRAL FOR SENIOR CITIZENS OR DISABLED HOMEOWNERS.

(a) Authority of state law provisions cited. Pursuant to Minn. Stat. §§ 435.193-435.195, senior citizens OR retired disabled homeowners may defer special assessments levied against homestead property owned by the applicant if they meet the criteria of this section.

(b) *Eligibility.* Any person 65 years of age or older or totally and permanently disabled, as determined by the Social Security Administration, may defer special assessments levied against real property for public improvements if the following conditions are met:

 Ownership. The applicant must be a fee simple owner of the property or must be a contract vendee for fee simple ownership. If the ownership interest is split between multiple parties, all parties must be applicants. The applicants must provide either a recorded deed or recorded contract for deed with the application to establish a qualified ownership interest as required in this section.
Homestead. The property must be the applicant's principal place of domicile and classified on the city's and county's real estate tax rolls as the applicant's homestead.

(3) *Net income.* The total of the applicant's net income and the net income of all other joint tenants, tenants in common or contract vendees entitled to the property may not exceed 80 percent of the latest median family income as determined by the Department of Housing and Urban Development.

(4) *Total assets.* The total net assets of the applicant may not exceed \$150,000.00, and such total assets shall include the homestead. The homestead value shall be determined by using the city assessor's value as determined for taxing purposes for the year preceding the year in which the application is made. (Marshall Ordinance 54-3 (b)(4).

(c) *Interest on deferred assessment.* All deferred special assessments shall be subject to and charged simple interest at the prevailing interest rate applicable to the assessment as originally levied. Such interest shall be payable upon termination of the deferral status.

(d) *Termination of deferral status.* The special assessment payments deferred pursuant to the eligibility requirements set forth by this section, together with any

interest upon such deferred assessment, shall become immediately payable effective upon the occurrence of any of the following events: (Marshall Ordinance 54-3(d).

(1) Sale of property. The subject property is sold, transferred, subdivided, or in any way conveyed to another by the fee owner qualified for deferral status.

(2) *Death of owner.* The death of the fee owner qualified for deferral status unless a surviving joint tenant, tenant in common, or contract vendee is eligible for the deferral benefit provided under this section.

(3) *Nonhomestead property.* The subject property loses its homestead status for any reason.

(4) *No hardship.* The city council determines that there would be no hardship to require an immediate or partial payment of the deferred special assessment.

(e) *Filing for deferral status; fee.* All eligible applicants must file an application on a form provided by the Finance Director. All applicants must attach to their application their last federal and state income tax returns which they had to file according to the law. The individual application must be filed on or before September 15 of the year preceding the year for which deferral status is requested in order to implement the deferral status for such year. The applicant shall be charged a filing fee and/or other fee as determined by a resolution of the city council.

F. <u>CITY SHARE OF PROJECT COST</u>

Generally speaking, the City shall not participate in project costs for new developments. Exceptions to the rule will involve the installation of larger than normal water mains and/or sanitary and storm sewer mains for transmission purposes, or when a larger and stronger than normal street is required. In these instances, the City's participation will be limited to those costs directly attributable to the over-sizing or enhancements beyond those required to support the benefited properties. Additionally, it can be expected that the City will be a participant if it owns property in the proposed project area, except as outlined in paragraph "I" of this section.

The City will participate in the cost of street reconstruction projects. Assessments to benefited residential property owners under a reconstruction program shall be determined by establishing the total cost of reconstructing a standard residential street and assessing fifty (50) percent of the total cost to the property owners. Any costs directly attributable to over-sizing or enhancements may be paid fully or partially by the City and/or commercial or industrial properties requiring the over-sizing. Intersections of cross streets are not considered City-owned property for the purposes of this section.

The City may, at its discretion, finance the City's share of any such improvement costs by one or more of the following methods or any combination thereof:

- 1. <u>Street improvements</u> -
 - a. Pay all or portions of the reconstruction cost with ad valorem city tax

levies, municipal state-aid street funds (if applicable), reserves or such other funds which may be appropriate and available to the City from time to time.

- b. For street reconstruction or repairs required due to a utility line relocation, repair, or replacement, the City may require partial or total cost sharing from the Marshall Municipal Utilities Commission or any other public or private utility company which may be involved.
- c. General Obligation Public Improvement Bonds, under Minn. Stat. Chapter 429, may be issued to bridge the cash flow gap between collecting funds and paying for improvements. If the City intends to utilize Chapter 429 tax-exempt bonds as a revenue source for the construction of any special assessment project, the initial estimated value of special assessments to the benefited properties may not be less than twenty percent (20%) of the total adjusted project cost.
- d. General Obligation Street Reconstruction Bonds may be used for the reconstruction of streets as per Minn. Stat. <u>§</u>475.58, Subd. 3.b.
- 2. Water, sanitary sewer or storm sewer improvements -
 - a. Pay all or portions of the project cost through an assessment as shown in Section V.
 - b. Levy an ad valorem tax to pay all or a portion of the City's share of any project, or use such other funds as may be available to the City from time to time.
 - c. Apply <u>sanitary</u> sewer service revenues from the Wastewater Treatment Fund-operation.
 - d. Apply storm sewer revenues from the Surface Water Management Utility Fund.
 - d.e. General Obligation Water or Sewer Bonds may be issued under Minn. Stat. Chapter 444 to bridge the cash flow gaps between revenues, collections, and paying project costs.
- G. DRIVEWAY PAVEMENT

Any driveway aprons located on the public right of way disturbed by any street/utility reconstruction project, shall be repaired and/or removed and replaced as part of the reconstruction project. The repair and/or removal and replacement shall be paid one-half by the residential owner and one-half by the City-on residential properties. Said driveway apron repair and/or removal and replacement shall be paid 100% by the property owner on commercial properties. Any enlargement or <u>new additional</u>

apron shall be paid 100% by the property owner (both residential and commercial) for the additional apron portion requested by the property owner.

H. <u>PRIVATE DEVELOPER PROJECTS</u>

No special assessments for improvements shall be left pending, and the developer requesting the improvements shall be required to fund and pay the special assessments benefiting any such properties according to the Development Contract with the City. The "no pending" policy shall apply to properties lying outside the City limits as well. The Council may consider reimbursement to the appropriate parties if such property is annexed and subsequently assessed for the improvement, and if the entire assessment and accrued interest is paid within ten (10) years from the date of construction.

I. <u>GOVERNMENT-OWNED PROPERTIES</u>

Government property owners shall be responsible for assessments associated with new developments and/or reconstruction projects, or other improvements consistent with procedures of like improvements.

J. FRONTAGE ROADS

Frontage roads along highways or other arterial streets are generally deemed to be of benefit only to properties served; therefore, the entire cost of any such improvement shall be assessed totally to the property owners. The Council may consider special circumstances as appropriate to determine and adjust benefit and subsequent cost, subject to reductions by State Aid or other outside funding.

K. <u>DELETION OF PROPERTIES</u>

The City shall reserve the right to delete land within the improvement area from the assessment rolls if, in the opinion of the City, the land cannot be developed and/or is not benefited. In that event, no development of that property shall be permitted nor shall any physical connection to the City's water, sewer, or storm drainage facilities be made by any development on that property, unless and until a development contract is approved defining the costs to be paid by the developer/owner of the property for the connection or use of said improvements.

L. SERVICE OUTSIDE THE CITY LIMITS

If the City installs facilities which benefit property which lies outside the corporate limits, that area and the allocable costs shall be included in the original public hearing for the improvement. The City may negotiate a contract with the owner of such property, which will provide for payment to the City on the same basis as if the property were within the City, and charge for the improvement as a prepayment upon completion of the project. No physical connection to the City's sanitary sewer or water main trunk line systems will be permitted until a development contract, including satisfaction of costs or assessments, is executed. To the greatest extent possible and practical, it shall be the policy of the City to require annexation prior to the extension of any service or facility to any property outside the City limits.

M. INTERSECTIONS

The cost of all improvements in street intersections shall be included as part of the total project and assessable costs.

N. IRREGULAR SHAPED LOTS AND CORNER LOTS, CUL-DE-SACS

Assessments for street improvements on cul-de-sacs shall be based upon the number of lots in the cul-de-sac and the assessments shall be equal and not dependent on lot frontage.

Assessments for other irregularly shaped lots may be based upon land area or frontages or a combination of both frontage and area of similar properties in the assessment area.

Corner lots shall be assessed on the same basis as any other residential lot for the frontage of the lot with the frontage determined by the address of the property.

O. <u>Use of Connection Fees</u>

In addition, to the normal tapping fees as set by resolution, for properties for which special assessments for utilities have not been paid, additional tapping fees are established by the City to reflect approximately the usual assessment charged for sewer and/or water in the year of connection. The Director of Public Works/City Engineer will annually calculate sewer and water tapping fees based on current project costs. The City shall collect said connection fees in total at the time a permit is issued for connection to the City sewer and/or water mains, or at the time a permit is issued for remodeling or for an addition which will increase the number of units on a parcel beyond what was originally assessed for. No part of said connection fees shall be delayed, deferred, or suspended. The estimated useful life of the improvement shall be considered when calculating each individual connection fee.

P. <u>TAX FORFEITED PROPERTIES</u>

Properties which have been forfeited to the State for nonpayment of taxes are subject to possible reassessment. The amount of special assessments subject to reassessment are determined by Council resolution following notice from the <u>county</u> County of the appraised value of the tax forfeited land and the date of proposed sale. A resolution of the County Board eventually authorizes and fixes the terms of the sale. Following notice of any sale of a tax forfeited property, the City will conduct an assessment hearing and certify for collection any unpaid special assessment balance for a period of five (5) years, or the remaining length of the bond issue debt service schedule, whichever is longer. These assessment terms and conditions may be modified on a case by case basis only if there is variation in the sale price established by the <u>countyCounty</u>.

Q. <u>MMU AGREEMENTS</u>

An agreement between the City-of Marshall and Marshall Municipal Utilities (hereinafter referred to as "MMU") exists for the installation and maintenance of street lights. This agreement is made a part of this assessment policy.

R. TAX EXEMPT PROPERTIES

Private cemeteries (except as exempt per Minn. Stat. §_306.14, Subd. 2), churches, hospitals, schools and similar institutions, and railroads must pay special assessments.

S. <u>REAPPORTIONMENT</u>

The splitting of special assessments shall only be approved if the unpaid balance of the special assessment is more than \$2,000.00. The splitting of special assessments shall only be accomplished by a resolution of the city council <u>Council</u> after the applicant has filled in the necessary forms as provided by the City Clerk and has paid the application fee as set by <u>city council</u> <u>Council</u> resolution.

Property owners may apply to the City for reapportionment of special assessments for any tract of land against which a special assessment has been levied and is subsequently subdivided. The City may, on its own motion or on application of the owner of any part of the tract, equitably apportion among the lots in the tract all of the unpaid assessments. Such action must, however, be preceded by a notice served upon all owners of any part of the tract and subsequent public hearing. The public hearing may be waived upon approval of all affected property owners.

As a part of its approval process, the City will require the reapportionment of special assessments to be based on benefit and assessed equitably against the front footage, lot size, or number of units, or by whatever means the City deems appropriate.

T. <u>Alleys</u>

Improvements to alleys will be assessed to benefited property owners for one hundred (100) percent of the cost. Exceptions will include routine maintenance as determined by the Director of Public Works/City Engineer.

IV. PROCEDURES

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>INITIATION OF PROCEDURES</u>

- 1. <u>By Petition</u>: A petition for improvement by property owners may initiate proceedings. Said petition must have the signature of the owners of at least thirty-five (35) percent of the frontage of the property bordering the proposed improvements. Petitions for public improvements must be received by the City Clerk prior to November 15 of the previous year in which the construction is requested. The City may delay construction to the following year for petitions received after the deadline.
- 2. <u>By Council Action</u>: If the Council determines that an improvement is in the best interest of the City, it can, without petition, order an improvement. If the Council acts on its own initiative, a simple majority only is necessary to initiate the proceedings.
- 3. <u>100% Signed Petition</u>: When a petition is signed by one hundred (100) percent of the property owners affected by an improvement, the Council may order said improvement without holding an improvement hearing. This can be accomplished by special resolution declaring adequacy of petition.

B. RESOLUTION ORDERING PREPARATION OF A REPORT ON IMPROVEMENT

The <u>City</u> Council shall order an improvement report from the Director of Public Works/City Engineer which reviews such factors as the need for the project, the availability of City funds, an estimate of total project costs, and other information necessary for the Council to make a decision.

C. <u>PUBLIC HEARING ON PROPOSED IMPROVEMENT</u>

With the exception of the one hundred (100) percent signed petition, the City shall publish notice of the hearing twice in the official newspaper, with the notices appearing at least one (1) week apart. At least three (3) days must elapse between the last publication date and the date of the hearing. A notice shall be mailed to each affected property owner at least ten (10) days prior to the hearing date stating hearing date, time and place information, general nature of the proposed improvements, and estimated costs to be assessed to property owners.

D. <u>RESOLUTION ORDERING THE IMPROVEMENT AND PREPARATION OF PLANS AND</u> <u>RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT</u> FOR BIDS

If improvement proceedings are initiated by petition, the Council needs a simple majority to pass a resolution for improvement. If the Council initiated the proceedings, it will require a simple majority to adopt an improvement resolution. the resolution may be adopted only by favorable vote of four-fifths or more of all members of the Council. The Council will then direct the Director of Public Works/City Engineer to prepare plans and specifications, followed by a call for bids.

Resolution Number _____, Second Series -- Adopted: 08/11/2020

E. RESOLUTION DECLARING THE CITY'S INTENT TO BOND FOR ALL PUBLIC IMPROVEMENT COSTS RELATED TO THE SPECIFIC PROJECT BEING APPROVED

To preserve the option to bond later, should there be cash flow gaps, the City Council should approve the reimbursement resolution allowing costs incurred no more than 60 days preceding the resolution and any future costs to be reimbursed or funded from bond proceeds.

F. RESOLUTION DECLARING COSTS TO BE ASSESSED AND ORDERING PREPARATION OF **PROPOSED ASSESSMENT**

Assessment rolls are prepared by City staff pursuant to provisions of M.S. §429.061. Assessment rolls will be prepared for each project involving assessments to benefited properties, and are to include parcel descriptions and estimated assessment costs.

G. WAIVERS

The City reserves the right, in certain circumstances, to obtain and enter into agreements of assessment and waiver of irregularities and appeal with property owners. Any agreement of assessment and waiver of rights is effective only for the assessment agreement upon by the City and property owners.

HG. PUBLIC HEARING ON THE PROPOSED ASSESSMENT

The assessment hearing is designed to give affected property owners an opportunity to express their concerns. The City must publish notice of the hearing, including the total cost of the improvement, in the official City newspaper one or more times at least two (2) weeks prior to the hearing date. The City will also mail a statement showing possible prepayment provisions, and the interest rate on the assessments if they are to be paid in installments, all as required by Minnesota Statutes Chapter Minn. Stat. Chapter§ 429.

IH. **RESOLUTION ADOPTING ASSESSMENT AND CERTIFICATION OF ASSESSMENT ROLLS**

Following the hearing, the assessment roll shall be officially adopted by the Council and certified to the Office of the Lyon County Auditor. All adjustments to the roll shall be made by contacting the Finance Director prior to the hearing, or by the Council at the time of the hearing. The assessments will be levied in equal annual principal installments with interest set by the Council on the unpaid balance.

<u>J</u>I. PREPAYMENTS

Partial prepayment of assessments permitted. After the adoption of an assessment roll pursuant to Minn. Stat. Chapter Minn. Stat. Chapter § 429, and before certification of such assessment roll to the county auditor Office of the Lyon County Auditor, the authorized official, is directed to accept partial prepayment of such assessment and reduce the amount certified to the county auditor Office of the

<u>Lyon County Auditor</u> accordingly. Interest on unpaid special assessments will be charged beginning 30 days after the estimated project completion date, but no later than October 1 of any given yearadoption of assessment roll. This date will be established in the resolution adopting the assessment roll.

ii. Prepayment in full. The property owner may, at any time prior to November 15 of any year, prepay to the finance director of the City of Marshall, that whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is made.

V. METHODS OF DETERMINING ASSESSMENTS

Resolution Number _____, Second Series -- Adopted: 08/11/2020
A. <u>GENERAL ASSESSMENT INFORMATION</u>

It shall be the policy of the City to assess benefited properties by linear foot, area, service size, or per property, whichever is determined by the City to be the most equitable and appropriate. All facilities which represent new service to areas previously without City utility service shall be assessed at the rate of one hundred (100) percent of the cost of installation.

B. <u>SANITARY SEWERS</u>

New Construction Projects: Paid for by developer or 100% assessed. Generally the project costs are divided by the total number of services to determine the rate per service. The rate is then multiplied by the number of services to each individual property to determine the individual property assessment. In those projects where oversizing is required due to service for areas outside the proposed improvement area, funding for oversizing of the sewer infrastructure comes from the Wastewater <u>Treatment</u> Fund. These costs may be reduced by State Aid or other outside funding.

Replacement Projects:

Residential:

100% of sanitary sewer replacement costs to be funded by the Wastewater <u>Treatment</u> Fund. These costs may be reduced by State Aid or other outside funding.

Industrial/Commercial:

100% of sanitary sewer replacement costs to be funded by the Wastewater <u>Treatment</u> Fund. These costs may be reduced by State Aid or other outside funding.

C. WATERMAIN AND WATER SERVICES

New Construction Projects: If agreed upon by the City of Marshall during the development of a Development Agreement, special assessment may be used to fund a portion of the costs of water main and water service lines. The City of Marshall-shall take a secured position in the benefited property until such time as the special assessments are paid in full for said improvement. If special assessment is utilized, the project costs are divided by the total number of services to determine the rate per service. The rate is then multiplied by the number of services to each individual property to determine the individual property assessment. In areas of the community not in a Water Area Charge or WAC zone, as determined by <u>MMUMarshall Municipal Utilities</u>, as determined during the preparation of the Development Agreement for upsizing of water main to serve adjoining areas. These costs may be reduced by State Aid or other outside funding.

In a WAC zone a developer may be eligible for cost participation in the installation of water transmission mains according to the policy established by <u>MMUMarshall</u> Municipal Utilities.

Replacement Projects:

Special Assessments will not be used for water main and water service line replacement projects

D. <u>LIFT STATIONS</u>

All newly developed properties whose sanitary sewage or storm water runoff must be elevated by a lift station in order to reach the Waste Treatment Plant or storm water system and have not previously been assessed for a portion of the lift station, shall be assessed a lift station connection fee equal to ten (10) percent of a normal sanitary sewer assessment.

E. <u>STORM SEWERS</u>

New Construction Projects: Paid for by developer or 100% assessed. Generally the project costs are divided by the total square footage of the assessable lots to determine the rate per square foot. The rate is then multiplied by the square footage of each individual property to determine the individual property assessment. In those projects where significant drainage areas are outside the proposed improvement area, funding for oversizing of drainage infrastructure should come from adjacent areas or City funds. These costs may be reduced by State Aid or other outside funding.

Replacement Projects:

100% of storm sewer replacement costs to be funded by the Surface Water Management Utility Fund. These costs may be reduced by State Aid or other outside funding.

F. <u>New Street Construction</u>

Paid for by developer or 100% assessed. Generally the project costs are divided by the total front footage of the assessable lots to determine the rate per front lineal foot. The rate is then multiplied by the front footage of each individual property to determine the individual property assessment. These costs may be reduced by State Aid or other outside funding.

G. STREET RECONSTRUCTION

Industrial/Commercial: 100% assessed to adjacent property owners. The maximum commercial/industrial assessment shall be the lesser of:

- 1) the actual project cost spread by the front footage of the property adjacent to the project
- 2) the equivalent number of residential parcels based upon 10,000 SF per average residential property size, multiplied by the Residential 20-Year Maximum Street Reconstruction Assessment (per the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall")

Example: For a 100,000 SF Industrial/Commercial property: 100,000 / 10,000 x \$5,700 = \$57,000.00

3) the average residential front foot cost (\$5,700/80=\$71.25) (per the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall") multiplied by a width factor (for street widths in excess of the 36-ft. standard residential street width) times the strength factor (10-ton divided by 7-ton) times the front footage of the property adjacent to the project

Example: For a 300 LF frontage Industrial/Commercial property with a street width of 38 ft.: _____71.25 x 38 / 36 x 10 / 7 x 250 = \$32,232.14

These costs may be reduced by State Aid or other outside funding.

Residential: 50% assessed to adjacent property owners. The City will contribute the remaining 50%. In areas that street sections have additional strength requirements, the added base and surfacing thicknesses are paid for by the City. These costs may be reduced by State Aid or other outside funding.

<u>The Residential 20-Year Maximum Street Reconstruction Assessment is in accordance with the current "Resolution Approving Specific Fees to Be Charged by the City of Marshall".</u>

For multiple-lot properties or properties with frontages greater than 120 LF (average 80-ft. frontage residential lot x 1.5) times the Residential 20-Year Maximum Street Reconstruction Assessment will be increased by the actual front footage divided by the average front footage.

<u>Example:</u> For a multiple-lot or single-lot of 200 LF 200 / 120 x 5,700 = \$9,500.00

H. SIDEWALKS AND BIKE PATHS

All costs for installing sidewalk facilities may be assessed against abutting properties based on the same formula applicable to street or curb and gutter improvements.

City-Ordered Sidewalk: In any case where a sidewalk is planned and constructed upon order by the Council, the cost of that improvement may be assessed, may be part of a development agreement, or may be paid in full by the City.

Bike Paths: Bike Paths shall be assessed according to the sidewalk provisions above with the additional width over the normal sidewalk width paid by the City. The City participation may be reduced by State Aid or other outside funding.

Ι. CALCULATING CONNECTION FEES (FOR WATERMAINS NOT PREVIOUSLY ASSESSED)

Connection fees are established by the Council, upon recommendation by MMUMarshall Municipal Utilities, and reviewed annually to assure that amounts accurately reflect comparable assessment amounts for sewer and/or water from recent improvement project. The estimated useful life of the improvement shall be considered when calculating each individual connection fee, and the amount charged shall reflect the pro-rated fee based on useful life theory (see section VI.A.).

For property on which multiple residential units are constructed, the connection fee shall include the initial amount for the first living unit, and, for each unit thereafter, an amount equal to twenty (20) percent of the initial amount or standard fee for a residential unit. The amount for additional units in a multiple family structure shall be due the City regardless of previous assessments and shall be payable at the time the building permit is obtained. In no event shall the connection fee exceed the cost of installing an eight (8)-inch water main based on current year prices.

Remodeling projects which result in the number of living units in a structure being increased shall be subject to the connection fee described above.

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VI. LIFE EXPECTANCY OF IMPROVEMENTS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. <u>IMPROVEMENT CLASSIFICATION</u>

<u>Watermain</u>: The estimated useful life of watermain facilities shall be thirty (30) years from the date of initial construction.

<u>Sanitary Sewer</u>: The estimated useful life of sanitary sewer facilities shall be thirty (30) years from the date of initial construction.

<u>Storm Sewer</u>: The estimated useful life of a storm sewer system involving installation of pipe and appurtenances shall be thirty (30) years from the date of initial construction.

<u>Streets</u>: The estimated useful life of a street shall be twenty (20) years from the date of initial construction.

<u>Street Lights</u>: The estimated useful life of street lights shall be twenty (20) years from the date of initial construction.

<u>Sidewalks</u>: The estimated useful life of a sidewalk shall be twenty (20) years from the date of initial construction.

B. <u>USEFUL LIFE APPLICATION</u>

<u>Street and Utility Infrastructure</u>: When any municipal infrastructure must be reconstructed or replaced, and that infrastructure has provided a period of use equal to or more than the estimated useful life of a infrastructure as hereinbefore described, all costs for such replacement shall be according to assessment procedures appropriate to the improvement constructed or reconstructed.

Assessments for any public infrastructure which must be reconstructed or replaced before the estimated useful life of the infrastructure shall be multiplied by the percentage of useful life attained for the respective infrastructure. This shall not include street overlay projects.

If failures are caused by changes in use, the Council may, at its discretion, assess one hundred (100) percent of the replacement cost to benefited properties.

VII. WORK BY OTHERS

Resolution Number _____, Second Series -- Adopted: 08/11/2020

A. WORK BY PRIVATE DEVELOPERS

Work by private developers shall occur only within the boundaries of private property. Any public utility or street construction work within a public right-of-way shall be done only by contract with the City, or by the provisions of an approved Development Contract.

B. PRIVATE INSTALLATIONS ON PUBLIC RIGHT-OF-WAY

Property owners are strongly discouraged from placing any improvement in, or in any way altering, the public right-of-way, except that a driveway may be installed at the expense of the property owner to the curb when approved by the City.

All private installations on public right-of-way shall be the responsibility of the property owner, and any damages to such private installations shall be the full responsibility of the property owner. This includes, but is not limited to, mailboxes and their supports, sprinkler systems, storm drains and landscaping. All such items may not be included in any special assessment project.

The foregoing was duly adopted by the Common Council of the City of Marshall at its regular meeting held on the <u>11th day of August</u>, <u>2020</u>day of <u>June 12</u>, <u>2018</u>.

THE COMMON COUNCIL

Mayor of the City of Marshall, MN

ATTEST:

City Clerk

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SPECIAL ASSESSMENT AMOUNT CALCULATION PROCEDURES

STEPS

- 1. Actual cost amount
 - (a) Engineering staff shall calculate the estimated cost of the proposed project. The assessable costs of the project (less the amounts in Step 4 below) will be allocated to each of the benefited property parcels on a frontage-foot basis.
 - Assessable Cost Per Frontage-foot = (Total Assessable Project Cost)/(Total Frontage-feet of All Assessable Parcels in Project)

Actual Costs Assessed to Parcel "A" = (Assessable Cost Per Frontage-foot) X (Frontage-feet of Parcel "A")

- 2. The amount assessed against a particular parcel will be the <u>lesser</u> of the <u>actual cost amount</u> calculated in Step 1 or the <u>maximum assessable amount</u> calculated in Steps 3a. (1) or 3a. (2).
- 3. Maximum assessable amount
 - a. A maximum assessable amount for each parcel will be calculated. The maximum assessable amount per parcel will be the <u>lesser</u> of the amounts in (1) or (2):
 - (1) Fixed amount per parcel
 - (a) <u>Residential parcels</u>
 - i. \$5,700/Parcel
 - (b) <u>Commercial/industrial parcels</u>
 - i. \$5,700 X (Equivalent Number of Residential Parcels*)
 - (2) <u>Fixed frontage-foot amount</u>
 (a) (Standard Frontage-foot Rate**) X (Street Width Factor***) X (Street Strength Factor***) X (Frontage-feet)

4. The maximum assessed amount in Step 3 does not include the individual improvements for the sanitary sewer service line, sidewalk walk-ups, or new, additional driveway improvements within City right-of- way. The cost of any ad-ons to the project that are requested by the property owner shall be assessed to that particular property parcel in addition to the amount calculated in Step 3 above.

5. City Council may deviate from these calculation steps in certain circumstances, if necessary, in order to achieve a fair, reasonable, and equitable result.

NOTES

*Equivalent Number of Residential Parcels = (Square Feet of Parcel)/(Square Feet of Average Residential Parcel)

**Standard Frontage-foot Rate = (Maximum Fixed Amount Per Residential Parcel)/(Average Frontage-feet of Residential Parcel)

***Street Width Factor = (Width of Proposed Street)/(Width of Average Street)

****Street Strength Factor = (Strength of Proposed Street in Tons)/(Strength of Average Street in Tons)

The fixed amount per parcel and the fixed frontage-foot amount shall be adjusted on an annual basis.

ASSUMPTIONS

- 1. Average residential parcel area is 10,000 square feet.
- 2. Maximum assessable fixed amount per residential parcel is \$5,700.
- 3. Average frontage per residential parcel is 80 feet.
- 4. Average street width is 36 feet.
- 5. Average street is a 7-ton street.

<u>MINUTES</u> COUNCIL WAYS & MEANS COMMITTEE MEETING Tuesday, July 9, 2018 -11:00 AM City Hall

MEMBERS PRESENT:	John DeCramer, Glenn Bayerkohler
<u>STAFF PRESENT:</u>	Sharon Hanson, City Administrator; Glenn Olson, Director of Public Works/ City Engineer; Jason Anderson, Assistant City Engineer/ Zoning Administrator; Annette Storm, Director of Administrative Services; Karla Drown, Finance Director; Dennis Simpson City Attorney and Kyle Box, City Clerk

The meeting was called to order by Chairman DeCramer at 11:00 a.m. DeCramer asked for approval of the June 11, 2019 minutes of the Ways and Means Committee Meeting. MOTION BY BAYERKOHLER to approve the minutes. ALL VOTED IN FAVOR.

Chairperson DeCramer provided for discussion on the Enterprise Fleet Management Program.

No action was taken on the agenda item and it will be remained tabled under Ways and Means.

Chairperson DeCramer asked for discussion on the Fund Balance Policy. Director of Administrative Services, Annette Storm, provided the background information on the policy. Chairperson DeCramer provided comments he had with the State Auditors Office regarding the Fund Balance Policy.

Councilmember Bayerkohler provided further discussion on the policy language. There was continue discussion by the committee and staff on the State Auditors recommendation. There was consensus to change the 40% requirement to be 5 months. There was further discussion on the terminology under the designation of enterprise funds. There was a consensus to remove Designation of Enterprise Funds paragraph from the policy.

MOTION BY BAYERKOHLER to approve the fund balance policy. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on Special Assessments. Director of Public Works/ City Engineer Glenn Olson presented the agenda item. There was further discussion by the committee and staff of the special assessment policy regarding corner and abnormal sized lots. There was also discussion on the interest rates.

Chairperson DeCramer brought up discussion on Robert's Rule of Order modifications

MOTION BY BAYERKOHLER, to adjourn the meeting. Meeting adjourned at 12:15 P.M. ALL VOTED IN FAVOR.

Respectfully Submitted,

Kyle Box City Clerk

<u>MINUTES</u> COUNCIL WAYS & MEANS COMMITTEE MEETING Tuesday, June 11, 2018, 11:00 AM City Hall

MEMBERS PRESENT:	John DeCramer, Glenn Bayerkohler, Russ Labat
<u>STAFF PRESENT:</u>	Sharon Hanson, City Administrator; Glenn Olson, Director of Public Works/ City Engineer; Jason Anderson, Assistant City Engineer/ Zoning Administrator; Annette Storm, Director of Administrative Services; Karla Drown, Finance Director; Dennis Simpson City Attorney and Kyle Box, City Clerk

The meeting was called to order by Chairman DeCramer at 11:00 a.m. DeCramer asked for approval of the June 5, 2019 minutes of the Ways and Means Committee Meeting. MOTION BY LABAT, SECONDED BY BAYERKOHLER to approve the minutes. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on the Enterprise Fleet Management Program.

Glenn Bayerkohler discussed the agenda item. There was further discussion on the item by Council and staff regarding the breakdown of the cost per vehicle, maintenance, vehicle needs throughout the City and the total cost of the program.

A call to was made Wong Nystrom, Senior Account Executive with Enterprise Fleet Management to discuss and request the maintenance and lease agreement and examples of each document as they would pertain to the City of Marshall.

MOTION BY BAYERKOHLER, SECONDED BY LABAT, to table the item until the next Ways and Means meeting to review cost breakdown examples from Enterprise and to allow staff to review the vehicle replacement schedule. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on Special Assessments. City Attorney, Dennis Simpson provided the information on the agenda item. There was further discussion on the language amendments in the policy. Member Bayerkohler provided discussion on providing examples in the policy.

MOTION BY BAYERKOHLER, SECONED BY LABAT to table the assessment policy. ALL VOTED IN FAVOR.

MOTION BY LABAT, SECONDED BY BAYERKOHLER to adjourn the meeting. Meeting adjourned at 12:37 P.M. ALL VOTED IN FAVOR.

Respectfully Submitted,

Kyle Box City Clerk

<u>MINUTES</u> COUNCIL WAYS & MEANS COMMITTEE MEETING Wednesday, June 5, 2018 ~ 3:00 p.m. City Hall

MEMBERS PRESENT:	John DeCramer, Glenn Bayerkohler, Russ Labat
<u>STAFF PRESENT:</u>	Sharon Hanson, City Administrator; Glenn Olson, Director of Public Works/ City Engineer; Jason Anderson, Assistant City Engineer/ Zoning Administrator; Annette Storm, Director of Administrative Services; Karla Drown, Finance Director; Dennis Simpson City Attorney and Kyle Box, City Clerk

The meeting was called to order by Chairman DeCramer at 3:00 p.m. DeCramer asked for approval of the April 18, 2019 minutes of the Ways and Means Committee Meeting. MOTION BY LABAT, SECONDED BY BAYERKOHLER to approve the minutes. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on the Enterprise Fleet Management Program. City Clerk Kyle Box presented the background information on the fleet management program and introduced Wong Nystrom, Senior Account Executive of Enterprise Fleet Management. Mr. Nystrom provided the details of the program to the Committee. Member Bayerkohler discussed the lease agreement and asked for examples of yearly depreciation. Member Labat asked for staff to review the number of vehicles needed by staff. There was continue discussion by the Committee and Staff.

MOTION BY BAYERKOHLER, SECONDED BY LABAT, to table the item until the next Ways and Means meeting to review cost breakdown examples from Enterprise and to allow staff to review the vehicle replacement schedule. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on the Fund Balance Policy. Director of Administrative Services, Annette Storm provided the background information on the item. Member Bayerkohler discussed that this item is in line with recommendations from the consultants who completed a long-term debt study of the City of Marshall. Member Bayerkohler added that this policy represents a pay-as-you-go model instead of bonding. Staff have amended this policy with reserves at 40%, which is within the Minnesota State Auditors recommendation (35%-50%). This policy represents a continued effort to reduced long term debt.

MOTION BY BAYERKOHLER, SECONDED BY LABAT to approve the amended Fund Balance Policy to the City Council. ALL VOTED IN FAVOR.

Chairperson DeCramer asked for discussion on Special Assessments. Director of Public Works/City Engineer, Glenn Olson presented the agenda item. There was discussion by the Committee and Staff on the policy included, 50/50 driveway splits, remaining within the 429 bonding threshold and interest rates. Chairperson DeCramer asked for staff to review abnormal sized lots prior to 2020. Due to a time constrain the it was recommended to table the item until the next Ways and Means meeting.

MOTION BY BAYERKOHLER, SECONED BY LABAT to table the item. ALL VOTED IN FAVOR.

MOTION BY LABAT, SECONDED BY BAYERKOHLER to adjourn the meeting. Meeting adjourned at 4:30 P.M. ALL VOTED IN FAVOR.

Respectfully Submitted,

Kyle Box City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 11, 2020
Category:	NEW BUSINESS
Туре:	ACTION
Subject:	Consider a LG220 Application for Exempt Permit for SMSU Foundation for January 11, 2021.
Background	Attached is an application for Exempt Permit for SMSU Foundation for an event to be held on
Information:	January 11, 2021 at SMSU 1501 State Street
Fiscal Impact:	There is no City fee for this permit.
Alternative/	Not acknowledge this permit.
Variations:	
Recommendations:	BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on January 11, 2021, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30- day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall

MINNESOTA LAWFUL GAMBLING LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit

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

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

ORGANIZATION INFORMATION

Application Fee (non-refundable)

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

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

ORGANIZATION IN ORPATION	
Organization Name: Southwest Minnesota State Unive	rsity Foundation Previous Gambling Previous Gambling
Minnesota Tax ID Number, if any:	Federal Employer ID Number (FEIN), if any:
Mailing Address: 1501 State Street	
City:Marshall	State: MN Zip: 56258 County: Lyon
Name of Chief Executive Officer (CEO): Bill Mulso	
	O Email:
Email permit to (if other than the CEO): Barb.Berk	enpas@smsu.edu
NONPROFIT STATUS	
Type of Nonprofit Organization (check one):	
Fraternal Religious	Veterans 🗸 Other Nonprofit Organization
Attach a copy of <u>one</u> of the following showing p	
(DO NOT attach a sales tax exempt status or federal	employer ID number, as they are not proof of nonprofit status.)
IRS toll free at 1-877-829-5500. IRS - Affiliate of national, statewide, or in If your organization falls under a parent of 1. IRS letter showing your parent organiz 2. the charter or letter from your parent	www.sos.state.mn.us 651-296-2803, or toll free 1-877-551-6767 r in your organization's name our federal income tax exempt letter, have an organization officer contact the nternational parent nonprofit organization (charter) organization, attach copies of <u>both</u> of the following: zation is a nonprofit 501(c) organization with a group ruling; and organization recognizing your organization as a subordinate.
GAMBLING PREMISES INFORMATION	
Name of premises where the gambling event will be (for raffles, list the site where the drawing will take p	
Physical Address (do not use P.O. box): 1501 State	Street
Check one:	
✓ City: Marshall	Zip: <u>56258</u> County: <u>Lyon</u>
Township:	Zip: County:
Date(s) of activity (for raffles, indicate the date of th	e drawing): January 11, 2021
Check each type of gambling activity that your organ	ization will conduct:
Bingo Paddlewheels P	ull-Tabs Tipboards 🖌 Raffle
from a distributor licensed by the Minnesota Gamblin devices may be borrowed from another organization	is, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained ng Control Board. EXCEPTION: Bingo hard cards and bingo ball selection authorized to conduct bingo. To find a licensed distributor, go to er the List of Licensees tab, or call 651-539-1900.

LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGM the Minnesota Gambling Control Board)	IENT (required before submitting application to		
CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township		
The application is acknowledged with no waiting period.	The application is acknowledged with no waiting period.		
The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 day (60 days for a 1st class city).	The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.		
The application is denied.	The application is denied.		
Print City Name:	Drink Country Namos		
	Print County Name:		
Signature of City Personnel:	Signature of County Personnel:		
Title: Clerk Date:	Title: Date:		
The city or county must sign before submitting application to the Gambling Control Board.	TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.) Print Township Name:		
Gambing Control Board.	Signature of Township Officer:		
	Title: Date:		
CHIEF EXECUTIVE OFFICER'S SIGNATURE (red			
report will be completed and returned to the Board within 30 da	urate to the best of my knowledge. I acknowledge that the financial ys of the event date.		
Chief Executive Officer's Signature: (Signature must be CEO's signature)	Date: 7-28-20		
(Signature must be CEO's signature	ature; designee may not sign)		
Print Name:Bill Mulso			
REQUIREMENTS	MAIL APPLICATION AND ATTACHMENTS		
Complete a separate application for:	Mail application with:		
 all gambling conducted on two or more consecutive days; c all gambling conducted on one day. 	a copy of your proof of honprofit status, and		
 an gamping conducted on one day. Only one application is required if one or more raffle drawings a conducted on the same day. 	application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100 ; otherwise the fee is \$150 .		
Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complet and return the financial report form to the Gambling Control Board.	Make check payable to State of Minnesota . To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113		
Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).	Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.		
by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information	information when received rinformation provided will your organization until the vit. When the Board issues to provided will become bes not issue a permit, all inization's name and an agement & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.		
This form will be made available in alternati	ve format (i.e. large print, braille) upon request.		

This form will be made available in alternative format (i.e. large print, braille) upon request.



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Click or tap to enter a date.
Category:	COUNCIL REPORTS
Туре:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	Byrnes - Fire Relief Association and Regional Development Commission Schafer - Airport Commission, MERIT Center Board, City Council-County Board-Library Agreement & Operation, Southwest Minnesota Amateur Sports Commission and SW Minnesota Emergency Communication Board Meister - Community Services Advisory Board, Cable Commission and Economic Development Authority Bayerkohler - Public Housing Commission, Planning Commission DeCramer – Economic Development Authority and Utilities Commission Labat - Library Board, Police Advisory Board and Convention and Visitors Bureau
	Lozinski - Adult Community Center Commission and Joint Law Enforcement Center Management Committee
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	



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

FROM: Sharon Hanson, City Administrator

DATE: August 11, 2020

SUBJECT: Administrative Brief

CITY ATTORNEY

• Criminal prosecution numbers for July are as follows:

<u>July</u>:

	ASSAULT	OFP	DWI	OTHER	TRAFFIC	THEFT	OTHER	TOTAL	2019
		VIOL.		ALCOHOL				2020	Comparison
Prosecution	2		1		5	3	3	14	29
Dismissed									
Non-	3	3				1	2	9	1
Prosecution									
Refer to									
County									

ADMINISTRATION

Economic Development Authority

- Staff is promoting COVID-19 training webinars to provide SBA COVID-19 funding options and general technical assistance.
- Staff is having conversations with the County about pursuing a county partnership to provide EDA services.
- Staff continues working on new brand materials.
- Staff is working with two local businesses on expansion projects.
- Staff is also having early conversations with four new developers.
- Staff has started receiving CARES grant applications and answering questions. As of August 5, we have received 14 applications. Deadline is Friday, August 21st.
- New signs recently have been installed at Fuzzy's, The Marshall Gambler, Wooden Nickel Burgers & Brew, Varsity Pub & Extra Innings, and HealthSource Chiropractic of Marshall. Most of the businesses either used the Small Cities Development Program or the Façade Improvement Program.

- Staff continues working with owners of Broadmoor Valley on a grant program through Minnesota Housing.
- Project Cobra RFI Update: Staff checked in with DEED Lisa Hughes on Project Cobra's timeline. She has no update at this point.
- Staff continues to update the properties inventory spreadsheet (commercial buildings and sites available for sale and rent) and LOIS (Location One Information System) to help further assist businesses that are looking for space.

Human Resources

• No Report

Clerk

- Election Filing for Marshall City Council continues until August 11, 5 PM.
- Minnesota State Primary will be held on August 11, 2020. Planning and training for election day are finalizing.
- Late Monday, August 3 the Census Bureau announced that it will be ending the self-response portion of the census 30 days ahead of the previously shared schedule. We also were informed that our Census Partnership Specialist had been reassigned effective that same day. Continued communication with the Census Bureau and SMSU will take place immediately after the 8/11 primary to ensure an accurate count of the university population is captured. All other areas (census tracts) are reporting normal and have exceeded expectations.

Finance

- 2021 Budget Work the next budget work session will be 7/18/2020 at 5:30 and the agenda topics will be the preliminary tax base changes and reviewing the general and special revenue funds.
- Reporting activities to the Office of the State Auditor for 2019 TIF activity was completed this past week. The official notice will be published in the Marshall Independent on Friday, August 7, 2020.
- CARES Act Funding The City of Marshall received just over a million dollars from the federal CARES act and the finance department is working on identifying expenses directly related to the COVID-19 public health emergency. The City has until November 15, 2020 to spend this federal assistance money. Any funds remaining after November 15, 2020 will be turned over to Lyon County. The first reporting deadline for expenses incurred March 2020 – July 2020 is due to the state on August 11.

Assessing

- Staff continues to navigate through COVID quintile inspections. We have been experiencing average responses to the letters and been able to verify what information we can.
- Assisting Finance and Administration with Budget items and inquiries.
- Conversations with the Lyon County Assessor and Attorney continue as we work with Tax Court Petitions.
- Only 2 months remain of our annual Sales Study, preliminary numbers are predicting some slight increases in certain Residential neighborhoods. The entire assessing community is still uncertain on how to equitably address Commercial properties for the 2021 assessment.

Liquor Store

- July Financials: Sales \$652,156 + 27%, Customer Count 19,746 +11.53%, Ticket Average \$33.03 +13.43%. Another strong month compared to last year. The trend of customers purchasing beverages at Tall Grass versus on-sale bars and restaurants continues. We believe that this trend will continue through the end of the year.
- We are in the final steps of switching our POS system to Cloud Retailer operating system. Upgrades have been completed on our hardware in order accommodate this transition.
- New point of purchase signage and category signage are also in the final stages of installation. The new POP will have the City of Marshall branded 'M' and the tag line of Cultivating the best selection for you!

COMMUNITY SERVICES

- The Aquatic Center will be closed for the summer beginning Monday, August 17th.
- Progress continues to be made on the Veterans' Memorial Final Phase project at Memorial Park.
- Fall activities & classes will be made available to the public on September 2nd.
- Staff continues work on the 2021 General Fund and Capital budgets.

COMMUNITY PLANNING

Building Services / Planning & Zoning

- About 450 open job files. Horvath Remembrance Center, UCAP Headstart new building, 2nd Unique Apartment building, and SRO apartment building at Stephen Avenue are under construction.
- City buildings ADA-compliance review is complete.
- New permit software development is going well.
- Sign Ordinance is under review

PUBLIC WORKS DIVISION

Engineering

- MERIT Phase 2 Seeding has been completed. A protective chip seal surface including striping will be placed in mid-August.
- Project Z52 / S.P. #139-090-005 / Minn. Project No. TA 4219 (231): UCAP Transit Bus Shelters Construction has been completed. New bus shelters have been installed.
- Project Z70: Alley Projects (West Marshall/West Redwood & South Hill/South Whitney) Currently providing a cost estimate for concrete paving of alley for the property owners to evaluate.
- Project Z75/SAP 139-124-004: South 4th Street -- R & G Construction Co. has completed installation of underground utilities between Country Club Drive and James Avenue. The contractor is expecting to continue installation of storm sewer at the intersection of James Avenue before continuing installation of underground utilities south to Southview Drive. Construction on South 4th Street is anticipated to continue until November 2020.
- Project Z76: South 1st Street Duininck anticipates a project start in late August/early September. Project is anticipated to be completed by mid-November.

- Project Z77: Legion Field Stormwater Improvements—Phase I Project awarded to Towne & Country Excavating LLC of Garvin, MN. Construction is anticipated for September.
- Project Z81: MERIT Storm Outfall Dennis is working with adjacent landowners to 290th Street to obtain agreements to deed the property within the existing township road easement back to the City after vacation of the roadway has been recorded. Project advertisement is anticipated to begin next week with proposed award at the 9/8 Council meeting.

Building Maintenance

• No report.

Street Department

- Asphalt patching of streets. Birch/West Marshall/ South Hill and others.
- Street sweeping
- Street painting
- Compost site work. Burning trees and rolling over compost.
- Cleaning pond culverts
- Repairing curbs. Broken and sunken.
- Repairing catch basins.

Airport/Public Ways Maintenance

- Weed spraying
- Cleaning culverts
- Mowing/Turf maintenance
- Tree trimming
- Nav-Aid maintenance
- Building maintenance
- Renewing landscape mulch with rock and plants
- RH sealcoating chip sealed parking lots. Need to have lots painted in a couple of weeks.

Wastewater

- Cleaning sewers.
- Plant repairs.
- Magney Construction has completed the new Final Clarifier tank, finished underground piping at Biosolids Storage Tank, Storage tank is painted, roofing for storage tank building is scheduled for this week, painters are sand blasting interior of Trickling Filter, new Return Structure is being constructed, stairways are being constructed, electricians are installing control panels, and more underground piping is being installed.
- Working on manhole repairs.
- Staff has performed 270 equipment work orders in the last 30 days.
- Working on regulatory issues for Phosphorus, Salty Discharge, Pretreatment, Redwood River Watershed Review, MN. River Nutrient TMDL, Lake Pepin TMDL.

PUBLIC SAFETY DIVISION

FIRE DEPARTMENT

- The Fire Department responded to sixteen (27) calls for service. Total calls for service included:
 - o Fire/CO2 Alarm (14)
 - Fire; Structure (8):
 - Medical Assist (0)
 - Vehicle Accident (5)

POLICE DEPARTMENT

• The Marshall Police Department responded to a total of 693 calls for the month of July. Eightyseven (87) criminal offenses were reported with a total number of twenty (20) adults arrested.

OFFICER'S REPORT

- Alarms (9)
- o Accidents (26)
- Alcohol involved incidents (0)
- Assaults (4)
- Domestic Assaults (6)
- o Burglaries (3)
- Criminal Sexual Conduct (2)
- Damage to Property (11)
- Keys Locked in Vehicles (38)
- Loud Party (4)/ Public Disturbances (23)
- o Thefts (15)
- Traffic Related Complaints (67)
- Vandalism (4)
- Warrant Pickups (13)
- Welfare Checks (30)
- A total of twenty-six accidents were responded in the month of July. One accident resulted in a vehicle being flipped on its side. One other incident involved a cyclist.
- A public incident at Walmart resulted in national attention for individuals wearing swastika masks. This incident resulted in many media organizations calling for information and interviews.
- Officers have been increasing their traffic stop contacts as COVID-19 plans and procedures are put in place. A total number of 68 traffic stops were made in July.

PERSONNEL/OTHER

• The police department began working with the Police Advisory Board to fill the vacant position left by the retirement of Tim Tomasek. Thirteen applications were received, and six individuals

participated in the written and physical agility portion of the test. Interviews will be held on August 10th, 2020.

DETECTIVE REPORT

- A 29-year-old woman was arrested for 2nd Degree Assault following the investigation of a stabbing.
- A 38-year-old Marshall man was arrested for Financial Transaction Card Fraud following an investigation of the unauthorized use of a credit card. A second case of Financial Transaction card fraud is under investigation.
- A Marshall juvenile was charged with 5th Degree Controlled Substance Crime following a narcotics investigation.
- A 55-year-old Marshall man was arrested for Threats of Violence at the conclusion of an investigation of a neighborhood complaint.
- A 34-year-old Taunton man was arrested for Burglary, Domestic Assault, and Cruelty to Animals. Further investigation is being conducted.
- A report was forwarded to the Lyon County Attorney's for consideration of charges against a Marshall juvenile for Criminal Damage to Property at Westside Elementary School.
- 7 cases of Criminal Damage to Property are under investigation, including damage to the George Floyd memorial art display in the SMSU Alumni Foundation parking lot.
- A case of a sexual assault on a minor was investigated and determined to have occurred in another jurisdiction. The case was forwarded to the Lyon County Sheriff's Dept.
- 3 additional cases of Criminal Sexual Conduct are under investigation.
- 7 cases of Theft are under investigation.
- 2 cases of Theft by Swindle where Marshall residents lost money in scams are under investigation.
- 3 cases of Voter Registration Fraud were investigated. One case remains under investigation, one case was unfounded, and the third case was forwarded to the Lyon County Attorney's Office for consideration of charges.
- A case of Ineligible Possession of a Firearm is under investigation, pending analysis at the BCA Forensic Laboratory.
- 3 Death Investigations were conducted.
- 2 cases of Check Forgery are under investigation.
- 3 cases of Child Neglect and 2 cases of Child Endangerment are under investigation in conjunction with Southwest Health and Human Services.
- A case of the financial exploitation of a vulnerable adult is under investigation.

MERIT CENTER

- The MERIT Center continues to host the Marshall City Council meetings as well as any COVID-19 Emergency Management meetings.
- The Department of Public safety continues to utilize the driving track and skills pad for CDL exam testing.
- MN West conducted two separate First Aid/CPR courses for 21 attendees as well as a Trained Medical Aide class for 12 participants in July.
- LG Seeds hosted four team meetings at MERIT
- A taser course for law enforcement was conducted for 18 officers obtaining Taser instructor certification on July 20

• Marshall Fire Department conducted their EVOC course on the driving track on July 21st and an Aerial Ladder Drill using the rescue tower on July 28th.



BUILDING PERMIT LIST August 11, 2020

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
JAMES LOZINSKI CONSTRUCTION INC.	306 ATHENS AVE	NEW BUILDING	180,000.00
JAMES LOZINSKI CONSTRUCTION INC.	308 ATHENS AVE	NEW BUILDING	180,000.00
TUTT CONSTRUCTION, INC.	101 MARSHALL ST E	BUILDING ADDITION	16,500.00
LALEMAN CONSTRUCTION LLC	700 HURON RD	EXTERIOR REMODEL	72,000.00
FIEGEN, DAVID W & DIANE R	601 HAWTHORN DR	DECK	4,600.00
ABBY J WIKELIUS, ERIC D WALLEN &	1116 SKYLINE DR	INTERIOR REMODEL	5,000.00
NYBO, MICHAEL P & LAURA E	406 HUDSON AVE	DECK	1,400.00
SPACE DEVELOPMENT CO. OF MARSHALL	1604 COLLEGE DR E	EXTERIOR REMODEL	34,000.00
JAMES LOZINSKI CONSTRUCTION INC.	300 JAMES AVE W	RE-ROOFING	2,000.00
GESKE HOME IMPROVEMENT CO.	606 CADILLAC RD	RE-SIDING	1,200.00
KINKER, DONALD L & SHARON E	615 CAMDEN DR	DOORS	1,000.00
GEIHL CONSTRUCTION, INC.	1306 IOWA STATE CIR	RE-SIDING	12,000.00
MICHAEL SLAGEL CONSTRUCTION LLC	503 LYON ST E	Windows	1,800.00
MICHAEL SLAGEL CONSTRUCTION LLC	109 THOMAS AVE W	DOORS	1,200.00
MICHAEL SLAGEL CONSTRUCTION LLC	402 BERLIN CIR	Windows	600.00
GLACIER COMPANIES LLC	1406 LYON ST E	RE-ROOFING	100,000.00
LAYLE FRENCH CONSTRUCTION INC.	1302 PARKSIDE DR	WINDOWS / DOORS	5,300.00
PFLAUM, JASON j & MICHELLE A	602 2ND ST S	EXTERIOR REMODEL	13,500.00
ALEXANDER R.S.S. OEY, TRACY M &	504 THOMAS AVE W	RE-SIDING	6,000.00
STEFFL, CHARLES J & JOLENE A	109 REDWOOD ST E	ACCESSORY BUILDING	15,000.00
BUYSSE ROOFING SYSTEMS & SHEET META	236 MAIN ST W	RE-ROOFING	53,500.00
MARKS, BRADLEY	217 HIGH ST N	INTERIOR REMODEL	3,000.00
Safe Basements of MN	401 VIKING DR	INTERIOR REMODEL	4,200.00
ANTONY, MARK A & KARLA A	105 GRAY PL	RE-ROOFING	8,500.00
TUTT CONSTRUCTION, INC.	406 KATHRYN AVE	RE-ROOFING	6,900.00
LEE, MICHAEL	705 BRIAN ST	DOORS	1,200.00
RONNEBAUM, RICHARD & SHEILA	316 SIMMONS ST	RE-SIDING	2,500.00
Item 22. ENT LUMBER OF MARSHALL, INC	310 HILL ST S	RE-SIDING	Page 205

Permits from 7/23/2020 through 8/4/2020

8/5/2020 12:31:46PM

STORM, JEREMY & ANNETTE

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214 LEGION FIELD RD

.

DECK

3,200.00



PLUMBING PERMIT LIST August 11, 2020

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION	
Coequyt Plumbing & Heating LLC	308 ATHENS AVE	NEW BUILDING	0.00	
Coequyt Plumbing & Heating LLC	306 ATHENS AVE	NEW BUILDING	0.00	
BISBEE PLUMBING & HEATING	601 4TH ST N	INTERIOR REMODEL	2,900.00	

2020 Regular Council Meeting Dates

2nd and 4th Tuesday of each month *Unless otherwise stated

5:30 P.M.

Professional Development Room - Marshall Middle School, 401 South Saratoga Street

January

- 1. January 14, 2020
- 2. January 28, 2020

February

- 1. February 11, 2020
- 2. February 25, 2020 4:00 P.M.¹

<u>March</u>

- 1. March 10, 2020
- 2. March 24, 2020

<u>April</u>

- 1. April 14, 2020
- 2. April 28, 2020

May

- 1. May 12, 2020
- 2. May 26, 2020

<u>June</u>

- 1. June 9, 2020
- 2. June 23. 2020

<u>July</u>

- 1. July 14, 2020
- 2. July 28, 2020

<u>August</u>

- 1. August 11, 2020 4:00 P.M.¹
- 2. August 25, 2020

September

- 1. September 8, 2020
- 2. September 22, 2020

<u>October</u>

- 1. October 13, 2020
- 2. October 27, 2020

<u>November</u>

- 1. November 10, 2020
- 2. November 24, 2020

<u>December</u>

- 1. December 8, 2020
- 2. December 22, 2020

2020 Uniform Election Dates

- February 11, 2020
- February 25, 2020 * Precinct Caucus
- March 3, 2020 * *Presidential Primary*
- April 14, 2020

- May 12, 2020
- August 11, 2020 * Primary Election
- November 3, 2020 * General Election

¹ 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, <u>county board of commissioners, city council, or town</u>

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.

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Upcoming Meetings

August

- 8/11 Regular Meeting, 4:00 PM, MERIT Center **Election Day**Must Adjourn by 6:00 PM**
- 8/18 Work Session, 5:30 PM, MERIT Center
 Budget Work Session #3
- 8/25 Work Session, 4:00 PM, MERIT Center
 - Budget Work Session #4
- 8/25 Regular Meeting, 5:30 PM, MERIT Center

September

- 9/8 Regular Meeting, 5:30 PM, MERIT Center
- 9/22 Regular Meeting, 5:30 PM, MERIT Center

October

- 10/13 Regular Meeting, 5:30 PM, MERIT Center
- 10/27 Regular Meeting, 5:30 PM, MERIT Center



Authorities, Boards, Bureaus,

Commissions and Committees

CITY COUNCIL COMMITTEES

*All Council Committees meet on an as needed basis.

Equipment Review Committee

<u>Committee</u> Glenn Bayerkohler Craig Schafer- *Chairperson* James Lozinski

Legislative & Ordinance Committee

Steven Meister John DeCramer Glenn Bayerkohler - *Chairperson*

Personnel Committee

Steven Meister Craig Schafer John DeCramer- Chairperson

Public Improvement/ Transportation Committee Craig Schafer – Chairperson

Craig Schafer – Chairperson Russ Labat James Lozinski

Ways & Means Committee

John DeCramer - *Chairperson* Russ Labat Glenn Bayerkohler

Liaisons & Board Members on the City Boards & Commissions

- Adult Community Center Commission James Lozinski
- Airport Commission Craig Schafer
- Charter Commission City Administrator & City Attorney, Dennis Simpson (No Council Liaisons)
- Community Services Advisory Board Steven Meister
- Convention & Visitors Bureau Russ Labat
- Economic Development Authority Steven Meister & John DeCramer
- Joint Law Enforcement Center Management Committee James Lozinski/Russ Labat
- Library Board Russ Labat
- Marshall Area Transit Committee James Lozinski & Finance Director Karla Drown
- Marshall Municipal Utilities Commission John DeCramer
- M.E.R.I.T. Center Commission Craig Schafer
- Planning Commission Glenn Bayerkohler
- Police Advisory Board Russ Labat
- Public Housing Commission Glenn Bayerkohler
- Southwest Minnesota Amateur Sports Commission Craig Schafer

Other Appointments:

- City Council-County Board/Library Agreement & Operations Russ Labat & Bob Byrnes
- Fire Relief Association Bob Byrnes & Finance Director, Karla Drown
- Housing & Redevelopment Authority Mayor & City Council
- Regional Development Commission Bob Byrnes
- SW Minnesota Emergency Communication Board (ECB)- Craig Schafer & Alternate Bob Byrnes

Authorities, Boards, Bureaus and Commissions

Adult Community Center Commission

<u>Established:</u> September 16, 1985, Ordinance 496, Second Series <u>Meetings:</u> 2nd Wednesday of every month at 12:00 P.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 8 Members

Airport Commission

<u>Established:</u> February 18, 1952, Ordinance 371, Second Series <u>Meetings:</u> 1st Tuesday of every month at 4:30 P.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 7

Cable Commission

<u>Established:</u> March 15, 1982, Ordinance 112, Second Series <u>Meetings:</u> As needed <u>Term:</u> 3 years – two term limit <u>Members:</u> 5

Charter Commission

Established: October 5, 1936 Meetings: As needed Term: 4 year terms Members: 7 -15

Community Services Advisory Board

<u>Established:</u> February 20, 1996 <u>Meetings:</u> 1st Wednesday of the month at 9:00 A.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 12

Convention & Visitors Bureau

Established:

<u>Meetings:</u> 3rd Wednesday at 9:30 A.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 10

Economic Development Authority

<u>Established:</u> June 7, 1982, Resolution 562, Second Series <u>Meetings:</u> 3rd Wednesday of every month at 12:00 P.M. <u>Term:</u> 6 years – two term limit <u>Members:</u> 7

Housing & Redevelopment Authority

<u>Established:</u> March 21, 1966, Resolution 819, First Series <u>Meetings:</u> As needed <u>Term:</u> 5 years – no term limit <u>Members:</u> 7 (Councilmembers)

Library Board

<u>Established:</u> July 16, 1917, <u>Meetings:</u> 2nd Monday of every month at 4:00 P.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 9

Marshall Municipal Utilities Commission

<u>Established:</u> April 18, 1932, Resolution 302, First Series <u>Meetings:</u> 3rd Tuesday of every month at 4:30 P.M. <u>Term:</u> 5 years – two term limit <u>Members:</u> 5

M.E.R.I.T. Center Commission

<u>Established:</u> November 15, 2004, Ordinance 521, Second Series <u>Meetings:</u> 3rd Thurs. of every other month at 6:00 P.M. <u>Term:</u> Variable Members: 18 or less

Planning Commission

Established: May 4, 1959, Ordinance 418, Second Series <u>Meetings:</u> 2nd Wednesday of every month at 5:30 P.M. <u>Term:</u> 3 years – two term limit <u>Members:</u> 7

Police Advisory Board

Established: April 4, 1940, Ordinance 630, Second Series, Section 2-3 O.G. MN State Statutes 419 <u>Meetings:</u> As needed <u>Term:</u> 3 years – two term limit Members: 3

Public Housing Commission

<u>Established:</u> March 28, 1983, Ordinance 436, Second Series <u>Meetings:</u> 2nd Monday of every month at 3:30 P.M. <u>Term:</u> 5 years – two term limit <u>Members:</u> 5

Southwest Minnesota Regional Amateur Sports Commission

Established: October 21, 2008 Meetings: 2nd Tuesday of every month at 12:00 Noon