



CITY OF MARSHALL
City Council Meeting
Agenda

Tuesday, May 14, 2024 at 5:30 PM
City Hall, 344 West Main Street

OPENING ITEMS

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes from the Regular Meeting Held on April 23rd

CONSENT AGENDA

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

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

- [14.](#) Thursdays on Third - Consider Request from Marshall CVB for 07/18, 08/15 and 09/19/2024
- [15.](#) Adoption of Ordinance - Amending Section 86-97 One Family Residence District
- [16.](#) Adoption of Ordinance - Repealing Section 86-51 Bed and Breakfast
- [17.](#) Adoption of Ordinance - Amending Section 86-107 General Industrial District
- [18.](#) Adoption of Ordinance - Amending Section 86-162 Yard Modification
- [19.](#) Adoption of Ordinance Amending Section 66-55 Procedures and Section 66-53 Required
- [20.](#) Kwik Trip 1273 - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
- [21.](#) Project PK-013 (S.A.P. 139-500-001): RRFB and Trail Extension Project - Consider Resolution Authorizing Execution of MnDOT Cooperative Construction Agreement No. 1056356

COUNCIL REPORTS

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

STAFF REPORTS

- [24.](#) City Administrator
- [25.](#) Director of Public Works/City Engineer
- [26.](#) City Attorney

ADMINISTRATIVE REPORTS

- [27.](#) Administrative Brief

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

INFORMATION ONLY

- [28.](#) Cash and Investments
- [29.](#) Planning Commission Minutes
- [30.](#) Building Permits

MEETINGS

- [31.](#) Upcoming Meetings

ADJOURN

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CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, May 14, 2024
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from the Regular Meeting Held on April 23rd
Background Information:	Enclosed are the minutes from the previous meetings.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on April 23rd be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, April 23, 2024**

The regular meeting of the Common Council of the City of Marshall was held April 23, 2024, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer (via Zoom), James Lozinski, See Moua-Leske, Amanda Schroeder, Steve Meister, and John Alcorn. Absent: None. Staff present included: Sharon Hanson; City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Preston Stensrud, Park and Rec Supervisor; Quentin Brunsvold, Fire Chief; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

Councilmember Schafer attended via Zoom from Statesville, North Carolina in the lobby of AM Racing located at 2668 Peachtree Road.

Consider Approval of the Minutes from the Regular Meeting Held on April 9th and the Local Board of Appeals and Equalization on April 15th

There were no amendments to the minutes from the meetings held on April 9th and April 15th.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve the minutes from April 9th and April 15th. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Abstaining: Councilmember Schroeder. The motion **Carried. 6-0-1.**

Project ST-010: Lyon Circle Reconstruction Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract)

The project consisted of reconstructing the street, curb and gutter, and utility replacement. The sanitary sewer would be replaced, along with service lines, and the storm sewer piping and intakes would be replaced at the intersection of Lyon Circle and East Lyon Street. Other items of work included pavement removal, aggregate base, concrete valley gutter, and bituminous surfacing. On April 16, 2024, six bids were received. The low bid was from A&C Excavating, LLC of Marshall, Minnesota, in the amount of \$161,580.80. The engineer's estimated range of cost was \$193,100 – \$227,200. The project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs was \$196,805.41. All improvements would be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. The financing and cost participation would be forthcoming and addressed at the time of the Resolution Declaring Cost to be Assessed.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 24-043 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bond for Project ST-010. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to adopt Resolution 24-044 accepting the bid and authorizing entering into an agreement with A&C Excavating, LLC of Marshall in the amount of \$161,580.80 for Project ST-010. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project PK-015: Independence Park Parking Lot & Entrance Road Project - 1) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 2) Resolution Accepting Bid (Awarding Contract)

The project consisted of excavation, fabric, gravel, storm sewer, curb & gutter, concrete paving, and constructing the entrance road and parking lot east of the intersection of Nuese Lane & G Street. The Public Improvement/Transportation Committee (PI/T) met on 02/13/2024 and 03/04/2024 to discuss this project. On April 16, 2024, four bids were received. The low bid was from Towne & Country Excavating LLC of Garvin, Minnesota, in the amount of \$197,216.00. The engineer's estimate was approximately \$222,800.00. The project, or a portion thereof, may be financed by the sale of bonds with repayment coming from Debt Service Fund Levy. The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs was \$240,209.09. The 2024 capital budget included \$130,000 for paving this parking lot. Following discussion with the PI/T Committee in February and March, Community Services staff had reviewed and identified methods of deferring some Legion Field improvements into future years to accommodate paving the Independence Park Parking Lot in 2024 and including curb and gutter and concrete surfacing.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to adopt Resolution 24-045 Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bond for Project PK-015. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Alcorn to adopt Resolution 24-046 accepting bid and authorizing entering into an agreement with Town & Country Excavating LLC of Garvin, in the amount of \$197,216.00 for Project PK-015. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Approval of the Consent Agenda

Councilmember Moua-Leske requested Item 4. Consider Approval for a LG220 Raffle Permit for the Pride in the Tiger Foundation be removed for further discussion. Councilmember Lozinski requested Item 5. Consider Approval of the 2024-2025 Township Fire Services Agreement also be pulled for additional discussion.

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

- Consider Approval for a Temporary Liquor License for the Knights of Columbus
- Preliminary Plat of Kwik Trip 1273 – Introduction of Preliminary Plat.
- Project AP-008: Instrument Landing System (ILS) Replacement-Runway 12 - Consider Resolution Authorizing Execution of MnDot Grant Agreement No. 1056813 / S.P. A4201-110
- Request for Private Use of Public Parking Lot from Adult Community Center for August 20-21, 2024
- Introduction of Ordinance - Repealing Section 86-51 Bed and Breakfast
- Introduction of Ordinance - Amending Section 86-97 One Family Residence District
- Introduction of Ordinance - Amending Section 86-107 General Industrial District
- Introduction of Ordinance - Amendment to Section 86-162 Yard Modification
- Introduction of Ordinance - Amending Section 66-55 Procedures and Section 66-53 Required
- Consider Approval for a Temporary Sunday Liquor License for Mariachi Fiesta for Cinco de Mayo
- Consider Approval of the Bills/Project Payments

Consider Approval for a LG220 Raffle Permit for the Pride in the Tiger Foundation

Councilmember Moua-Leske requested the item to be pulled from consent so that she may abstain from the vote.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the request for a LG220 Raffle Permit for the Pride in the Tiger Foundation. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Councilmember Moua-Leske. The motion **Carried. 6-0-1.**

Consider Approval of the 2024-2025 Township Fire Services Agreement

Fire Chief Brunsvold explained that the fee formula had been in place for roughly 10 years and determines a per section cost based on several factors. A few of the factors considered would be the population of the township, market value of the township and the number of service calls by township. Prior to the new formula townships paid a small amount for the agreement and it wasn't nearly enough to cover any expenses that were incurred for a service call. Brunsvold mentioned the service agreement wouldn't be going towards the new aerial truck that was approved and more than likely that truck would not be used in a township as there wouldn't be enough water available to pump through the truck. However, the truck could be used for rescues that require heights such as a grain bin recovery. Mayor Byrnes noted that the Marshall Fire Department does have specific equipment for rural use such as the grass rig skid units and tankers.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the 2024-2025 Township Fire Services Agreements. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider the Request of Karen Owen for a Conditional Use Permit for a Duplex in an R-1 District

The request was for a corner that was in a R-1 One Family Residence but was adjacent to the R-2 up to four-unit zone. The owner would be required to build a front entrance of each unit facing different streets. Councilmember Moua-Leske asked what concerns the neighbors had with the house. Gutman said the main concern was that the rest of the area was single family homes, and they didn't agree a duplex should be built. Councilmember Lozinski asked Attorney Whitmore if this met the same criteria as the duplex that was approved for Jaguar Court. Whitmore did verify the situation was similar and that the council had wanted to deny the permit, but all the conditions of a CUP were met and thus it was granted because there was not a reasonable basis for denial.

Motion made by Councilmember Moua-Leske, Seconded by Councilmember Schafer to approve the request to grant a Conditional Use Permit for a single ownership duplex in an R-1 One Family Residence District but requiring that the outside appearance was uniform and masked evidence of two dwellings in the building with unit front entrances facing different streets. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Schroeder. The motion **Carried. 6-1.**

Adopt Neighborhood Park Maintenance Statements for Elaine Park and Michael Park

Administrator Hanson informed the council that in February 2024 a Public Improvement and Transportation (PIT) meeting was held with residents surrounding Elaine Park following the city being approached to look at options for future maintenance of the park. In 1947, Eatros Place was platted and developed as a new housing development in the City of Marshall. As part of the development, Elaine Park was established. By dedicating Elaine Park to the City of Marshall on the plat, the developer gave the City of Marshall an easement for the park (similar to the streets and other easements dedicated to the city on the plat). That meant the City of Marshall did not own the park property, it only had an easement to use the property for the purpose of a park. The City's understood that the Elaine Park abutting property owners had been maintaining the park by mowing the green space instead of the City. It was also the City's understanding that since the establishment of Elaine Park as part of the original housing development, the

City had not maintained the green space due to the premise that the Park was established as a “neighborhood park” with support from the surrounding property owners, for the City to not maintain the park. Although the public meeting held in February was only with Elaine Park adjoining residents due to the initial request of the city, staff recommended that whatever decision was made apply to Michael Park as well since the development, history of maintenance and similar attributes of the park lend well to ensure future maintenance direction is clear on the nearly identical Park. Staff recommended that city staff perform any extraordinary maintenance deemed necessary for these parks, such as filling a low spot that poses a hazard, removing invasive species, diseased trees, or fallen trees. The City of Marshall would not be performing any routine maintenance such as mowing, weed spraying, tree trimming, litter removal, or leaf removal. Mayor Byrnes reiterated that over the years the park discussion had been brought up but no formal action was ever taken. Councilmember Lozinski noted that during the public meeting several homeowners wished to keep things the way that had been and of course a few neighbors also wanted the city to maintain and take over the park. Councilmember Schroeder quipped that she used to be a homeowner abutting Elaine Park and that she had loved having the extra green space and didn’t expect that the city would be doing the maintenance. Councilmember Moua-Leske asked for clarification with personal property within the park property. Hanson said more than likely personal property would be dealt with on a complaint basis.

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt the following statement:

“Elaine Park and Michael Park are neighborhood parks. This means that these parks are City parks and are open to the public. They are maintained by the City on an infrequent basis because they typically serves the surrounding neighborhood, have a lower usage, and do not have a regional draw as a destination. The City will perform any extraordinary maintenance it deems is necessary for these parks such as filling a low spot that poses a hazard, removing invasive species or diseased trees, or removing fallen trees. The City will not be performing any routine maintenance such as mowing, weed spraying, tree trimming, litter removal, or leaf removal. Neighborhood parks often abut private property. The City reminds neighboring property owners that city park property is not an extension of adjoining private property.”

Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider Engagement Letter/Contract for Municipal Advisory Services from Baker Tilly

Baker Tilly had been updating their contracts and asked the City of Marshall to review and consider approving an updated agreement. The existing contract was dated December 9, 2015, between the City of Marshall, Economic Development Authority, Housing and Redevelopment Authority and Springsted. An addendum was approved and was dated March 22, 2019, updating services from Springsted to Baker Tilly. The largest changes included pricing increases for issuances of General Obligation debt, as well as hourly rates, and the addition of a 30-day notice in advance of fee changes (existing agreement did not allow fee changes without a modified agreement). Services included in the scope of work included:

- General Municipal Advisory Services
- Securities Issuance
- Arbitrage Monitoring Services
- Continuing Disclosure Services
- Housing and Economic Development Services

Both the City of Marshall and Baker Tilly would maintain the right to terminate the engagement letter, or any work being done under an individual Scope Appendix. Councilmember Lozinski asked if any other requests were made for these services or was Baker Tilly the only firm approached. Moberg stated that other companies were unofficially asked about services and fees but a formal request for proposals was not done.

Motion made by Councilmember Schafer, Seconded by Councilmember Moua-Leske to approve the engagement letter and contract for Municipal Advisory Services from Baker Tilly. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Project PK-011 / (SAP 139-090-006): C Street/Southview Drive Trail Project – 1) Consider Resolution Authorizing Agent of Sponsoring Agency for Active Transportation Project; 2) Consider Resolution Identifying Responsibility for Operation and Maintenance for Active Transportation Project

Staff had secured a \$399,528 Transportation Alternatives (TA) grant back in 2020 for the construction of a shared use path. In addition, City Engineering staff submitted a 2025 Active Transportation (AT) grant anticipating the AT grant funds to cover the remaining local share of the project costs. If the AT grant was not secured, the City’s Municipal State Aid Street (MSAS) funds would be used to cover all costs more than \$399,528. MnDOT was currently soliciting for the 2025 Active Transportation grant applications. The AT grant was a State funded grant that can be used to pay for the gap in funds between the awarded TA grant and the actual bid price for the project. The AT program’s purpose was to help fund projects that connect communities and key destinations by boosting public health by creating safer environments for people to walk, bike or roll to their destinations. While also mitigating safety hazards related to interacting with vehicular traffic. The C Street and Southview trail fit into these categories since it is a direct trail link between the trail at the intersection of C Street and Progress Drive down to Southview Drive and over to U.S. Highway 59/Main Street where the existing trail was located. City Engineering and Community Services Department staff had met with Marshall Public Schools staff to discuss shared participation in the project. City staff would propose a partnership that generally splits grant match cost with Marshall Public Schools, with the city providing and covering the costs associated with engineering services. The revised preliminary cost estimate showed \$309,841 of city participation, with nearly \$97,844 of this participation being City engineering services. Staff brought the project and grant discussion to the Public Improvement and Transportation Committee on February 13, 2024. Engineering staff have completed the application and would like the City Council to offer their support for the grant. There is no fiscal impact today. If the City of Marshall was awarded additional funds from the AT grant, staff would be notified in Summer of 2024. From the revised preliminary cost estimate city participation was expected to be \$211,997 in cash with the city also providing \$97,844 in engineering services. An AT Grant award would reduce the local cost to the city by up to \$211,997.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to adopt Resolution 24-048 Authorizing Agent of Sponsoring Agency for Active Transportation Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Mayor Byrnes, Councilmember Moua-Leske. The motion **Carried. 5-0-2.**

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to adopt Resolution 24-049 Identifying Responsibility for Operation and Maintenance for Active Transportation Project. Voting Yea: Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Lozinski. Voting Abstaining: Mayor Byrnes, Councilmember Moua-Leske. The motion **Carried. 5-0-2.**

Commission/Board Liaison Reports

Byrnes	No report.
Schafer	No report.
Meister	No report.
Schroeder	No report.

Alcorn The MMU Commission met and discussed their annual audit which seemed favorable.

Moua-Leske No report.

Lozinski No report.

Councilmember Individual Items

Councilmember Lozinski mentioned that a public meeting was held for residents affected by the South Whitney Street Reconstruction Project. Several trees were slated to be removed and Lozinski believed that city staff and the residents had come to a reasonable conclusion. Lozinski also thanked the Marshall Police Department for their involvement and professionalism during the confrontation with an armed citizen firing at a police officer that didn't involve a loss of life.

Councilmember Schafer echoed Councilmember Lozinski's sentiments about the Marshall Police Department and that all the training and systems in place for such a response went extremely well.

City Administrator

On May 6th an intern would be hired under Administrator Hanson and would be introduced to the City Council on May 14th. City staff met with a strategic planner and recommendations from that meeting will be during a work session on May 14th after the regular council meeting.

Director of Public Works/City Engineer

Provided project updates for the Addison Parking Lot reconstruction and South Whitney Street Reconstruction.

City Attorney

Some minor changes would be coming to the ordinance introduction amending Section 66-55 Procedures and Section 66-53 Required regarding preliminary plats.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjournment

At 6:27 PM Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Authorization to Declare Vehicle as Surplus Property
Background Information:	The Red Baron Arena recently received their replacement vehicle and wish to have their old vehicle listed for auction. 2012 RAM 2500 Regular Cab 8ft Box. VIN: 3C6LD5AT3CG241131
Fiscal Impact:	On-line auction price.
Alternative/ Variations:	
Recommendations:	That this vehicle be declared as surplus property by the City of Marshall for the Parks Department/Red Baron Arena.

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval for a Temporary Liquor License for the Knights of Columbus
Background Information:	<p>Holy Redeemer will be hosting an event at their food stand building located at the Lyon County Fairgrounds.</p> <p>All temporary liquor licenses require municipal approval and final approval from the Alcohol and Gambling Enforcement Division.</p>
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the temporary on-sale liquor license for the Knights of Columbus on September 21.



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

Name of organization Holy Redeemer Council 1621 K of C	Date organized 4/1/1912	Tax exempt number 1291523
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Address P.O. Box 1105	City Marshall	State Minnesota	Zip Code 56258
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Name of person making application Michael Oney	Business phone	Home phone 507-828-0517
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Date(s) of event September 21, 2024	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer <input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input checked="" type="checkbox"/> Other non-profit
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Organization officer's name Jeff Yorde	City Marshall	State Minnesota	Zip Code 56258
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Organization officer's name Kevin Gruhot	City Marshall	State Minnesota	Zip Code 56258
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Organization officer's name Michael Oney	City Marshall	State Minnesota	Zip Code 56258
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Organization officer's name Stan Dopheide	City Marshall	State Minnesota	Zip Code 56258
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Location where permit will be used. If an outdoor area, describe:
 Inside the 4H Building located at the Lyon County Fairgrounds in Marshall MN. If weather is favorable, customer will receive beer beverage inside the building and consume at a picnic table immediately outside the 4H Building.

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

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

APPROVAL

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

 City or County approving the license

 Date Approved

 Fee Amount

 Permit Date

 Date Fee Paid

 City or County E-mail Address

 City or County Phone Number

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

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

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

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval to Allow the American Legion to Conduct Bingo at the Red Baron Arena on June 6th
Background Information:	The American Legion Post 113 will be hosting a bingo fundraiser on June 6 th at the Red Baron Arena and Expo located at 1651 Victory Drive. Gambling permits are issued by the State of MN but require local approval before submittal.
Fiscal Impact:	
Alternative/ Variations:	None recommended.
Recommendations:	To approve the LG230 Application to Conduct Off-Site Gambling and resolution authorizing permission.

LG230 Application to Conduct Off-Site Gambling

No Fee

ORGANIZATION INFORMATION

Organization Name: American Legion Post 113 License Number: 00746
Address: 448 W. Main St/PO Box 284 City: Marshall, MN Zip: 56258
Chief Executive Officer (CEO) Name: Bruce Fuhrman Daytime Phone: 507-829-2116
Gambling Manager Name: Duane Stangeland Daytime Phone: 507-530-1854

GAMBLING ACTIVITY

Twelve off-site events are allowed each calendar year not to exceed a total of 36 days.

From 6/6/24 to 6/16/24

Check the type of games that will be conducted:

- Raffle Pull-Tabs Bingo Tipboards Paddlewheel

GAMBLING PREMISES

Name of location where gambling activity will be conducted: Red Baron Event Center

Street address and City (or township): 1651 Victory Drive Zip: 56258 County: Lyon

- Do not use a post office box.
If no street address, write in road designations (example: 3 miles east of Hwy. 63 on County Road 42).

Does your organization own the gambling premises?

- Yes If yes, a lease is not required.
No If no, the lease agreement below must be completed, and signed by the lessor.

LEASE AGREEMENT FOR OFF-SITE ACTIVITY (a lease agreement is not required for raffles)

Rent to be paid for the leased area: \$ (if none, write "0")

All obligations and agreements between the organization and the lessor are listed below or attached.

- Any attachments must be dated and signed by both the lessor and lessee.
This lease and any attachments is the total and only agreement between the lessor and the organization conducting lawful gambling activities.
Other terms, if any:

Lessor's Signature: Date:
Print Lessor's Name:

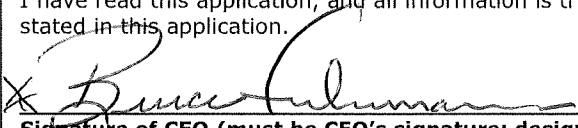
Acknowledgment by Local Unit of Government: Approval by Resolution

CITY APPROVAL for a gambling premises located within city limits	COUNTY APPROVAL for a gambling premises located in a township
City Name: _____	County Name: _____
Date Approved by City Council: _____	Date Approved by County Board: _____
Resolution Number: _____ (If none, attach meeting minutes.)	Resolution Number: _____ (If none, attach meeting minutes.)
Signature of City Personnel: _____	Signature of County Personnel: _____
Title: _____ Date Signed: _____	Title: _____ Date Signed: _____
<p>Local unit of government must sign.</p>	<p>TOWNSHIP NAME: _____</p> <p>Complete below only if required by the county. On behalf of the township, I acknowledge that the organization is applying to conduct gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minnesota Statutes 349.213, Subd. 2.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date Signed: _____</p>

CHIEF EXECUTIVE OFFICER (CEO) ACKNOWLEDGMENT

The person signing this application must be your organization's CEO and have their name on file with the Gambling Control Board. If the CEO has changed and the current CEO has not filed a LG200B Organization Officers Affidavit with the Gambling Control Board, he or she must do so at this time.

I have read this application, and all information is true, accurate, and complete and, if applicable, agree to the lease terms as stated in this application.


X 5-1-24

Signature of CEO (must be CEO's signature; designee may not sign)
Date

<p>Mail or fax to:</p> <p>Minnesota Gambling Control Board Suite 300 South 1711 West County Road B Roseville, MN 55113 Fax: 651-639-4032</p>	<p>No attachments required.</p> <p>Questions? Contact a Licensing Specialist at 651-539-1900.</p>
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This publication will be made available in alternative format (i.e. large print, braille) upon request.

<p>Data privacy notice: The information requested on this form (and any attachments) will be used 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 requested, the Board will be able to process your organization's application.</p> <p>Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public.</p>	<p>If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.</p> <p>Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; commissioners of Administration, Minnesota Management & 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.</p>
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RESOLUTION NO. 24-050

RESOLUTION APPROVING A LAWFUL GAMBLING PREMISES PERMIT

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

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

That American Legion Post 113 request for a premises permit for The Red Baron Arena and Expo located at 1651 Victory Drive, Marshall, Minnesota hereby be approved.

Passed by the City Council of Marshall, Minnesota this 14th day of May 2024.

Robert Byrnes, Mayor

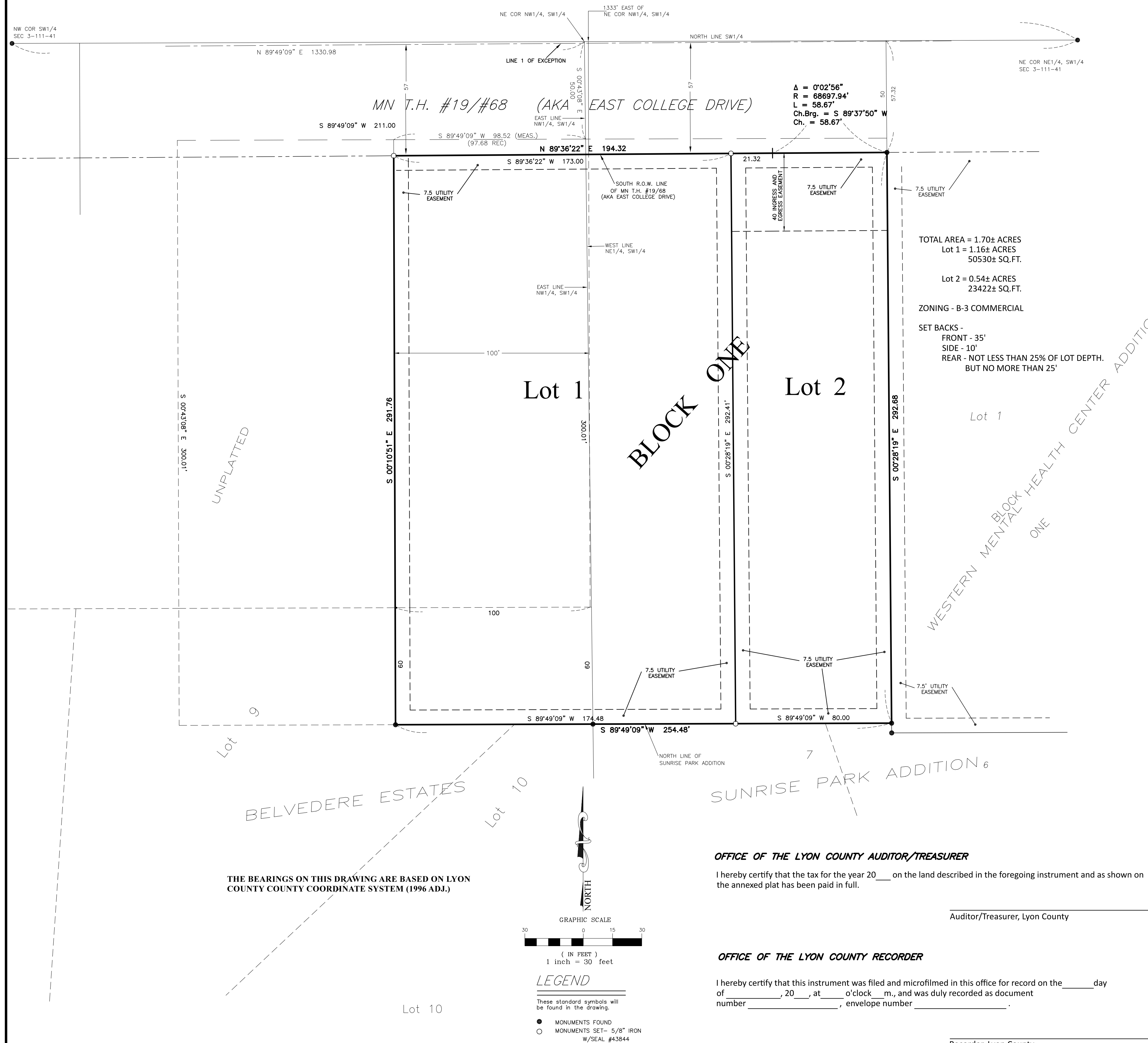
Attested:

Steven Anderson, City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Preliminary Plat of Peachy Subdivision – Introduction of Preliminary Plat
Background Information:	<p>Attached please find a copy of the preliminary plat of Peachy Subdivision.</p> <p>The property owner is planning a demolition of existing buildings on the site and desires to create lots for sale and development.</p> <p>Attached please find a copy of the Engineer’s Report of Preliminary Plat Review. A copy of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council introduce the preliminary plat of Peachy Subdivision.

Preliminary Plat of PEACHY SUBDIVISION



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

(Document no. 1624496)

Tract A and Tract B

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

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

EXCEPTING THEREFROM: All that part of Tracts A and B described above which lies North of a line run parallel with and distant 57 feet South of line I described below:
Line I: Beginning at a point on the west line of Section 3, Township 111 North, Range 41 West, which is 5.64 feet South of the West quarter corner of said Section 3; thence Easterly on an azimuth of 90 degrees 54 minutes 10 seconds the direction is based on the Minnesota State Plane Coordinate System, South Zone, NAD 83, American Datum of 1927, a distance of 1,426.34 feet; thence Easterly a distance of 177.38 feet along a tangential curve concave to the South, having a radius of 68,754.94 feet and a central angle of 0 degrees 08 minutes 52 seconds; thence on an azimuth of 91 degrees 03 minutes 02 seconds, tangent to said curve, a distance of 3,794.40 feet to a point on the East line of said Section 3 which is 4.62 feet North of the East Quarter corner thereof.

AND

Tract C

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

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

PEACHY LLC

by _____, Its _____

**STATE OF MINNESOTA
COUNTY OF LYON**

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

Notary Public,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

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

Daniel L. Bueltel
Minnesota License Number 43844

**STATE OF MINNESOTA
COUNTY OF LYON**

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

Notary Public,
My Commission Expires _____

CITY COUNCIL

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

Mayor _____

City Clerk _____

OFFICE OF THE LYON COUNTY AUDITOR/TREASURER

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

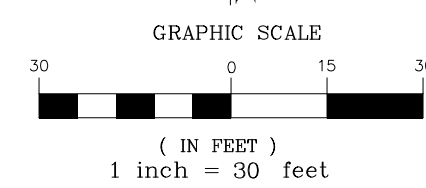
Auditor/Treasurer, Lyon County

OFFICE OF THE LYON COUNTY RECORDER

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

Recorder, Lyon County

THE BEARINGS ON THIS DRAWING ARE BASED ON LYON COUNTY COORDINATE SYSTEM (1996 ADJ.)



LEGEND

- MONUMENTS FOUND
- MONUMENTS SET - 5/8" IRON W/SEAL #43844

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Peachy Subdivision

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

Owner's Name: Peachy LLC

Surveyor: Daniel L. Beutel Reg. No. 43844

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

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

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

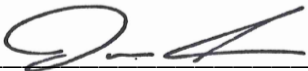
CITY ENGINEER'S RECOMMENDATIONS:

Approve

DATE RECEIVED: May 2, 2024

DATE REVIEWED: May 2, 2024

PLANNING COMMISSION REVIEW DATE: May 8, 2024



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

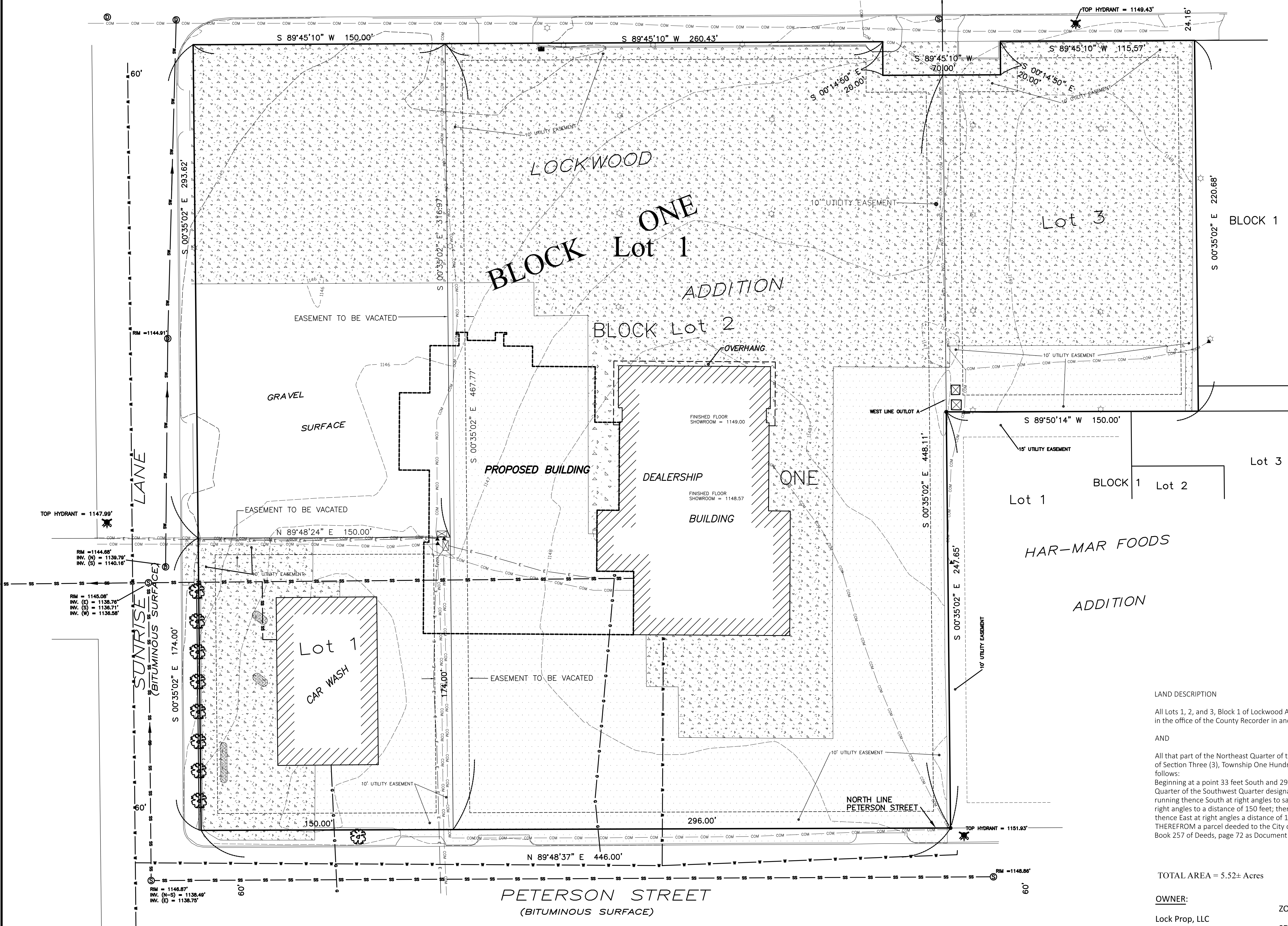


CITY OF MARSHALL AGENDA ITEM REPORT

Presenter	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Preliminary Plat of Lockwood Second Addition – Introduction of Preliminary Plat
Background Information:	<p>Attached please find a copy of the Engineer’s Report of Preliminary Plat Review. Copies of the proposed subdivision has been sent to the local utility companies for their review and comments.</p> <p>The property owner is planning a building addition and wishes to redefine property lines to accommodate this addition.</p> <p>A public hearing was held on the preliminary plat at the Planning Commission meeting on May 8, 2024.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council introduce the preliminary plat of Lockwood Second Addition.

PRELIMINARY PLAT
LOCKWOOD SECOND ADDITION
 Marshall, Minnesota

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



NORTH

GRAPHIC SCALE
 1 inch = 30 feet
 (IN FEET)
 0 15 30

LEGEND

These standard symbols will be found in the drawing.

- MONUMENTS FOUND
- MONUMENTS SET - 5/8" IRON W/SEAL #43844
- ⊗ FIRE HYDRANT
- ⊙ SANITARY SEWER MANHOLE
- ⊕ STORM DRAIN MANHOLE
- CATCH BASIN
- ⊠ ELECTRICAL TRANSFORMER
- ▲ UTILITY PEDESTAL
- LIGHT POLE
- MONUMENTS FOUND
- BURIED COMMUNICATIONS LINE
- BURIED ELECTRIC
- BURIED NATURAL GAS LINE
- SW STORM SEWER
- SS SANITARY SEWER
- W WATER LINE
- ⊗ DECIDUOUS TREE
- CONCRETE SURFACE
- ▨ BITUMINOUS SURFACE
- ▨ BUILDING

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

AND
 All that part of the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Three (3), Township One Hundred Eleven (111), Range Forty-one (41) described as follows:
 Beginning at a point 33 feet South and 296 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter designated as the South line of Trunk Highway No. 19; running thence South at right angles to said South line, a distance of 317 feet; thence West at right angles to a distance of 150 feet; thence North at right angles a distance of 317 feet; thence East at right angles a distance of 150 feet to the place of beginning, EXCEPTING THEREFROM a parcel deeded to the City of Marshall pursuant to Warranty Deed recorded in Book 257 of Deeds, page 72 as Document No. 100692.

TOTAL AREA = 5.52± Acres

OWNER:
 Lock Prop, LLC

ZONING - B-3 COMMERCIAL

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

BEARINGS BASED ON LYON COUNTY COORDINATES (NAD83 1996 Ad)

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Lockwood Second Addition

Quarter NE¹/₄SE¹/₄ Section 3 Township 111N Range 41W

Owner's Name: Lock Prop LLC

Surveyor: Daniel L. Beutel Reg. No. 43844

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

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

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

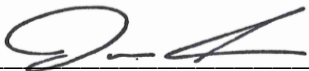
CITY ENGINEER'S RECOMMENDATIONS:

Approve

DATE RECEIVED: April 16/Revised May 2, 2024

DATE REVIEWED: May 2, 2024

PLANNING COMMISSION REVIEW DATE: May 8, 2024



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

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Vacation of Utility Easements in Proposed Lockwood Second Addition -- Receive Petition for Vacation and Call for Public Hearing
Background Information:	<p>A signed petition for vacation of utility easements has been received from the owners of all the real property that includes the proposed vacated area.</p> <p>A map of the petitioned vacation area is attached.</p> <p>The purpose of the vacation is to for a building addition in proposed Lockwood Second Addition.</p> <p>A copy of the procedure for vacation of streets by resolution, included in Sec. 62-4 of the Marshall Code of Ordinances, is also attached.</p> <p>All utility companies have been notified of the vacation of easements petition and have been directed to coordinate with the property owner and land surveyor regarding the individual requirements, if any, of each utility company.</p>
Fiscal Impact:	The applicant has paid the \$200 escrow for direct costs relating to the petition for vacation, and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council acknowledge receipt of the attached petition to vacate utility easement, order the petition to be filed for record with the City Administrator, order hearing on such petition, and set the hearing date for May 28, 2024.


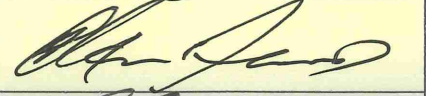
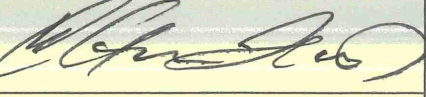
PETITION FOR VACATION OF UTILITY EASEMENTS

Receipt # 14085
Paid 4/15/2024

Marshall, Minnesota
April 2024

To the City Council of Marshall, Minnesota:

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

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

Purpose of Vacation: building addition

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

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

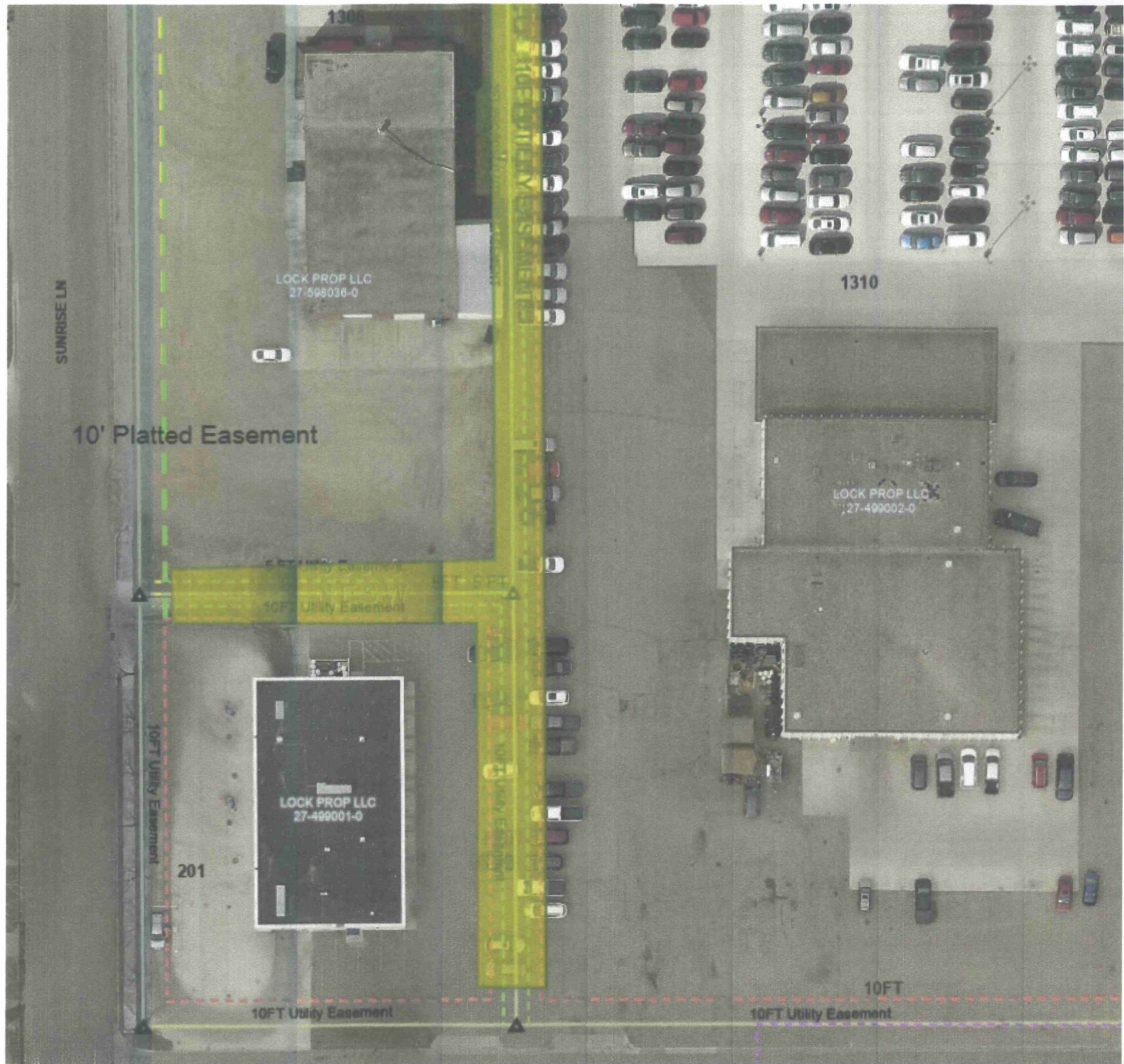

Signature

Chester Lockwood
Printed Name

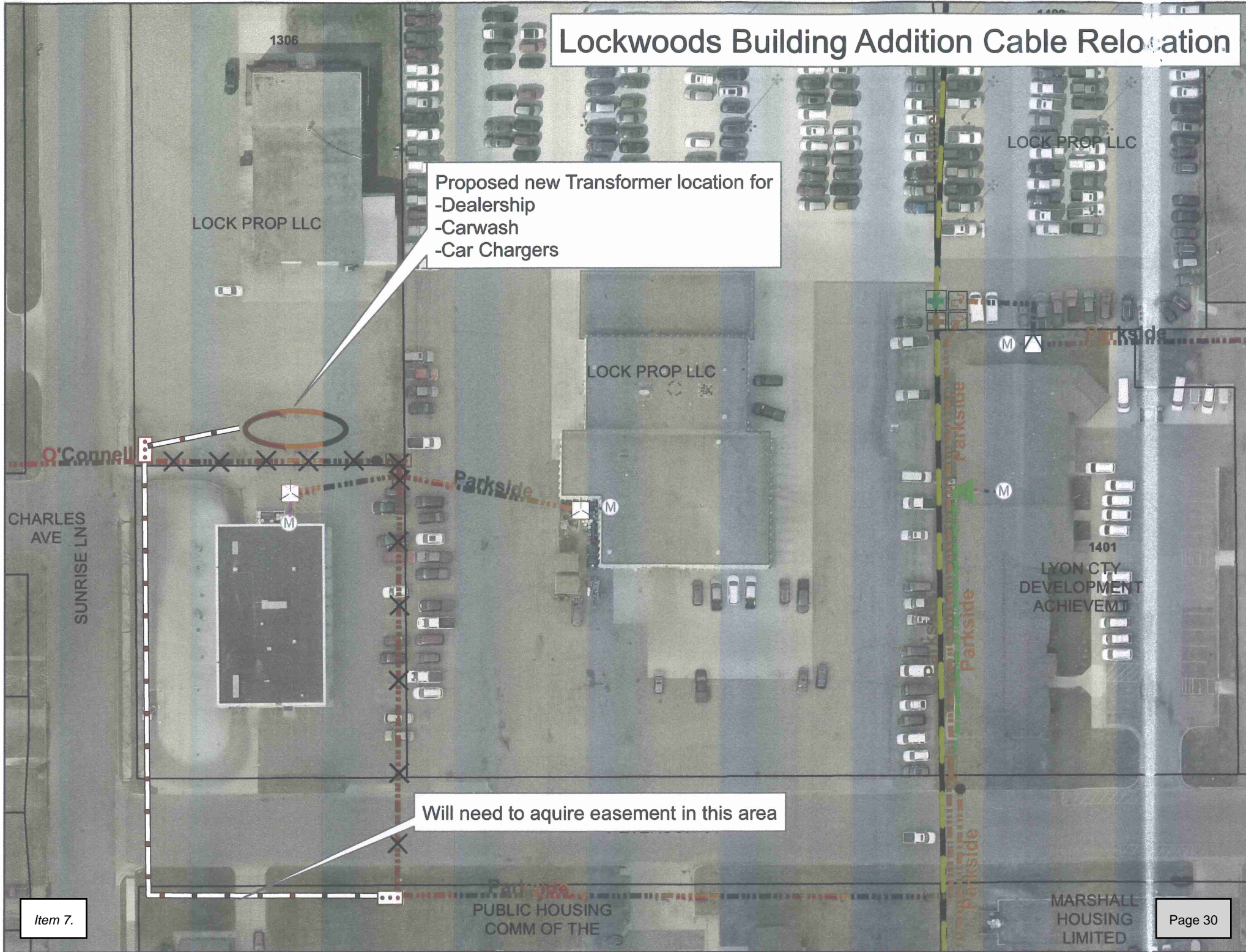
4-15-24
Date

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

City Clerk



Lockwoods Building Addition Cable Relocation



Proposed new Transformer location for
-Dealership
-Carwash
-Car Chargers

Will need to aquire easement in this area

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

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

(Code 1976, § 7.07)

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Set Public Hearing Date for MS4 Permit Program Summary of the 2023 Activities
Background Information:	<p>As per the requirements of the federally mandated MS4 Permit Program, a public hearing must be held regarding the program. The public hearing will include a review of the City’s MS4 program and a summary of the 2023 activities. The meeting will include an open forum for answering questions from the general public.</p> <p>Topics addressed by the MS4 program include the following:</p> <ul style="list-style-type: none"> - Storm Water Pollution Prevention Program - Public Education and Outreach on Storm Water Impacts - Public Participation/Involvement - Illicit Discharge Detection and Elimination - Construction Site Storm Water Runoff Control - Post Construction Storm Water Management for New Development & Redevelopment - Pollution Prevention/Good Housekeeping for Municipal Operations
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that City Council schedule a public hearing for June 18, 2024, regarding the MS4 Permit Program and a Summary of the 2023 Activities.

Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval Declaring the Sounds of Summer a Community Festival
Background Information:	<p>The Sounds of Summer Committee has submitted a letter requesting that the city declare the “Sounds of Summer” celebration as a Community Festival. The annual event is scheduled to take place Thursday, August 22 through Sunday, August 24, 2024.</p> <p>Additional information can be found here: https://visitmarshallmn.com/sounds-of-summer/</p>
Fiscal Impact:	N/A
Alternative/ Variations:	
Recommendations:	To approve a resolution declaring Sounds of Summer a Community Festival.



May 2024

To: Honorable Mayor and Council Members
Cc: Sharon Hanson, City Administrator

From: Marshall Sounds of Summer

We hereby request that you declare the Sounds of Summer celebration scheduled for Thursday, August 22nd thru Sunday, August 24, 2024, a Community Festival.

Sounds of Summer remains the same; family, friendly, free events that the entire family can enjoy. We are anticipating that this year's festival will bring additional community residents, former residents as well as people from the area to our celebration.

Relay for Life will happen on Thursday evening. Friday "Family Night" will include touch-a-truck, an acrobatic show, and a family friendly drum and piano act "White Keys." Saturday, August 24th will be the band Whiskey Rich opening for POP Rocks.

Our grand festival parade will be on Saturday afternoon, and on Sunday, the festival will conclude with a community wide praise service. We encourage and thank you for your support of Sounds of Summer 2024!

Sincerely,

Brock Klaith Lisa Van Vickle Marc A. Klaith
Brock Klaith, Lisa Van Vickle, Marc Klaith

Marshall Festivals Committee Officers

RESOLUTION NUMBER 24-051

**AUTHORIZATION TO DECLARE THE SOUNDS OF SUMMER CELEBRATION AS A
COMMUNITY FESTIVAL**

WHEREAS, the Sounds of Summer Committee is planning to entertain the residents of Marshall and the surrounding area; and

WHEREAS, everyone enjoys a great parade, open-air concerts, fun and exciting activities for all ages; and

WHEREAS, due to the fantastic community event and celebration that was held in the past by Schwan's the Chamber of Commerce did determine that we need to celebrate our hometown of Marshall with a summer festival; and

WHEREAS, the Sounds of Summer Committee will be holding the Community Festival in August, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the City Council declares the Sounds of Summer Community event scheduled for August 22, 2024, through August 24, 2024, as a "Community Festival".

Passed and adopted by the Common Council this 14th day of May 2024.

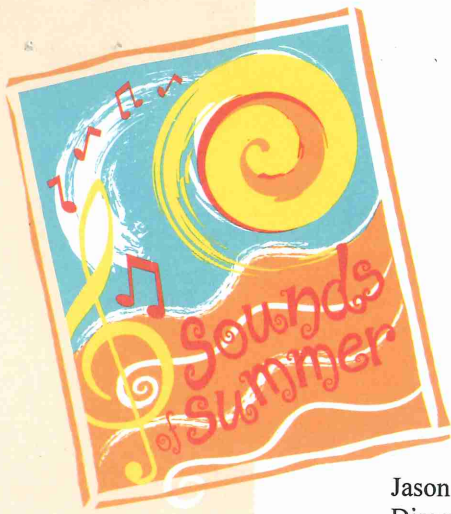
Mayor of the City of Marshall

ATTEST:

City Clerk

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Sounds of Summer - Call for Public Hearing for Private Use of Public Streets and Parking Lots for Sounds of Summer (August 22-25, 2024)
Background Information:	<p>Attached is a request from the Sounds of Summer Committee requesting permission for the following:</p> <ul style="list-style-type: none"> - Closure of Saratoga Street (08/22/2024 (Thurs)) Closure of Saratoga Street from West College Drive to Greeley Street from - Closure of West College Drive (TH 19) <u>AND</u> Closure of Saratoga Street (08/23/2024 to 08/25/2024 (Fri-Sun)) Closure of West College Drive from Greeley Street to Saratoga Street and closure of Saratoga Street from West College Drive to Greeley Street on the following dates and times to allow adequate time for clean up after the Saturday evening activities. Please see attached "Exhibit A". <ul style="list-style-type: none"> • Friday 8/23 4 PM-10 PM • Saturday 8/24 12 PM to Sunday 8/25 1 AM - Parade Line-Up (08/24/2024 (Sat)): Closure of East Lyon Street, beginning at the corner of Jewett Street to South Bruce Street on Saturday, August 24, 2024 starting at approximately 12 PM to approximately 6 PM. Line-up would begin at 2 PM. Please see attached "Exhibit B". - Parade (08/24/2024 (Sat)): Closure of East Lyon Street from South Bruce Street to East Main Street and closure of Main Street from East Lyon Street to North 6th Street Saturday, August 24, 2024 from 3 PM to approximately 6 PM. Parade would start at 4 PM with an estimated 5:30 PM end time. Please see attached "Exhibit B". <p>In accordance with Section 62-6 of the Marshall City Code, the Director of Public Works/City Engineer may refer any application for private use of public streets and parking lots on either a temporary or permanent basis to be considered by the Marshall City Council.</p> <p>Due to the magnitude of the proposed event and potential impact to the businesses adjacent to the areas that are being requested to be blockaded, City Staff would recommend that the City Council hold a public hearing on these requests prior to granting final approval.</p> <p>In the past, the City's Public Safety and Public Works Divisions have worked with applicants on the issues and public safety concerns that would need to be addressed as part of this request. In addition, it would be City Staff's intent to have a representative from the Committee present at the hearing to provide a brief overview of the activities and events that are going to occur during the celebration.</p>

Fiscal Impact:	There will be costs involved for personnel for set-up and take-down of the detours, barricades, traffic control and street sweeping. Staff is proceeding with plans and not charging fees for this event based on past practice. Costs for operations attributed to the parade only are estimated at less than \$5,000.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council call for a public hearing to be held on May 28, 2024 for the private use of public streets and parking lots for Sounds of Summer (August 22-25, 2024).



May 2024

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

Dear Jason:

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

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

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

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

Close West College Drive from ~~East~~ Greely Street to Saratoga Street and Saratoga Street ^{Close} from W College to ~~West~~ Greely Street.

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

Close West College Drive from ~~East~~ Greely Street to Saratoga Street and Saratoga Street ^{Close} from W College to ~~East~~ Greely Street.

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

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

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

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

Sincerely,

Brock Klaith, Lisa Van Vickle, Marc Klaith

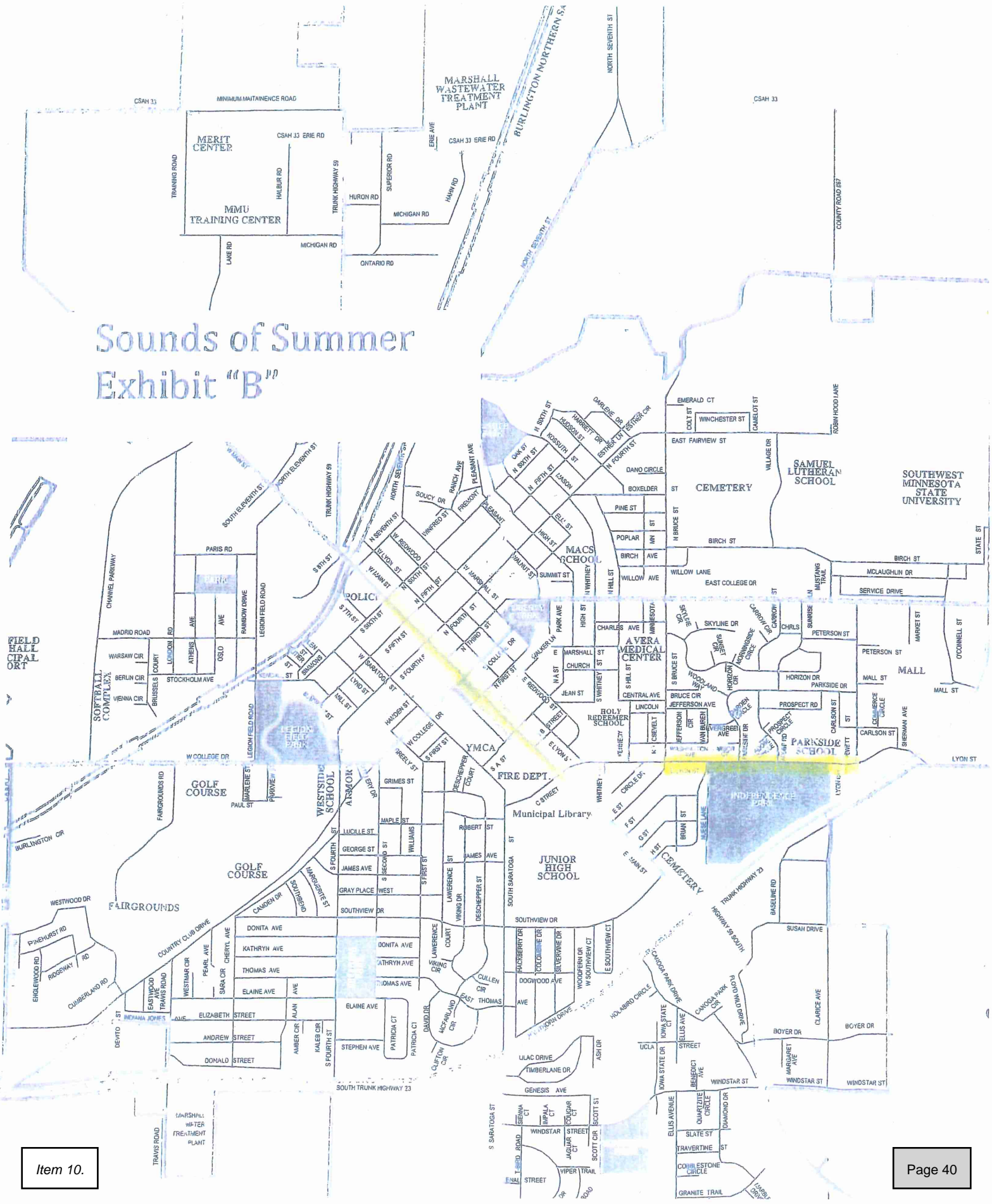
Brock Klaith, Lisa Van Vickle, Marc Klaith
Marshall Festivals Committee Officers

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

Exhibit A



Sounds of Summer Exhibit "B"



Presenter:	Steven Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Approval of Executing a Quit Claim Deed and Execution of Related Documents
Background Information:	<p>On May 18, 1994, a Warranty Deed was executed to transfer ownership of property. The original owners of the property after it had been transferred inadvertently on October 25, 1994, transferred ownership again to the City of Marshall.</p> <p>As the original owner did not legally retain control of the property when it was again transferred on October 25, 1994, City Section 12.05 of the City Charter does not apply, and Council may approve conveyance of Real Property by Quit Claim deed to clear up title issues that had been discovered.</p> <p>Related documents and the quit claim deed had been reviewed by staff and the city attorney.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To approve the resolution approving the execution of a quit claim conveying certain property and authorizing the execution of related documents.

CITY OF MARSHALL, MINNESOTA

RESOLUTION NO. 24-052

**RESOLUTION APPROVING THE EXECUTION OF A QUIT CLAIM CONVEYING CERTAIN
PROPERTY TO TA REAL ESTATE HOLDINGS, LLC**

BE IT RESOLVED by the Common Council for the City of Marshall, Minnesota (the “City”), that:

WHEREAS, the City of Marshall, Minnesota (the “City”) is a Charter City and Section 12.05 of the City Charter states “No real property of the City shall be disposed of except by ordinance”; and

WHEREAS, a Warranty Deed, on May 18, 1994, recorded on June 10, 1994 as Document No. 098467 was executed by Michael Weber and Darlene Weber, as husband and wife; Charles Fischer and Bernice Fischer, as husband and wife; Ernest Louwagie and Jane Louwagie, as husband and wife; Richard Vroman and Helen Vroman, as husband and wife; Shirley Schulz, single; and George Louwagie and Katherine Louwagie, as husband and wife (collectively, “Weber et. al.”) was granted to Roderick L. Thordson and Janice B. Thordson, as joint tenants (“Thordson”) for certain real property legally described on Exhibit A (the “Property”); and

WHEREAS, on October 25, 1994, Weber et. al. deeded, without proper ownership, the Property to the City of Marshall, as documented by Warranty Deed which is recorded as Document No. 101339, recorded on January 31, 1995; and

WHEREAS, because no ownership interest in the Property was legally conveyed to the City, because Weber et. al. did not own the Property at the time that they deeded it to the City, Section 12.05 of the City Charter does not apply and the Council may approve the conveyance of the Property by Quit Claim Deed to TA Real Estate Holdings, LLC, without following the ordinance process.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Marshall:

1. The City Council adopts, as factual findings, all the above recitals.
2. The City Council approves the execution of a Quit Claim Deed of the Property to TA Real Estate Holdings, LLC by the Mayor and City Clerk.

Approved by the City Council of the City of Marshall, Minnesota this 14th day of May 2024.

City of Marshall, Minnesota

Robert J. Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

EXHIBIT A

Legal Description of the Property

All that part of the NE 1/4 SW 1/4 of Section 3, Township 111 N, Range 41, described as follows: Beginning at a point 33 feet south and 856 feet west of the northeast corner of said NE 1/4 SW 1/4 designated as south line of Trunk Highway No. 19; running thence South at right angles a distance of 92 feet; thence West at right angles a distance of 150 feet; thence North at right angles a distance of 75 feet; thence East at right angles a distance of 104 feet; thence North at right angles a distance of 17 feet; thence East at right angles a distance of 46 feet to the place of beginning. Subject to an easement on the West 10 feet thereof for public utilities or an alley.

Subject to existing easements of record,

And

Excepting therefrom the right of way of Trunk Highway No. 19 (a/k/a East College Drive) as now located and established.

which lies North of a line run parallel with and distant 57 feet South of line 1 described below:

Line 1: Beginning at a point on the west line of Section 3, Township 111 North, Range 41 West, which is 5.64 feet South of the West Quarter corner of said Section 3; thence Easterly on an azimuth of 90 degrees 54 minutes 10 seconds the direction is based on the Minnesota State Plane Coordinate System, South Zone, North American Datum of 1927, a distance of 1,426.34 feet; thence Easterly a distance of 177.38 feet along a tangential curve concave to the South having a radius of 68,754.94 feet and a central angle of 0 degrees 08 minutes 52 seconds; thence on an azimuth of 91 degrees 03 minutes 02 seconds, tangent to said curve, a distance of 3,794.40 feet to a point on the East line of said Section 3 which is 4.62 feet North of the East Quarter corner thereof.

All in the County of Lyon, State of Minnesota.

QUIT CLAIM DEED

STATE DEED TAX DUE HEREON: \$1.65

Date: May 14, 2024

Total consideration for this transaction is \$3,000 or less.

FOR VALUABLE CONSIDERATION, the City of Marshall, a Minnesota municipal corporation (“Grantor”), hereby conveys and quit claims to TA Real Estate Holdings, LLC, a Minnesota limited liability company (“Grantee”), real property in Lyon County, Minnesota, legally described on the attached Exhibit A

(the “Property”)

together with all hereditaments and appurtenances belonging thereto.

Check here if part or all of the land is Registered (Torrens)

EXHIBIT A
Legal Description of the Property

All that part of the NE 1/4 SW 1/4 of Section 3, Township 111 N, Range 41, described as follows: Beginning at a point 33 feet south and 856 feet west of the northeast corner of said NE 1/4 SW 1/4 designated as south line of Trunk Highway No. 19; running thence South at right angles a distance of 92 feet; thence West at right angles a distance of 150 feet; thence North at right angles a distance of 75 feet; thence East at right angles a distance of 104 feet; thence North at right angles a distance of 17 feet; thence East at right angles a distance of 46 feet to the place of beginning. Subject to an easement on the West 10 feet thereof for public utilities or an alley.

Subject to existing easements of record,

And

Excepting therefrom the right of way of Trunk Highway No. 19 (a/k/a East College Drive) as now located and established.

which lies North of a line run parallel with and distant 57 feet South of line 1 described below:

Line 1: Beginning at a point on the west line of Section 3, Township 111 North, Range 41 West, which is 5.64 feet South of the West Quarter corner of said Section 3; thence Easterly on an azimuth of 90 degrees 54 minutes 10 seconds the direction is based on the Minnesota State Plane Coordinate System, South Zone, North American Datum of 1927, a distance of 1,426.34 feet; thence Easterly a distance of 177.38 feet along a tangential curve concave to the South having a radius of 68,754.94 feet and a central angle of 0 degrees 08 minutes 52 seconds; thence on an azimuth of 91 degrees 03 minutes 02 seconds, tangent to said curve, a distance of 3,794.40 feet to a point on the East line of said Section 3 which is 4.62 feet North of the East Quarter corner thereof.

All in the County of Lyon, State of Minnesota.

Presenter:	Sharon Hanson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider a Resolution Approving Low Maintenance of Elaine Park and Michael Park
Background Information:	<p>In February 2024 a Public Improvement and Transportation (PIT) meeting was held with residents of Elaine Park following the city being approached to look at options for future maintenance of this park.</p> <p>Although the public meeting held in February was only with Elaine Park residents due to the initial request of the city, staff recommended city council to adopt a neighborhood park maintenance statement that would also apply to Michael Park since the development, history of maintenance and similar attributes of the park lend well to ensure future maintenance direction is clear on this nearly identical Park.</p> <p>During the April 23rd, 2024, regular council meeting, councilmembers voted to adopt the statement recommended by staff. As part of officially recognizing the city's stance Resolution 24- as recommended by staff would be recorded with Lyon County and attached to the park property as an official record for future generations.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To adopt Resolution 24-053 Approving Low Maintenance of Elaine Park and Michael Park.

CITY OF MARSHALL, MINNESOTA

RESOLUTION NO. 24-053

RESOLUTION APPROVING LOW MAINTENANCE OF ELAINE PARK AND MICHAEL PARK

WHEREAS, Elaine Park is a neighborhood park located in the City of Marshall (“City”) and is legally described as Elaine Park, as dedicated on the plat of Eatros Place, County of Lyon, State of Minnesota (PID No. 27-206106-0) (“Elaine Park”); and

WHEREAS, Michael Park is a neighborhood park located in the City of Marshall (“City”) and is legally described as Michael Park, as dedicated on the plat of Eatros Place, County of Lyon, State of Minnesota (PID No. 27-206105-0) (“Michael Park”);

WHEREAS, on February 13, 2012, city staff met with residents in the Elaine Park Neighborhood and residents in the Michael Park neighborhood about maintenance of these parks; and

WHEREAS, city records indicated that the City never has ever provided routine maintenance to these parks; and

WHEREAS, on February 29, 2024, city staff met with residents in the Elaine Park Neighborhood after the City received an inquiry in late 2023 about Elaine Park; and

WHEREAS, the City’s Public Improvement and Transportation Committee discussed park maintenance of Elaine Park at its February 29, 2024, meeting and confirmed the City’s history of never having maintained either Elaine Park or Michael Park; and

WHEREAS, the City has determined that, as neighborhood parks, both Elaine Park and Michael Park have lower usage and do not have the same regional draw as other city parks; and

WHEREAS, as a result, the City has adopted a low maintenance policy regarding Elaine Park and Michael Park where the City performs only extraordinary maintenance as it deems necessary, such as removing invasive species, diseased trees or fallen trees but does not perform routine maintenance on these parks, such as mowing, weed spraying, tree trimming, or litter or leaf removal; and

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Marshall, that the City adopts a low maintenance policy for Elaine Park and Michael Park.

ALSO, BE IT RESOLVED, that the Mayor and the City Clerk, and other City staff it deems necessary are hereby authorized to execute any documents required to record this Resolution with the County recorder against the above reference properties, such as a certified copy of this Resolution.

Approved by the City Council of the City of Marshall, Minnesota this 14th day of May 2024.

City of Marshall, Minnesota

Robert J. Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, May 14, 2024
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
6128	ACTION COMPANY LLC	04/26/2024	EFT	0.00	325.65	16334
6128	ACTION COMPANY LLC	05/03/2024	EFT	0.00	73.55	16373
0560	AFSCME COUNCIL 65	05/03/2024	EFT	0.00	1,324.40	16374
6412	AG PLUS COOPERATIVE	05/10/2024	EFT	0.00	121.86	16465
5959	ALPHA TRAINING, TACTICS & SALES LLC	05/10/2024	Regular	0.00	2,605.68	124427
0578	AMAZON CAPITAL SERVICES	04/26/2024	EFT	0.00	521.79	16335
0578	AMAZON CAPITAL SERVICES	05/03/2024	EFT	0.00	329.28	16375
0578	AMAZON CAPITAL SERVICES	05/10/2024	EFT	0.00	129.33	16466
7263	AMERICAN NATIONAL RED CROSS & ITS CONSTI	05/03/2024	Regular	0.00	644.00	124394
2701	ANDERSON, JASON	05/03/2024	EFT	0.00	80.00	16376
7190	AQUATIC INFORMATICS, INC.	05/03/2024	Regular	0.00	2,858.24	124395
0630	ARCTIC GLACIER	05/03/2024	Regular	0.00	283.94	124396
0630	ARCTIC GLACIER	05/10/2024	Regular	0.00	141.40	124428
7606	ARENDS RENTALS LLC	04/26/2024	Regular	0.00	3,000.00	124366
0629	ARNOLD MOTOR SUPPLY, LLP	04/26/2024	EFT	0.88	7.04	16336
0629	ARNOLD MOTOR SUPPLY, LLP	05/03/2024	EFT	1.64	80.35	16377
0629	ARNOLD MOTOR SUPPLY, LLP	05/10/2024	EFT	2.64	129.34	16467
7621	ASDIC METAMORPHOSIS	05/10/2024	Regular	0.00	3,638.00	124429
6041	AUTOMATIC BUILDING CONTROLS, ABC INC	05/10/2024	Regular	0.00	300.00	124430
2402	AXON ENTERPRISE, INC	05/03/2024	EFT	0.00	11,501.01	16378
2402	AXON ENTERPRISE, INC	05/10/2024	EFT	0.00	14,495.00	16468
7256	BALDWIN SUPPLY COMPANY	05/03/2024	Regular	0.00	3,077.80	124397
2362	BAUMANN, ADAM	05/03/2024	EFT	0.00	30.00	16379
7505	BEAM TECHNOLOGIES INC	04/26/2024	Bank Draft	0.00	4,178.40	DFT0003829
7505	BEAM TECHNOLOGIES INC	04/26/2024	Bank Draft	0.00	4,178.18	DFT0003861
7505	BEAM TECHNOLOGIES INC	04/26/2024	Bank Draft	0.00	883.42	DFT0003870
0688	BELLBOY CORPORATION	05/03/2024	EFT	0.00	9,604.24	16380
0688	BELLBOY CORPORATION	05/10/2024	EFT	0.00	1,382.40	16469
0689	BEND RITE CUSTOM FABRICATION, INC.	04/26/2024	Regular	0.00	50.00	124367
0689	BEND RITE CUSTOM FABRICATION, INC.	05/03/2024	Regular	0.00	650.29	124398
0699	BEVERAGE WHOLESALERS, INC.	04/26/2024	Regular	0.00	29,902.40	124368
0699	BEVERAGE WHOLESALERS, INC.	05/03/2024	Regular	0.00	36,953.55	124399
0699	BEVERAGE WHOLESALERS, INC.	05/10/2024	Regular	0.00	27,843.44	124431
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	7,729.47	DFT0003813
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	1,472.28	DFT0003814
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	56,498.96	DFT0003815
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	3,896.48	DFT0003816
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	7,729.47	DFT0003845
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	1,472.28	DFT0003846
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	56,498.38	DFT0003847
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	3,896.44	DFT0003848
6909	BLUE CROSS & BLUE SHIELD OF MINNESOTA	04/26/2024	Bank Draft	0.00	6,104.88	DFT0003871
0724	BOLTON & MENK INC	04/26/2024	EFT	0.00	1,855.00	16337
0724	BOLTON & MENK INC	05/03/2024	EFT	0.00	32,956.50	16381
0018	BORDER STATES INDUSTRIES, INC.	04/26/2024	EFT	0.00	878.83	16338
0018	BORDER STATES INDUSTRIES, INC.	05/10/2024	EFT	0.00	24.66	16470
3829	BRAU BROTHERS	04/26/2024	EFT	0.00	140.00	16339
3829	BRAU BROTHERS	05/03/2024	EFT	0.00	27.00	16382
3829	BRAU BROTHERS	05/10/2024	EFT	0.00	475.00	16471
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	04/26/2024	Regular	0.00	7,620.59	124369
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	05/03/2024	Regular	0.00	2,870.94	124401
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	05/10/2024	Regular	0.00	5,916.09	124432
0186	BRUNSVOLD, QUENTIN	05/03/2024	EFT	0.00	30.00	16383
3413	BRUSVEN, KATHERINE	05/03/2024	EFT	0.00	30.00	16384

Council Check Report

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
0728	BUFFALO RIDGE CONCRETE INC	05/03/2024	EFT	0.00	599.00	16385
3305	BULLARD, QUINN	05/10/2024	EFT	0.00	168.11	16472
7608	BURNETT, SUSAN	04/26/2024	Regular	0.00	500.00	124370
0204	BUYSSE, JASON	05/03/2024	EFT	0.00	30.00	16386
0216	CALLENS, DAVID	05/03/2024	EFT	0.00	30.00	16387
0216	CALLENS, DAVID	05/10/2024	EFT	0.00	20.00	16473
6791	CAPITAL ONE	04/26/2024	Regular	0.00	109.52	124371
6791	CAPITAL ONE	05/03/2024	Regular	0.00	129.59	124402
6791	CAPITAL ONE	05/10/2024	Regular	0.00	84.26	124433
7164	CARD CONNECT/MERCHANT BANK CD	05/03/2024	Bank Draft	0.00	250.09	DFT0003919
7164	CARD CONNECT/MERCHANT BANK CD	05/03/2024	Bank Draft	0.00	144.22	DFT0003920
0799	CARLOS CREEK WINERY, INC	05/03/2024	Regular	0.00	1,308.00	124403
0802	CARLSON & STEWART REFRIGERATION, INC.	05/03/2024	EFT	0.00	707.50	16388
0239	CAUWELS, ROGER	05/03/2024	EFT	0.00	30.00	16389
4599	CEF SAFETY SERVICES	05/03/2024	Regular	0.00	3,250.00	124404
4858	CHRISTOPHER WELCH/WELCHWORKS	05/03/2024	Regular	0.00	74.00	124405
7507	CIGNA HEALTH AND LIFE INSURANCE COMPAN	05/03/2024	EFT	0.00	1,401.27	16390
5313	CIVIL AIR PATROL MAGAZINE	05/03/2024	Regular	0.00	255.00	124406
5733	CLARITY TELECOM, LLC	04/26/2024	EFT	0.00	592.50	16340
5733	CLARITY TELECOM, LLC	05/10/2024	EFT	0.00	145.00	16474
5736	COEQUYT PLUMBING AND HEATING	05/10/2024	Regular	0.00	277.27	124434
0272	COUDRON, DEAN	05/03/2024	EFT	0.00	30.00	16391
7394	CRESTED RIVER CANNABIS COMPANY	05/10/2024	EFT	0.00	1,239.00	16475
0920	CULLIGAN WATER CONDITIONING OF MARSHAI	05/10/2024	Regular	0.00	127.75	124435
0934	D & G EXCAVATING INC	05/10/2024	EFT	0.00	194,851.01	16476
7619	D & M MAHONEY PROPERTIES	05/10/2024	Regular	0.00	500.00	124436
3819	DACOTAH PAPER CO	04/26/2024	EFT	5.42	545.18	16341
3819	DACOTAH PAPER CO	05/03/2024	EFT	0.79	78.54	16392
3819	DACOTAH PAPER CO	05/10/2024	EFT	13.13	1,299.34	16477
7102	DAHLHEIMER BEVERAGE	05/10/2024	EFT	0.00	2,470.70	16478
0950	DAKTRONICS INC	04/26/2024	EFT	0.00	690.00	16342
4709	DETCO	05/10/2024	EFT	0.00	752.16	16479
3259	DEUTZ, LAUREN	05/03/2024	EFT	0.00	80.00	16393
6589	DOG WASTE DEPOT	04/26/2024	EFT	0.00	629.91	16343
5731	DOLL DISTRIBUTING LLC	04/26/2024	EFT	0.00	8,560.20	16344
5731	DOLL DISTRIBUTING LLC	05/03/2024	EFT	0.00	14,772.46	16394
5731	DOLL DISTRIBUTING LLC	05/10/2024	EFT	0.00	14,844.43	16480
7614	DUBBELDEE, CARMEN	05/03/2024	Regular	0.00	500.00	124407
0380	DUBS, SHEILA	05/03/2024	EFT	0.00	80.37	16395
7610	EISENHAUER, CHARLES	04/26/2024	Regular	0.00	500.00	124372
1061	EMERGENCY APPARATUS MAINTENANCE INC	05/10/2024	EFT	0.00	10,217.50	16481
4753	ENTERPRISE LEASING CO	05/03/2024	EFT	0.00	223.70	16396
3566	ERAL, ADAM	05/10/2024	EFT	0.00	204.07	16482
3202	ESPING, DEREK	05/10/2024	EFT	0.00	127.00	16483
5912	EVOQUA WATER TECHNOLOGIES LLC	05/10/2024	EFT	0.00	716.36	16484
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	48.16	DFT0003817
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	181.80	DFT0003818
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	54.30	DFT0003819
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	48.16	DFT0003849
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	181.80	DFT0003850
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	54.30	DFT0003851
6700	EYEMED VISION CARE	04/26/2024	Bank Draft	0.00	13.76	DFT0003881
1090	FASTENAL COMPANY	04/26/2024	EFT	0.00	156.84	16345
1090	FASTENAL COMPANY	05/03/2024	EFT	0.00	70.52	16397
1090	FASTENAL COMPANY	05/10/2024	EFT	0.00	832.87	16485
1158	GALLS INC	05/03/2024	EFT	0.00	3,019.53	16398
1158	GALLS INC	05/10/2024	EFT	0.00	714.89	16486
6424	GITCH GEAR, LLC	05/10/2024	Regular	0.00	304.60	124437
7162	GRACEFUL MARILYN QUILT SHOPPE, LLC	04/26/2024	Regular	0.00	210.00	124373
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	04/26/2024	EFT	0.00	229.96	16346
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	05/03/2024	EFT	0.00	416.91	16399

Council Check Report

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	05/10/2024	EFT	0.00	584.00	16487
1201	GRAINGER INC	04/26/2024	EFT	0.00	195.00	16347
1201	GRAINGER INC	05/10/2024	EFT	0.00	228.30	16488
6127	GRANDVIEW VALLEY WINERY, INC	05/10/2024	Regular	0.00	1,980.00	124438
1208	GREAT PLAINS NATURAL GAS COMPANY	05/08/2024	Bank Draft	0.00	10,277.40	DFT0003889
3760	GROWMARK INC.	05/10/2024	EFT	0.00	928.25	16489
7080	HANCOCK CONCRETE PRODUCTS LLC	05/10/2024	Regular	0.00	967.10	124439
3565	HANSON, ERIC	05/03/2024	EFT	0.00	70.00	16400
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	04/26/2024	Bank Draft	0.00	393.53	DFT0003823
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	04/26/2024	Bank Draft	0.00	393.53	DFT0003855
7145	HARTFORD LIFE AND ACCIDENT INSURANCE CO	04/26/2024	Bank Draft	0.00	31.81	DFT0003874
1256	HAWKINS INC	04/26/2024	EFT	0.00	11,940.14	16348
1256	HAWKINS INC	05/03/2024	EFT	0.00	28,139.64	16401
6430	HEARTLAND ELECTRIC, INC	05/03/2024	Regular	0.00	476.32	124408
7280	HEARTLAND MECHANICAL, INC.	05/03/2024	EFT	0.00	210.00	16402
7607	HEEMEYER, ADAM	04/26/2024	Regular	0.00	500.00	124374
1271	HENLE PRINTING COMPANY	05/10/2024	EFT	0.00	15,440.34	16490
1291	HOFFMAN FILTER SERVICE	05/10/2024	EFT	0.00	48.75	16491
2153	HOFFMANN, RYAN	05/03/2024	EFT	0.00	30.00	16403
2153	HOFFMANN, RYAN	05/10/2024	EFT	0.00	600.30	16492
3555	HOLDEN, NATHAN	05/10/2024	EFT	0.00	121.78	16493
6238	HYDRO OPERATING LLC	04/26/2024	EFT	0.00	36,410.42	16349
1311	HYVEE FOOD STORES INC	04/26/2024	Regular	0.00	28.44	124375
1325	ICMA RETIREMENT TRUST #300877	04/26/2024	EFT	0.00	50.00	16350
1325	ICMA RETIREMENT TRUST #300877	05/10/2024	EFT	0.00	50.00	16494
6705	IDEXX DISTRIBUTION INC	05/03/2024	EFT	0.00	1,097.65	16404
1358	INTERNAL REVENUE SERVICE	04/26/2024	Bank Draft	0.00	29,949.86	DFT0003865
1358	INTERNAL REVENUE SERVICE	04/26/2024	Bank Draft	0.00	23,898.92	DFT0003866
1358	INTERNAL REVENUE SERVICE	04/26/2024	Bank Draft	0.00	9,007.94	DFT0003867
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	52.46	DFT0003885
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	260.55	DFT0003886
1358	INTERNAL REVENUE SERVICE	05/10/2024	Bank Draft	0.00	12.28	DFT0003887
7611	INTERNATIONAL ECONOMIC DEVELOPMENT CC	04/26/2024	Regular	0.00	690.00	124376
5333	JOHANSSON SALES & SERVICE	04/26/2024	Regular	0.00	201.30	124377
1399	JOHNSON BROTHERS LIQUOR COMPANY	04/26/2024	EFT	0.00	3,173.07	16353
1399	JOHNSON BROTHERS LIQUOR COMPANY	05/03/2024	EFT	0.00	19,370.54	16406
1399	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	13,973.24	16497
2036	JOHNSON BROTHERS LIQUOR COMPANY	04/26/2024	EFT	0.00	3,741.98	16354
2036	JOHNSON BROTHERS LIQUOR COMPANY	05/03/2024	EFT	0.00	9,613.67	16407
2036	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	8,557.58	16496
2605	JOHNSON BROTHERS LIQUOR COMPANY	04/26/2024	EFT	0.00	642.24	16352
2605	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	4,855.94	16498
5447	JOHNSON BROTHERS LIQUOR COMPANY	04/26/2024	EFT	0.00	1,210.55	16351
5447	JOHNSON BROTHERS LIQUOR COMPANY	05/03/2024	EFT	0.00	1,438.65	16405
5447	JOHNSON BROTHERS LIQUOR COMPANY	05/10/2024	EFT	0.00	1,243.05	16495
3998	JT SERVICES	04/26/2024	EFT	0.00	4,300.00	16355
1417	KENNEDY & GRAVEN, CHARTERED	05/03/2024	EFT	0.00	9,024.50	16408
3564	KESTELOOT ENTERPRISES, INC	04/26/2024	EFT	0.00	625.34	16356
5095	KIBBLE EQUIPMENT LLC	04/26/2024	EFT	0.00	261.96	16357
5095	KIBBLE EQUIPMENT LLC	05/03/2024	EFT	0.00	478.24	16409
5095	KIBBLE EQUIPMENT LLC	05/10/2024	EFT	0.00	2,000.00	16499
0785	KOPITSKI, JASON	05/03/2024	EFT	0.00	30.00	16410
2363	KRUK, CHRISTOPHER	05/03/2024	EFT	0.00	30.00	16411
6629	KURITA AMERICA INC	05/03/2024	EFT	0.00	6,660.00	16412
7618	LABAT, KELSEY	05/10/2024	Regular	0.00	30.00	124440
3906	LALEMAN, GARY	05/10/2024	EFT	0.00	120.00	16500
3653	LANGUAGE LINE SERVICES	05/10/2024	EFT	0.00	641.76	16501
1480	LAW ENFORCEMENT LABOR SERVICE INC	05/03/2024	EFT	0.00	1,269.00	16413
1481	LEAGUE OF MINNESOTA CITIES	05/03/2024	Regular	0.00	830.00	124409
0265	LEE, JERRED	05/03/2024	EFT	0.00	30.00	16414
0255	LESAGE, TOM	04/26/2024	Regular	0.00	975.00	124378

Council Check Report

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1508	LOCKWOOD MOTORS INC	04/26/2024	EFT	0.00	284.16	16358
3065	LUTHER, ERIC	05/03/2024	EFT	0.00	30.00	16415
1531	LYON COUNTY AUDITOR-TREASURER	05/03/2024	EFT	0.00	30,420.01	16416
7523	LYON COUNTY GIS DEPARTMENT	05/03/2024	Regular	0.00	48.00	124410
1545	LYON COUNTY HIGHWAY DEPARTMENT	05/10/2024	EFT	0.00	8,214.41	16502
1548	LYON COUNTY LANDFILL	04/26/2024	EFT	0.00	63.03	16359
1552	LYON COUNTY RECORDER	05/10/2024	EFT	0.00	214.55	16503
1553	LYON COUNTY SHERIFF'S DEPT.	05/03/2024	Regular	0.00	898.77	124411
1565	MACQUEEN EQUIPMENT INC.	05/03/2024	EFT	0.00	2,187.89	16417
1571	MADISON NATIONAL LIFE INSURANCE COMPAN	05/03/2024	EFT	0.00	1,173.21	16418
1604	MARSHALL AREA CHAMBER OF COMMERCE	05/03/2024	EFT	0.00	390.00	16419
1616	MARSHALL CONVENTION & VISITORS BUREAU	05/03/2024	EFT	0.00	7,227.70	16420
1616	MARSHALL CONVENTION & VISITORS BUREAU	05/10/2024	EFT	0.00	12,745.76	16504
1623	MARSHALL INDEPENDENT, INC	04/26/2024	Regular	0.00	205.00	124379
1623	MARSHALL INDEPENDENT, INC	05/03/2024	Regular	0.00	3,626.62	124412
5813	MARSHALL LUMBER CO	04/26/2024	EFT	0.00	192.80	16360
5813	MARSHALL LUMBER CO	05/03/2024	EFT	0.00	133.63	16421
5813	MARSHALL LUMBER CO	05/10/2024	EFT	0.00	73.80	16505
1633	MARSHALL MUNICIPAL UTILITIES	05/10/2024	EFT	0.00	7,827.08	16506
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	05/10/2024	EFT	1.01	49.72	16507
1637	MARSHALL PUBLIC SCHOOLS	05/03/2024	EFT	0.00	14,219.39	16422
3545	MARSHALL RADIO	05/10/2024	EFT	0.00	2,200.00	16508
1651	MARSHALL UNITED SOCCER ASSOCIATION	05/10/2024	Regular	0.00	892.50	124441
0933	MARSHALL, JAMES	04/26/2024	EFT	0.00	505.81	16361
0933	MARSHALL, JAMES	05/03/2024	EFT	0.00	80.00	16423
1654	MARTIN-MARIETTA AGGREGATES	05/03/2024	Regular	0.00	3,073.93	124415
7153	MAVERICK WINE LLC	05/10/2024	EFT	0.00	1,892.34	16509
5924	MAXWELL FOOD EQUIPMENT	04/26/2024	Regular	0.00	105.05	124380
6586	MCDYER TOOLS	05/10/2024	Regular	0.00	119.50	124442
7077	MEDSURETY, LLC	04/26/2024	Bank Draft	0.00	10,879.70	DFT0003859
7077	MEDSURETY, LLC	04/26/2024	Bank Draft	0.00	6,729.58	DFT0003864
7077	MEDSURETY, LLC	04/26/2024	Bank Draft	0.00	229.18	DFT0003869
7077	MEDSURETY, LLC	04/26/2024	Bank Draft	0.00	338.48	DFT0003879
7077	MEDSURETY, LLC	05/06/2024	Bank Draft	0.00	282.00	DFT0003915
7077	MEDSURETY, LLC	05/03/2024	Bank Draft	0.00	192.31	DFT0003921
1695	MEIER ELECTRIC INC OF MARSHALL	05/03/2024	EFT	0.00	443.36	16424
2719	MELLENTHIN, CODY	05/03/2024	EFT	0.00	30.00	16425
4980	MENARDS INC	04/26/2024	EFT	0.00	177.52	16362
4980	MENARDS INC	05/03/2024	EFT	0.00	86.14	16426
4980	MENARDS INC	05/10/2024	EFT	0.00	456.55	16510
0973	MEULEBROECK, ANDY	05/03/2024	EFT	0.00	30.00	16427
4281	MIDWEST GLASS INC.	05/03/2024	Regular	0.00	318.42	124416
7605	MILK AND HONEY LLC	04/26/2024	Regular	0.00	380.00	124381
1818	MINNESOTA DEPARTMENT OF REVENUE	04/26/2024	Bank Draft	0.00	12,122.32	DFT0003868
1818	MINNESOTA DEPARTMENT OF REVENUE	05/10/2024	Bank Draft	0.00	141.82	DFT0003888
1774	MINNESOTA DEPARTMENT OF LABOR & INDU	04/26/2024	Regular	0.00	209.00	124382
4962	MINNESOTA SAFETY COUNCIL	05/10/2024	Regular	0.00	100.00	124443
3669	MINNESOTA STATE RETIREMENT SYSTEM	04/26/2024	Bank Draft	0.00	10,661.32	DFT0003862
1839	MINNESOTA VALLEY TESTING LABS INC	04/26/2024	EFT	0.00	226.40	16363
1757	MN CHILD SUPPORT PAYMENT CENTER	04/26/2024	Bank Draft	0.00	414.85	DFT0003857
1757	MN CHILD SUPPORT PAYMENT CENTER	04/26/2024	Bank Draft	0.00	170.74	DFT0003858
3453	MOBERG, E.J.	05/03/2024	EFT	0.00	80.00	16428
1864	MONTES ELECTRIC INC	05/10/2024	Regular	0.00	1,131.22	124444
1897	MWOA	04/26/2024	Regular	0.00	60.00	124384
2512	NATIONWIDE RETIREMENT	04/26/2024	Bank Draft	0.00	100.00	DFT0003852
2512	NATIONWIDE RETIREMENT	05/10/2024	Bank Draft	0.00	275.00	DFT0003883
2512	NATIONWIDE RETIREMENT	05/10/2024	Bank Draft	0.00	1,139.39	DFT0003884
1923	NCPERS MN GROUP LIFE INS.	05/03/2024	EFT	0.00	240.00	16429
1945	NORM'S GTC	04/26/2024	Regular	0.00	49.54	124385
1945	NORM'S GTC	05/03/2024	Regular	0.00	265.89	124417
1945	NORM'S GTC	05/10/2024	Regular	0.00	182.95	124445

Council Check Report

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1986	NORTH CENTRAL INTERNATIONAL, INC	04/26/2024	EFT	0.00	1,448.18	16364
1946	NORTH CENTRAL LABS	05/10/2024	EFT	0.00	1,278.31	16511
7404	NORTH STAR TRAINING & CONSULTING	05/03/2024	Regular	0.00	1,695.00	124418
7166	NORTHAMERICAN BANCARD/EPX	05/01/2024	Bank Draft	0.00	11,205.22	DFT0003882
7617	NORTHERN HOLLOW WINERY LLC	05/03/2024	Regular	0.00	288.00	124419
7325	NUTRITION EXCELLENCE LLC	05/10/2024	Regular	0.00	577.50	124446
5891	ONE OFFICE SOLUTION	05/03/2024	EFT	0.00	95.15	16430
5891	ONE OFFICE SOLUTION	05/10/2024	EFT	0.00	516.38	16512
3597	PAAPE DISTRIBUTING CO	05/03/2024	EFT	0.00	120.00	16431
1243	PATZERS INC	04/26/2024	EFT	0.00	5.99	16365
1243	PATZERS INC	05/10/2024	EFT	0.00	197.46	16513
2019	PAUSTIS WINE COMPANY	05/03/2024	EFT	0.00	3,563.50	16432
7168	PAYLIDIFY/GATEWAY SERVICES	05/07/2024	Bank Draft	0.00	13.66	DFT0003890
7163	PAYLIDIFY/MERCHANT BANK	05/03/2024	Bank Draft	0.00	60.15	DFT0003916
7163	PAYLIDIFY/MERCHANT BANK	05/03/2024	Bank Draft	0.00	623.85	DFT0003917
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	05/03/2024	EFT	0.00	40.50	16433
2028	PERA OF MINNESOTA REG	04/26/2024	Bank Draft	0.00	58,196.58	DFT0003860
7053	PERFORMANCE FOOD GROUP, INC.	04/26/2024	Regular	0.00	74.77	124386
2049	PLUNKETTS PEST CONTROL INC	05/03/2024	EFT	0.00	43.50	16434
3557	POMP'S TIRE SERVICE, INC.	05/03/2024	EFT	0.00	65.00	16435
7620	POOLE, ADAM	05/10/2024	Regular	0.00	500.00	124447
2064	POWERPLAN	05/03/2024	Regular	0.00	5.85	124420
2064	POWERPLAN	05/10/2024	Regular	0.00	7.50	124448
5606	PRE-PAID LEGAL SERVICES, INC.	04/26/2024	Bank Draft	0.00	197.83	DFT0003877
5606	PRE-PAID LEGAL SERVICES, INC.	04/26/2024	Bank Draft	0.00	197.92	DFT0003878
1163	PRZYBILLA, SCOTT	05/03/2024	EFT	0.00	30.00	16436
5451	PSI POWER WASHERS INC	05/10/2024	Regular	0.00	211.90	124449
6166	PULVER MOTOR SVC, LLC	05/03/2024	EFT	0.00	160.00	16437
2096	QUARNSTROM & DOERING, PA	05/03/2024	EFT	0.00	5,684.71	16438
7240	QUESTICA LTD	05/10/2024	Regular	0.00	20,475.00	124450
5964	R.M. COTTON COMPANY	05/10/2024	EFT	0.00	1,753.00	16514
6273	RAMBOLL AMERICAS ENGINEERING SOLUTIONS	04/26/2024	Regular	0.00	2,615.00	124387
6267	RATWIK, ROSZAK & MALONEY, PA	05/03/2024	EFT	0.00	42.00	16439
2125	RIEKE, BENJAMIN	05/03/2024	EFT	0.00	30.00	16440
0707	ROADSIDE DEVELOPERS INC	04/26/2024	Regular	0.00	304.41	124388
0707	ROADSIDE DEVELOPERS INC	05/10/2024	Regular	0.00	322.85	124451
2186	ROGGE EXCAVATING	05/03/2024	EFT	0.00	5,625.00	16441
1211	ROKEH, JASON	05/03/2024	EFT	0.00	30.00	16442
5867	ROUND LAKE VINEYARDS & WINERY	05/10/2024	EFT	0.00	250.00	16515
2201	RUNNING SUPPLY, INC	04/26/2024	EFT	0.00	394.96	16366
2201	RUNNING SUPPLY, INC	05/03/2024	EFT	0.00	72.95	16443
2201	RUNNING SUPPLY, INC	05/10/2024	EFT	0.00	64.81	16516
7613	SAMMONS, SUSAN	05/03/2024	Regular	0.00	200.00	124421
2470	SANDGREN, KAYLYNN	05/03/2024	EFT	0.00	30.00	16444
6502	SATOR SPORTS, INC.	05/03/2024	Regular	0.00	6,114.47	124422
7616	SCHILLING, RON	05/03/2024	Regular	0.00	500.00	124423
6135	SCHUELKE, JOSEPH	05/03/2024	EFT	0.00	1,505.00	16445
2256	SERVICE MASTER	05/10/2024	Regular	0.00	3,366.37	124452
2288	SMI & HYDRAULICS, INC.	05/10/2024	EFT	0.00	338.43	16517
3495	SMSU	05/10/2024	EFT	0.00	1,080.00	16518
4855	SOUTHERN GLAZER'S	04/26/2024	EFT	0.00	19,067.42	16367
4855	SOUTHERN GLAZER'S	05/03/2024	EFT	0.00	7,385.28	16446
4855	SOUTHERN GLAZER'S	05/10/2024	EFT	0.00	9,747.37	16519
6767	SOUTHWEST ADULT BASIC EDUCATION	04/26/2024	Regular	0.00	4,525.00	124389
2311	SOUTHWEST GLASS CENTER, INC	05/03/2024	EFT	0.00	65.00	16447
2318	SOUTHWEST SANITATION INC.	05/10/2024	EFT	0.00	3,748.17	16520
5922	SRF CONSULTING GROUP, INC.	05/03/2024	EFT	0.00	2,868.60	16448
1334	ST AUBIN, GREGORY	05/03/2024	EFT	0.00	30.00	16449
1659	STELTER, GEOFFREY	05/03/2024	EFT	0.00	30.00	16450
1350	STENSRUD, PRESTON	05/03/2024	EFT	0.00	30.00	16451
6040	STEP SAVER INC.	05/03/2024	Regular	0.00	532.00	124424

Council Check Report

Date Range: 04/26/2024 - 05/14/2024

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
7526	STERICYCLE, INC.	05/10/2024	Regular	0.00	125.78	124453
6800	STOCKWELL ENGINEERS	05/10/2024	EFT	0.00	134,230.00	16521
6706	SUN LIFE FINANCIAL	05/03/2024	EFT	0.00	1,618.18	16452
3619	SWALBOSKI, KIM	05/03/2024	EFT	0.00	172.44	16454
1378	SWANSON, GREGG	05/03/2024	EFT	0.00	30.00	16455
6277	TALKING WATERS BREWING CO, LLC	05/10/2024	EFT	0.00	1,440.00	16522
4734	TESSMAN COMPANY	04/26/2024	EFT	0.00	2,478.69	16368
7591	THARES, STEVE	05/10/2024	Regular	0.00	18.64	124454
0875	THE COMPUTER MAN INC	04/26/2024	EFT	0.00	1,990.00	16369
0875	THE COMPUTER MAN INC	05/10/2024	EFT	0.00	3,828.00	16523
2143	THOOFT ENTERPRISES LLC	05/10/2024	EFT	0.00	209.00	16524
3968	TRAFFIC CONTROL CORP.	05/10/2024	EFT	0.00	384.00	16525
7184	TRANSAX/GATEWAY	05/03/2024	Bank Draft	0.00	30.70	DFT0003918
6786	TRUCK CENTER COMPANIES EAST LLC	05/03/2024	EFT	0.00	326.64	16456
6156	TRUE BRANDS	05/03/2024	EFT	0.00	630.76	16457
1423	TRUEDSON, SCOTT	05/03/2024	EFT	0.00	30.00	16458
5106	ULINE	04/26/2024	EFT	0.00	144.69	16370
2486	UNITED WAY OF SW MINNESOTA	05/03/2024	Regular	0.00	200.00	124425
2497	UNIVERSITY OF MINNESOTA EXTENSION SERVIC	04/26/2024	Regular	0.00	780.00	124390
4402	UPS	04/26/2024	Regular	0.00	8.26	124391
2499	US BANK	05/03/2024	EFT	0.00	850.00	16459
2499	US BANK	05/10/2024	EFT	0.00	850.00	16526
3443	VALIC DEFERRED COMP	04/26/2024	Bank Draft	0.00	1,055.77	DFT0003853
3443	VALIC DEFERRED COMP	04/26/2024	Bank Draft	0.00	1,396.15	DFT0003854
6901	VAN METER INC	05/03/2024	EFT	13.69	1,355.68	16460
7615	VANLEEUEWE, RANDY	05/03/2024	Regular	0.00	12.10	124426
1448	VANLEEUEWE, SARA J.	05/03/2024	EFT	0.00	70.00	16461
4489	VERIZON WIRELESS	04/26/2024	EFT	0.00	1,453.78	16371
4489	VERIZON WIRELESS	05/03/2024	EFT	0.00	440.25	16462
2538	VIKING COCA COLA BOTTLING CO.	04/26/2024	EFT	0.00	290.40	16372
2538	VIKING COCA COLA BOTTLING CO.	05/03/2024	EFT	0.00	150.40	16463
2538	VIKING COCA COLA BOTTLING CO.	05/10/2024	EFT	0.00	446.80	16527
4594	VINO COPIA INC	05/03/2024	EFT	0.00	1,898.00	16464
6085	VOYA - INVESTORS CHOICE	04/26/2024	Bank Draft	0.00	2,243.26	DFT0003863
4210	W.W. GOETSCH ASSOCIATES, INC.	04/26/2024	Regular	0.00	1,952.36	124392
7609	WALLEN, DELORES	04/26/2024	Regular	0.00	500.00	124393
7601	WALLEN, DOUGLAS	05/10/2024	Regular	0.00	500.00	124455
2603	WELSH, TRAVIS	05/10/2024	EFT	0.00	209.99	16528
7622	WHITE CAP, L.P.	05/10/2024	Regular	0.00	828.99	124456
3119	WING, LAURA	05/10/2024	EFT	0.00	207.04	16529

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	131	87	0.00	202,072.65
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	56	56	0.00	348,691.29
EFT's	378	195	39.20	842,631.61
	565	338	39.20	1,393,395.55

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	131	87	0.00	202,072.65
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	56	56	0.00	348,691.29
EFT's	378	195	39.20	842,631.61
	565	338	39.20	1,393,395.55

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	4/2024	486,193.26
999	POOLED CASH FUND	5/2024	907,202.29
			1,393,395.55

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

5/14/2024

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2022 Prior Payments	2023 Prior Payments	2024 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00	66,794.00			11,822.00	-	100.00%
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	39,670.13	3,885,167.44		3,518,016.32		35,535.52	331,615.60	91.46%
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00	6,078.00	177,720.00		177,000.00		-	720.00	99.59%
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00	51,540.63				23,459.37	68.72%
AP-003	482-43400-55120	2/13/2024	SRE Building	Sussner Construction	2,913,100.00		2,913,100.00					2,913,100.00	0.00%
ST-012	482-43300-55170	2/27/2024	S Whitney (E College to Jean)	D & G Excavating	1,565,706.60		1,565,706.60			194,851.01	10,255.32	1,360,600.27	13.10%
ST-001	101-43300-53425	3/26/2024	Chip Seals	Pearson Bros., Inc.	132,504.60		132,504.60					132,504.60	0.00%
ST-002	495-43300-55170	3/26/2024	Bituminous Overlay on Various City Streets	Central Specialties Inc.	610,442.88		610,442.88					610,442.88	0.00%
ST-010	482-43300-55170	4/23/2024	Lyon Circle Reconstruction	A&C Excavating, LLC	161,580.80		161,580.80					161,580.80	0.00%
PK-015	482-45200-55170	4/23/2024	Independence Park parking lot (back)	Town & Country Excavating LLC	197,216.00		197,216.00					197,216.00	0.00%
				<hr/>									
				14,702,890.19	795,108.13	15,497,998.32	118,334.63	3,695,016.32	0.00	194,851.01	57,612.84	5,731,239.52	
				<hr/>									

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Thursdays on Third - Consider Request from Marshall CVB for 07/18, 08/15 and 09/19/2024
Background Information:	<p>Attached is a request from the Marshall CVB for “Thursdays on Third” to be held from 5PM-8PM on the following Thursdays in 2024:</p> <ul style="list-style-type: none"> - July 18 - August 15 - September 19 <p>The request is for closure of North 3rd Street from West Main Street to West Lyon Street for individual vendors selling of craft items, produce, flea market, and demonstrations, with possible music vendors as well.</p> <p>The request includes closure of N 3rd Street from W Main Street to W Lyon Street, including closure of the alley crossing of N 3rd Street. The Marshall CVB has been coordinating with the Marshall Downtown Business Association and the Marshall Chamber of Commerce.</p>
Fiscal Impact:	Staff time.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council approves the request for street closure for “Thursdays on Third” to be held from 5PM-8PM on the following Thursdays in 2024: July 18, August 15, and September 19, with the requirement that proper MUTCD traffic control devices are in place for each of the events.



APPLICATION FOR PERMIT FOR PRIVATE USE OF PUBLIC STREETS (RIGHTS-OF-WAY) AND PARKING LOTS

Applicant Name: Marshall Convention & Visitor Bureau
Applicant Address: 1651 Victory Drive
Contact Person: Cassi Weiss Phone/Cell#: 612-590-9581
Address of Request: 3rd Street from Main to Lyon
Reason for Request: Thursdays on Third Event
Start Date of Request: July 18th, Aug 15th, Sept 19th Start Time: 5:00PM am/pm
End Date of Request: End Time: 8:00pm am/pm
Brief Description of Area Requested for Private Use/Closure (attach map): 3rd street downtown from Main street to Lyon street.

Does the request involve Mn/DOT Right-of-Way? Yes [] No [X]

The Applicant agrees to assume entire responsibility and liability for all damages or injury to all persons, whether employees or otherwise and to all property, arising out of, resulting from or in any manner connected with the operation of the event.

The Applicant agrees to indemnify the City, its agents and employees from all such claims including, without limiting the generality of the foregoing claims for which the City may be or may be claimed to be liable, and legal fees and disbursements paid or incurred to enforce the provisions this paragraph.

The Applicant will be responsible for any damage done to the public property as a result of the event activities, damages payable upon receipt of invoice.

It is the responsibility of the Applicant to install and maintain the appropriate traffic control devices during the closure period. Traffic control devices shall be in conformance with the Minnesota Manual on Uniform Traffic Control Devices, MUTCD.

If the event or private use area occurs within Mn/DOT right-of-way:

- 1. Participants and event officials will obey all Minnesota Laws pertaining to the use of Highway Rights of Way.
2. The event officials will notify the Minnesota State Patrol of the proposed event and will provide law enforcement officers to control and/or detour trunk highway traffic affected by the event.

4/16/24
Date

Cassi Weiss
Digitally signed by Cassi Weiss
Date: 2024.04.16 12:55:44 -05'00'
Signature of Applicant

CLICK TO SEND TO PUBLIC WORKS

RECOMMENDATION

Minnesota State Statutes 169.04 states in part that any parade or assemblage on Trunk Highways requires the consent of the Commissioner of Highways (or his delegate). In order to validate this permit, the City must obtain consent from the Commissioner of Highways prior to approval of this permit (a copy of which is attached).

RECOMMENDATION: _____

Special Provisions: _____

Director of Public Works/City Engineer

=====

**PERMIT FOR
PRIVATE USE OF PUBLIC STREETS (RIGHTS-OF-WAY)
AND PARKING LOTS**

According to Section 62-6 of the Code of Ordinances, permit granted by the Common Council of the City of Marshall this _____ day of _____, 20_____.

ATTEST:

City Clerk

Mayor of the City of Marshall, MN

Attachments

Copies to: Director of Public Safety James Marshall
Minnesota Department of Transportation



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance - amending Section 86-97 One family residence district
Background Information:	<p>The city adopted a new Comprehensive Plan last year; the Plan redefines several zoning districts and suggests new ones. City staff has been working to implement the new Plan and this ordinance change is a part of that work.</p> <p>Additionally, with the new Rental Ordinance recently adopted, staff do not see a reason to limit the number of unrelated adults living in a rented single-family house, so that provision is removed. A few other changes also relate to recently passed ordinance changes. Other changes have a goal of streamlining the Ordinance, eliminating redundancy, and making it more consistent.</p> <p>The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval.</p> <p>At its March 12, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p> <p>The Ordinance Amending Section 86-97 One family residence district was introduced at the April 23, 2024, City Council meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Planning Commission and staff recommend that the Council adopts the Ordinance amending Section 86-97 One family residence district and authorize its summary publication.

**CITY OF MARSHALL
ORDINANCE 24-007**

**AN ORDINANCE AMENDING CHAPTER 86 ARTICLE IV SECTION 86-97 R-1
LOW DENSITY RESIDENCE DISTRICT**

The Common Council of Marshall do ordain as follows:

SECTION 1: AMENDMENT “Section 86-97 R-1 One-Family Residence District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-97 R-1 ~~One-Family~~Low Density Residence District

- (a) *Intent; scope.* This section applies to the R-1 one-family residence district. This R-1 district is intended to preserve and enhance low density (less than 6 units per acre) residential areas ~~for one-family detached dwellings.~~
- (b) *Permitted uses.* The following uses shall be permitted in the R-1 low density residence district:
 - ~~(1) Churches, provided that no building shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~
 - ~~(2) One-family manufactured homes~~ Residential facility serving six or fewer individuals.
 - (3) Day care facility serving 14 or fewer individuals.
 - ~~(4) One-family detached dwellings, occupied by persons related by blood, marriage, adoption, or by three unrelated persons.~~
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the R-1 low density residence district:
 - (1) Accessory uses customarily incidental to the uses permitted in this section, such as private vehicle garages ~~and storage sheds.~~
 - (2) Accessory building complying with section 86-163, including, but not limited to, private garages, storage sheds, fallout shelters, and gazebos.
 - (3) Accessory equipment complying with section 86-164, including, but not limited to, solar energy collectors and systems, playgrounds, and sports courts.
 - (4) Bed and breakfast facility, provided property is registered with the City as a rental. ~~Fallout shelters.~~
 - (5) Keeping ~~of not more than two~~ boarders and/or roomers by a resident family, provided the property is registered with the City as a rental.
 - (6) Offices of persons and home occupations meeting the specific conditions of Section 86-50, provided an interim use permit is obtained when required.
 - (7) Private swimming pool and hot tub when completely enclosed within a non-climbable fence five feet high with openings no greater than four inches in any

dimension and self-closing and self-locking gate. Swimming pools exempt from the building permit requirements as defined in the state building code and hot tubs with latchable covers do not need to be enclosed.

~~Private solar energy collectors and systems.~~

(8) Private amateur radio towers and antennas complying with division 6.

(9) Private gardens complying with Section 86-247 (a) (5).

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

~~Bed and breakfast facility meeting the conditions of section 86-51.~~

- (1) Fire stations, community center buildings, public libraries, ~~museums, art galleries, post office, greenhouses (excluding commercial)~~, and essential public utility structures servicing the surrounding area.

~~Golf course and clubhouse, country club, public swimming pool, private swimming pool serving more than one family, provided that no principal structure shall be located within 25 feet of any lot line of an abutting lot in any of the classes of residence districts.~~

~~Keeping of three or more roomers or boarders.~~

~~Offices of persons and home occupations in existing structures when they meet the specific conditions of section 86-50 except motor vehicle repair, tobacco sales, sales of alcoholic beverages, adult entertainment, adult book or video sales, motor vehicle or machinery sales, or restaurants are not permitted.~~

(2) One-family manufactured homes.

(3) Other residential uses of the same general character as listed in subsection (b).

(4) Parks and recreational areas, public or private.

(5) Religious institutions as defined under Minnesota State Statutes.

~~Residential facility serving more than six individuals.~~

~~Day care facility serving more than 14 individuals.~~

(6) School, public or private, kindergarten through grade 12.

(7) Two-family dwellings under single ownership, joint ownership or tenants in common.

(8) Two-family dwellings under split ownership under the following conditions:

- a. The dwellings have separate utility service lines to each unit.
- b. The owners execute and record a common maintenance agreement containing covenants as to uniformity of exterior appearance of the

dwellings.

- c. Proper separation of units, occurring along the lot line, exists as provided by the building code.
- d. Such dwellings comply with all yard regulations for single-family dwellings, except side yard regulations between the dwelling units.
- e. The dwelling location on the lot be compatible with the neighborhood.
- f. Landscaping, fencing, grading, exterior lighting, and driveway conform to the surrounding neighborhood.
- g. Any accessory building is compatible with the dwellings and the surrounding neighborhood.
- h. The dwellings shall be a maximum height of two stories.
- i. Not more than 50 percent of the lot area shall be occupied by buildings.
- ~~j. No unit shall be eligible under this [use] unless the division of the dwelling occurs along the lot lines.~~

(e) *Height and yard regulations.* Height, yard, area and lot width and depth regulations for the R-1 district are as follows:

(1) *Height regulations.* No building hereafter erected or altered shall exceed 3 stories or 30 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard of not less than 35 feet on a lot or plot that abuts a thoroughfare as shown on the ~~adopted~~ city zoning map ~~thoroughfares plan~~.
- ~~e. Where a lot or plot is located at the intersection of two or more streets there shall be a front yard on each street side of each corner lot.~~
- ~~d. No accessory buildings shall project beyond the front yard line of any street.~~

(3) *Side yard regulations.* There shall be a side yard on each side of a building, each having a width of not less than five feet, except for non-residential uses, the width shall be no less than 20 feet if abutting another one-family residence district lot.

(4) *Rear yard regulations.* There shall be a rear yard having a depth of not less than 25 percent of the lot or plot depth, or 18 percent of the lot or plot depth for a two-street corner lot.

(5) *Lot or plot area regulations.*

- a. Every lot or plot ~~upon which a one-family dwelling is erected~~ shall contain an area of not less than 8,000 square feet.
- b. Every lot or plot upon which a two-family dwelling is erected or altered shall contain an area of not less than 10,000 square feet.

(6) *Lot width and depth regulations.* Every lot or plot ~~on which a one-family dwelling or a two-family dwelling is erected~~ shall have a minimum width of not less than 70 feet at the building setback line, and a minimum depth of not

less than 110 feet.

(f) *Supplemental regulations.* Additional regulations in the R-1 low density residence district are set forth in article VI.

(Code 1976, § 11.07; Ord. No. 407 2nd series, § 1, 12-21-1998; Ord. No. 443, § 3, 11-6-00; Ord. No. 529 2nd series, § 1, 7-5-2005; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 712 2nd series, § 1, 9-13-2016; Ord. No. 732 2nd Series, § 1, 1-8-2019)

SECTION 2: EFFECTIVE DATE This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

SUMMARY ORDINANCE NUMBER 24-007

AN ORDINANCE AMENDING CH. 86 ARTICLE IV SECTION 86-97 R-1 LOW DENSITY RESIDENCE DISTRICT

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

Section 1: City Code of Ordinances, Chapter 86 Article IV Section 86-97 R-1 Low Density Residence District is hereby amended in summary as follows:

Religious institutions have been moved to conditional use and the number of permitted accessory uses has been increased to allow a greater use of personal property within the R-1 zoning district. Language was also clarified to be in conformity with the city’s comprehensive plan.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 24-007.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-007 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so online at ci.marshall.mn.us or at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 14th day of May 2024.

THE COMMON COUNCIL
Robert Byrnes
Mayor of the City of Marshall, MN

ATTEST:
Steven Anderson
City Clerk



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance - repealing Section 86-51 Bed and Breakfast
Background Information:	<p>The City has recently adopted new Rental Ordinance that covers Bed and Breakfast facilities as short term rentals. It also lists specific conditions applicable to such short-term rentals, so staff do not see a reason to keep a separate section related to Bed and Breakfast facilities or require an interim use permit for them in addition to rental registration.</p> <p>The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval.</p> <p>At its March 12, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p> <p>The Ordinance repealing Section 86-51 Bed and Breakfast was introduced at the April 23, 2024, City Council meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Planning Commission and staff recommend that the Council adopts the Ordinance repealing Section 86-51 Bed and Breakfast and authorize its summary publication.

Section 86-51 Bed And Breakfast

~~(a) Bed and breakfast shall be an interim use in agricultural and all residential districts~~

~~(b) Bed and breakfast facilities shall at a minimum meet the following conditions:~~

- ~~(1) The facility shall comply with all health, fire, safety rules and other regulations of the state and the city, including current Building Code and City Ordinance, and all required licenses shall be made available to the City staff upon request. This condition shall be confirmed by City inspection prior to a public hearing.~~
- ~~(2) The maximum number of bedrooms shall be established for each facility and no more than four bedrooms shall be available to guests. No more than two persons shall be staying in each bedroom.~~
- ~~(3) Off-street parking shall be provided and screened from adjacent properties as required by the parking Ordinance. No more than two guest parking on the street shall be permitted.~~
- ~~(4) Exterior appearance and lighting shall be compatible with the neighborhood.~~
- ~~(5) Identification signs shall be limited to one six-square-foot nameplate sign mounted on the building near the main entrance door.~~
- ~~(6) The owners shall operate and permanently occupy such facilities.~~
- ~~(7) No food or beverage service shall be provided to anyone other than transient guests.~~
- ~~(8) All bedrooms shall be established within and have primary entrances from the principal structure.~~
- ~~(9) Cooking facilities shall not be permitted in the guest rooms.~~
- ~~(10) Appropriate insurance including liability insurance shall be filed with the city clerk for a minimum amount of \$1,000,000.00.~~
- ~~(11) Other commercial enterprises shall not be operated in conjunction with this facility without a home-occupation interim permit.~~

~~(c) All bed and breakfast interim use permits shall be issued for initial one-year term and may be renewed for future terms, under the same interim use procedure, provided no violations of established conditions were observed. The renewal shall be until the property is sold or transferred to another owner. If any of the interim use permit conditions are found to be violated, the permit may be revoked, or future renewal terms may be limited~~

~~(d) The applicant, upon making application, grants to the City upon issuing a bed and breakfast interim use permit the right to inspect the premises in which bed and breakfast is located at any time to ensure compliance with the provisions of this section and any conditions additionally imposed.~~

SUMMARY ORDINANCE NUMBER 24-006

AN ORDINANCE REPEALING CHAPTER 86 ARTICLE II DIVISION 1 SECTION 86-51 BED AND BREAKFAST

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

Section 1: City Code of Ordinances, Chapter 86 Article II Division II Section 86-51 Bed and Breakfast is hereby repealed in its entirety.

All provisions of Section 86-51 have been repealed and have been included under Chapter 18-VIII Residential Rental Code.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 24-006.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-006 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so online at ci.marshall.mn.us or at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 14th day of May 2024.

THE COMMON COUNCIL
Robert Byrnes
Mayor of the City of Marshall, MN

ATTEST:
Steven Anderson
City Clerk



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance - amending Section 86-107 General industrial district
Background Information:	<p>The City has several areas outside of agricultural district that are used for agricultural activity. Currently, such uses are not listed as a permitted use in any zoning district other than Agricultural. However, it is reasonable that owners want to use open areas for some business activity prior to eventually developing it; such business activity may include growing and harvesting row crops on vacant land.</p> <p>In light of the above, it makes sense to add growing row crops as a conditional use to I-2 general industrial district, since there are large open areas within I-2 district, and this kind of activity – low labor and visitor intensive – does not contradict its objective. Staff would like to have this ordinance changed before growing season starts in the spring; this change is not related to the recently adopted Comprehensive Plan, so this section will have to be revised in the future to align it with the Plan.</p> <p>As a side note, there are some areas used for agricultural activities in the general business district, but they will be dealt with differently. In order to avoid a CUP, which stays with the property, we will utilize interim use permits issued for a year or two. All conditional and interim use permits will come in front of the Planning Commission and the Council for approval.</p> <p>The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval.</p> <p>At its March 12, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p> <p>The Ordinance Amending Section 86-107 General industrial district was introduced at the April 23, 2024, City Council meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Planning Commission and staff recommend that the Council adopts the Ordinance amending Section 86-107 General industrial district and authorize its summary publication.

**CITY OF MARSHALL
ORDINANCE 24-008**

**AN ORDINANCE AMENDING CHAPTER 86 ARTICLE IV SECTION 86-107 I-2
GENERAL INDUSTRIAL DISTRICT**

The Common Council of Marshall do ordain as follows:

SECTION 1: **AMENDMENT** “Section 86-107 I-2 General Industrial District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-107 I-2 General Industrial District

- (a) *Intent; scope.* This section applies to the I-2 general industrial district. This I-2 district provides a location for heavier industrial and manufacturing activities, without encroachment by incompatible use areas.
- (b) *Permitted uses.* The following uses shall be permitted in the I-2 industrial district:

- (1) Animal hospitals.
- (2) Auto parts and accessories sales.
- (3) Automobile and truck parking lots and garages.
- (4) Bottling establishments.
- (5) Building materials sales and storage and lumberyard.
- (6) Camera and photographic supplies manufacture.
- (7) Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.
- (8) Cartage and express facilities.
- (9) Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.
- (10) Cleaning and dyeing.
- (11) Contractor's offices, shops and yards for plumbing, heating, glazing, painting,

paper hanging, roofing, ventilating, air conditioning, masonry, electrical and refrigeration supplies.

- (12) Egg grading, sorting and wholesale business.
- (13) Electric light or power generating station.
- (14) Electrical and electronic products manufacture.
- (15) Electrical service shops.
- (16) Fallout shelters.
- (17) Farm equipment sales and service.
- (18) Farm, feed and seed supply stores.
- (19) Feed and seed processing.
- (20) Freight terminal.
- (21) Fuel and ice sales and storage.
- (22) Garages and storage, repair and servicing of motor vehicles.
- (23) Governmental service buildings.
- (24) Highway maintenance shops and yards.
- (25) Ice plant.
- (26) Industrial training schools.
- (27) Industrial truck and equipment sales and service shops.
- (28) Jewelry manufacture.
- (29) Kennels.
- (30) Landscaping including outside material storage.
- (31) Leather goods.
- (32) Manufacturing, processing, and associated storage, servicing and testing.

(33) Medical, dental and optical equipment manufacture.

(34) Mobile home and camping trailer sales.

(35) Musical instruments manufacture.

(36) Printing.

(37) Public utility structure (industrial).

(38) Railroad rights-of-way.

(39) Rentals of industrial type equipment.

(40) Research, experimental or testing stations.

(41) Soft drink and bottling establishments (enclosed).

(42) Storage or warehousing, when completely enclosed within a building.

(43) Telephone exchange.

(44) Trophy and award manufacturing or assembling.

(45) Warehouses.

(46) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.

(47) Wholesale business and office establishments.

(c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-2 industry district:

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

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

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

(4) Solar energy collectors and systems.

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

industrial district by conditional use permit:

- (1) Adult uses complying with the following regulations:
 - a. The use must be contained within a building.
 - b. No sign or exterior graphics permitted except for those written in letters of the English language.
 - c. The use is not permitted within 2,000 feet of another adult use, establishment selling beer or alcoholic beverages, school, church, any residential use, library, park, daycare facility, or residential facility, as measured from property line to property line.
 - d. This use must not be greater than 2,000 square feet in total building floor area and contained in one building on a lot, plot, or property.
- (2) Automobile and truck sales or used car lots.
- (3) Billboards.
- (4) Brewpubs, microbreweries, and breweries.
- (5) Cultivation, maintenance, and harvest of plants for the sale or other commercial use.
- (6) Day care facility serving any number of individuals.
- (7) Processing, or storage and stockpiling of sand, gravel, stone or other raw material.
- (8) Greenhouses (commercial).
- (9) Gas stations.
- (10) Hazardous chemicals (processing/storage).
- (11) Heliport.
- (12) Junkyards, wrecking yards or auto salvage yards.
- (13) Meat and butcher shops and cold storage lockers.
- (14) Meat processing plants.
- (15) Municipal or other governmental administration or service buildings, police and fire stations, and post office stations.
- (16) Other industrial uses of the same general character as listed in subsection (b).

(17) Outdoor nurseries and tree farms.

(18) Public service structures including power substations, gas regulator stations, sewage disposal plant, elevated tanks and water works.

(19) Recyclable materials processing.

(20) Restaurants.

(21) Truck stops.

(e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations in the I-2 district are as follows:

(1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.

(2) *Front yard regulations.*

- a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
- b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
- c. No front yard shall be required in the downtown district.

(3) *Side yard regulations.*

- a. There shall be two side yards, one on each side of a building, each having a width of not less than ten feet.
- b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
- c. No side yard shall be required in the downtown district.

(4) *Rear yard regulations.*

- a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
- b. No rear yard shall be required in the downtown district.

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

(f) *General regulations.* Additional regulations in the I-2 general industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.17; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 2, 3-10-2009; Ord. No. 622 2nd series, § 1, 7-27-2010; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 685, § 1, 1-28-2014; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, §§ 1, 2, 7-28-2020)

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

SECTION 2: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

SUMMARY ORDINANCE NUMBER 24-008

AN ORDINANCE AMENDING CHAPTER 86 ARTICLE IV SECTION 86-107 I-2 GENERAL INDUSTRIAL DISTRICT

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

Section 1: City Code of Ordinances, Chapter 86 Article IV Section 86-107 I-2 General Industrial District is hereby amended in summary as follows:

Permitted and Conditional Use items have been arranged into an ordered list for ease of reference. Cultivation, maintenance, and harvest of plants for the sale or other commercial use was added as a conditional use in the I-2 zoning district.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 24-008.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-008 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so online at ci.marshall.mn.us or at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 14th day of May 2024.

THE COMMON COUNCIL
Robert Byrnes
Mayor of the City of Marshall, MN

ATTEST:
Steven Anderson
City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance - amending Section 86-162 Yard Modification
Background Information:	<p>The last variance application staff had to process was a request for a reduced front yard for a garage addition. The house was located at the corner of a street and cul-de-sac, which effectively cut out a back corner out of the lot. This is not an uncommon situation for similarly located lots throughout the city, so the Council denied the request following staff recommendations, because the lot was not sufficiently unique, which is one of the conditions for “practical difficulty” test for granting a variance.</p> <p>However, during the Planning Commission meeting, one of the members questioned the general applicability of the typical front yard requirement to similar situations. During the following internal discussion, staff reviewed other circles and came to the conclusion that reducing front yard for curved portions to 15 feet instead of otherwise required 25 feet is not going to be detrimental to the neighborhoods. In fact, most likely, for all practical purposes, this reduction will only be pertinent to some corner lots at the cul-de-sac entries, since other, pie-shaped lots will not have long enough frontage to utilize reduced yard.</p> <p>An aerial photo to illustrate this common condition is attached.</p> <p>The Planning Commission conducted a public hearing on April 10, 2024, and unanimously recommended approval.</p> <p>At its March 26, 2024, meeting, Legislation and Ordinance committee also reviewed this change and recommended approval.</p> <p>The Ordinance Amending Section 86-162 Yard Modification was introduced at the April 23, 2024, City Council meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None recommended.
Recommendations:	Planning Commission and staff recommend that the Council adopts the Ordinance amending Section 86-162 Yard Modification and authorize its summary publication.

**CITY OF MARSHALL
ORDINANCE 24-009**

**AN ORDINANCE AMENDING CHAPTER 86 ARTICLE VI DIVISION 1 SECTION
86-162 YARD MODIFICATIONS**

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

SECTION 1: AMENDMENT “Section 86-162 Yard Modifications” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-162 Yard Modifications

Measurements shall be taken from the nearest point of the wall of a building to the lot line in question, subject to the following qualifications:

- (a) Cornices, awnings, marquees, eaves, pergolas, and balconies may extend into the required front yard a distance not exceeding four feet, and the required side yard distance not exceeding two feet.
- (b) Fire escapes may extend into the required front yard a distance not exceeding five feet. Basement egress window wells may extend into required front and side yards a distance not to exceed three feet.
- (c) A landing or deck may extend into the required front yard to a distance not exceeding eight feet, if they have the floor no higher than the main floor of the building, except a landing installed at the main entrance of existing residential structure and projecting no more than four feet from the structure may extend 15 feet into required front yard. A four-foot square landing, not including stair, or a five-foot square landing serving a ramp, shall always be permitted at the main entrance of existing residential structures if replacing an existing landing. An open railing no higher than three feet may be placed around such structures.
- (d) A bay window having a bow, or angled sides, with windows on all faces projecting no more than two feet from the building wall may extend 20 feet into required front yard.
- (e) The architectural features listed in paragraphs (1) through (4) may also extend into the required rear yard to the same extent as permitted for extension into the required front yard. If an easement coincides with, or is wider than, a required yard, architectural features listed in paragraphs (1) and (2) may extend into such easement not more than two feet with written approval of the city engineer.
- (f) Retaining walls, fences, and other similar structures located in any yard shall not exceed seven feet in height in any of the classes of residential and business districts, unless required by a condition for a variance adjustment, or conditional or interim use permit granted for unrelated issue. Barbed wire or electrical fencing materials are

prohibited in these locations.

- (g) Retaining walls, fences or any other structures, both permanent and temporary, located in the front yard of a corner lot at the intersection of streets, except pilon signs, shall not exceed three feet in height as measured above the curb within a 25-foot visibility triangle of the property corner at such intersection and within a ten-foot visibility triangle adjacent to alleys and driveways.
- (h) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets. On curved portions of cul-de-sac lot frontages, the required front yard may be reduced to 15 feet.
- (i) In determining the depth of rear yard for any building where the rear yard opens into an alley, one-half the width of the alley, but not exceeding ten feet, may be considered as a portion of the rear yard.
- (j) Any structure, including fences, built in the rear or side yard that opens into an alley, must not be placed less than three feet from the property line defining this alley. Any garage with overhead door facing, and having a direct vehicle access from, an alley must not be placed less than 18 feet from the alley.
- (k) No front, side or rear yard shall be required in the downtown district, except single family houses and duplexes.
- (l) On a corner lot fronting two intersecting streets, either yard opposite the street may be designated the rear yard; in case of a triangular corner lot, the yard not adjacent to streets shall be designated the rear yard but shall meet the setback requirements of a side yard. On a corner lot fronting three streets, the yard opposite the front yard located between two other front yards shall be designated the rear yard but shall meet the setback requirements of a side yard.
- (m) On a flag lot, the lot side, which faces the street that this lot has an access from, shall be designated the front yard. For such lots, the lot depth calculations shall not include the length of the narrow access portion of the lot.
- (n) On a lot that faces, and is exclusively accessed from, a public roadway easement or recorded access easement providing access to at least one other property beyond said lot, the lot side facing the easement shall be designated the front yard.
- (o) On an interior triangular lot, no rear yard shall be required.

(Code 1976, § 11.19(4)(B); Ord. No. 374 2nd series, § 1, 8-4-1997; Ord. No. 699 2nd series, § 1, 9-9-2015; Ord. No. 725 2nd series, § 1, 1-23-2018; Ord. No. 750 2nd series, § 1, 6-23-2020; Ord. No. 21-002, § 1, 4-27-2021)

SECTION 2: EFFECTIVE DATE This Ordinance shall take effect after its passage and summary publication.

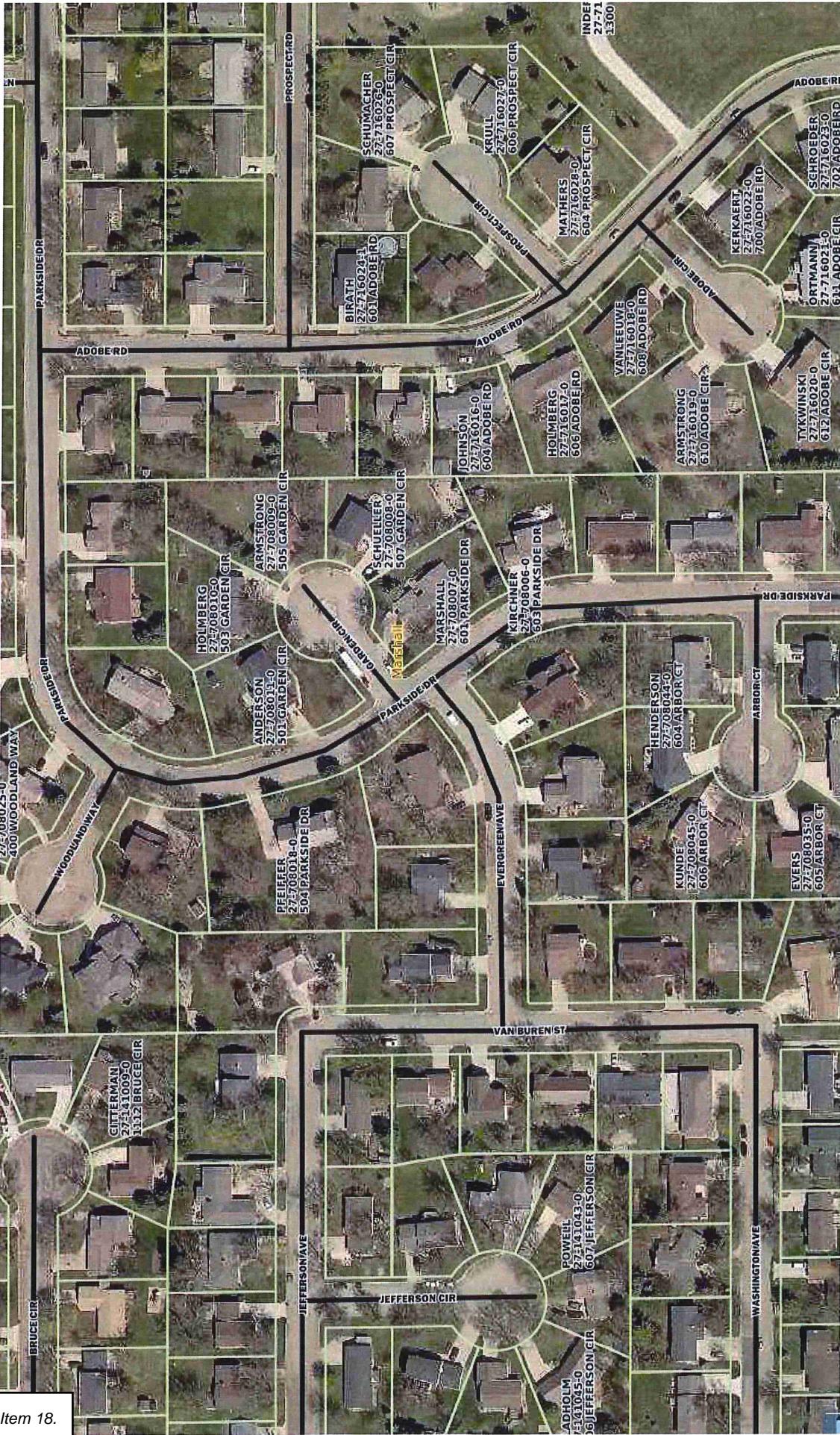
PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall



Item 18.

SUMMARY ORDINANCE NUMBER 24-009

AN ORDINANCE AMENDING CHAPTER 86 ARTICLE VI DIVISION 1 SECTION 86-162 YARD MODIFICATIONS

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

Section 1: City Code of Ordinances, Chapter 86 Article VI Division 1 Section 86-162 Yard Modifications is hereby amended in summary as follows:

(h) On double frontage lots, the required front yard shall be provided on both streets. On corner lots, the required front yard shall be provided on all streets. On curved portions of cul-de-sac lot frontages, the required front yard may be reduced to 15 feet.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 24-009.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-009 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so online at ci.marshall.mn.us or at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 14th day of May 2024.

THE COMMON COUNCIL
Robert Byrnes
Mayor of the City of Marshall, MN

ATTEST:
Steven Anderson
City Clerk



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 5/14/24**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance amending Section 66-55 Procedures and Section 66-53 Required
Background Information:	<p>This is a minor revision to the preliminary plat approval procedure. This section has recently been changed to move a public hearing from the City Council meeting to the Planning Commission meeting. This proposed change will allow conducting a required public hearing at the Council meeting if the Planning Commission does not have a quorum at its regular meeting, which will speed up the process in this case. Section 66-53 removes the requirement for a paper copy of a plat, leaving only digital files.</p> <p>This change was presented at the Planning Commission on April 10, 2024</p> <p>At its March 12, 2024, meeting, Legislation and Ordinance committee reviewed a change to Section 66-55 and recommended approval.</p> <p>The Ordinance amending Section 66-55 Procedures and Section 66-53 Required was introduced at the April 23, 2024, Council meeting.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	None recommended
Recommendations:	Staff recommend that the Council adopts the Ordinance amending Sections 66-55 Procedures and Section 66-53 Required and authorize its summary publication.

**CITY OF MARSHALL
ORDINANCE 24-010**

**AN ORDINANCE AMENDING CHAPTER 66 ARTICLE II DIVISION 2 SECTION
66-53 REQUIRED AND SECTION 66-55 PROCEDURES**

The Common Council of Marshall do ordain as follows:

SECTION 1: **AMENDMENT** “Section 66-55 Procedures” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 66-55 Procedures

- (a) One copy of any preliminary plat which includes lands abutting upon existing or established trunk highway or proposed highway which has been designated by a centerline order filed in the office of the registrar of deeds (county recorder), shall be forthwith forwarded by the city engineer to the commissioner of transportation for his written comments and recommendations. Any such plat which includes land abutting upon any existing or established county or county state aid highway shall be so forwarded to the county engineer for his written comments and suggestions. Action thereon shall be postponed for a period of 15 days pending receipt of such response. Copies of any such responses shall be submitted to the city engineer.
- (b) One copy of the preliminary plat shall be filed with the city engineer for city council use, and who shall advise the council of such filing at its next regular meeting.
- (c) The city engineer shall forward one copy of the preliminary plat to all utility providers serving the proposed subdivision.
- (d) One copy of the preliminary plat shall be kept by the city engineer. The city engineer shall check and verify the survey and plat to such extent as he deems necessary, provided that he shall check with the zoning administrator and with heads of other departments which, in his opinion, would be affected by approval of the preliminary plat in the form presented. He shall within 30 days, unless such time limit is extended by the council from the filing date, prepare a written report to the council with a copy to the planning commission, including his comments and recommendations and the comments and recommendations of the zoning administrator and other department heads.
- (e) After receipt of any comments and recommendations from the commissioner of transportation and county highway engineer and after the receipt of the report from the city engineer, the planning commission shall meet to review the preliminary plat and make its recommendation to the council.
- (f) Such meeting of the planning commission shall be held within 60 days from the date of filing extended by the equivalent of any extensions granted by the city engineer to

make his report.

- (g) Unless otherwise canceled due to lack of quorum, the Planning Commission shall hold a public hearing on the proposed preliminary plat. Notice of the public hearing shall be published in the official newspaper designated by the City Council at least ten days prior to the hearing. The city shall mail written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site. Timing of the mailed notice shall be the same as that for the published notice. The failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply has been made. The planning commission shall review the preliminary plat, consider all oral and written reports, comments and recommendations, and adopt by majority vote of those present and voting, its own recommendation to the council stating its reasons as to whether or not to approve or disapprove the preliminary plat. Such recommendation shall be forwarded to the council, with a copy to the subdivider. If a Planning Commission meeting is canceled due to lack of quorum and the Planning Commission is not able to hold a public hearing, the Council may proceed without receiving a Planning Commission report but may only do so if it holds a public hearing on the proposed preliminary plat before making its decision on the preliminary plat. Any public hearing held by the Council in lieu of the Planning Commission must comply with the Notice provisions herein including publishing Notice of the public hearing in the City's officially designated newspaper at least ten days before the hearing and mailing written notification of the proposed preliminary plat to property owners located within 350 feet of the subject site.
- (h) At any time prior to publication of a notice of public hearing, the subdivider may, in writing, withdraw his application for approval by filing such withdrawal in the office of the city engineer. If the subdivider thereafter submits a revised preliminary plat, it shall be so designated to distinguish it from the original preliminary plat, provided that a revised preliminary plat shall be entitled to the same consideration and subject to the same procedure, except that unnecessary duplications shall be avoided whenever possible.
- (i) By state law, a final decision on a preliminary plat request must be made within 120-days of submittal of a complete application unless the applicant waives this 120-day time limit. At the next regular or special meeting, which shall be held within 30 days after the public hearing, the council shall decide to approve or disapprove the preliminary plat. If its decision is to approve the preliminary plat, such approval shall be contingent upon the filing of a final plat in accordance with the requirements of this chapter; and the city engineer shall forthwith advise the subdivider of the council action. The action of approving the preliminary plat shall constitute approval of all supplementary documents including, but not limited to, the preliminary drainage and grading plan, the preliminary utility plan, the plans for construction and installation of improvements, and the proposed method of payment therefor. If any variance has been requested by the subdivider and the council approves the plat, it shall also make findings granting such variance. If its decision is to disapprove, the council shall make and adopt findings and conclusions which shall forthwith be forwarded to the subdivider.

(Code 1976, § 12.05(3); Ord. No. 723 2nd Series, § 1, 8-8-2017)

State law reference(s)—Public hearing required, Minn. Stat. § 462.358, subd. 3b.

SECTION 2: **AMENDMENT** “Section 66-53 Required” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 66-53 Required

Before submitting a final plat for approval, the subdivider shall have the approval of the preliminary plat so designated. A digital CAD file and a PDF file~~Six copies of the preliminary plat shall be filed in the office of the city engineer including one reduced set on 11-inch X 17-inch paper or provide in *.DXF format on a 3.5-inch disk. Additional copies may be required if highways are affected.~~ The city engineer shall note the filing date ~~on all copies.~~

(Code 1976, § 12.05(2))

SECTION 3: **EFFECTIVE DATE** This Ordinance shall take effect after its passage and summary publication.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

_____.

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

SUMMARY ORDINANCE NUMBER 24-010

**AN ORDINANCE AMENDING CHAPTER 66 ARTICLE II DIVISION 2 SECTION 66-53 REQUIRED
AND SECTION 66-55 PROCEDURES**

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

Section 1: City Code of Ordinances, Chapter 66 Article II Division 2 Section 66-53 Required and Section 66-55 Procedures are hereby amended in summary as follows:

If the Planning Commission is unable to hold a public hearing due to lack of quorum the City Council may still hold a public hearing after proper notice is given. Preliminary plats may no longer be submitted in paper and can only be submitted digitally as a CAD and PDF file.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 24-010.

It is hereby directed that only the above Title and Summary of Ordinance No. 24-010 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

Persons interested in reviewing a complete copy of the Ordinance may do so online at ci.marshall.mn.us or at the office of the City Clerk, City Offices, 344 West Main Street, Marshall, Minnesota 56258.

Section 3: This Ordinance shall take effect after its passage and summary publication.

Passed and adopted by the Common Council this 14th day of May 2024.

THE COMMON COUNCIL
Robert Byrnes
Mayor of the City of Marshall, MN

ATTEST:
Steven Anderson
City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Kwik Trip 1273 - 1) Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat
Background Information:	<p>Attached please find a copy of the Preliminary Plat and Final Plat of Kwik Trip 1273.</p> <p>Kwik Trip has purchased and combined numerous parcels at the corner of West Main Street/TH 68 and N US Highway 59 with the intent of building a new gas station and convenience store at this location. The purpose of the plat here is to combine all parcels into one and to ensure that all property issues are addressed prior to building on the site.</p> <p>Attached please find a copy of the Engineer’s Report of Preliminary Plat Review and Final Plat Checklist. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.</p> <p>A public hearing was held on the preliminary plat at the Planning Commission meeting on April 10, 2024. Following discussion, Doom made a motion, second by Muchlinski, to recommend approval of the preliminary plat of Kwik Trip 1273 to the City Council, subject to utility companies review and recommendations. All voted in favor.</p>
Fiscal Impact:	The applicant has paid the \$300 escrow for direct costs relating to the plat, and the difference will be refunded or billed to the applicant according to the current Fee Schedule.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1 that the Council approve the Preliminary Plat of Kwik Trip 1273.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION 24-054, which is the Resolution Approving the Final Plat of Kwik Trip 1273.</p>

RESOLUTION 24-054
RESOLUTION APPROVING THE FINAL PLAT OF
KWIK TRIP 1273

WHEREAS, the developer has filed with the Common Council, a Preliminary Plat identified as Kwik Trip 1273 situated in the City of Marshall, County of Lyon, State of Minnesota, described as follows, to-wit:

KWIK TRIP 1273 BLOCK 1 LOT 1

more particularly described as attached Exhibit A; and

WHEREAS, the Final Plat of Kwik Trip 1273 was presented to the Common Council on May 14, 2024.

NOW THEREFORE BE IT FURTHER RESOLVED, that said Final Plat of Kwik Trip 1273 has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes.

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

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

Passed and adopted by the Common Council this 14th day of May, 2024.

ATTEST:

City Clerk

Mayor of the City of Marshall, MN

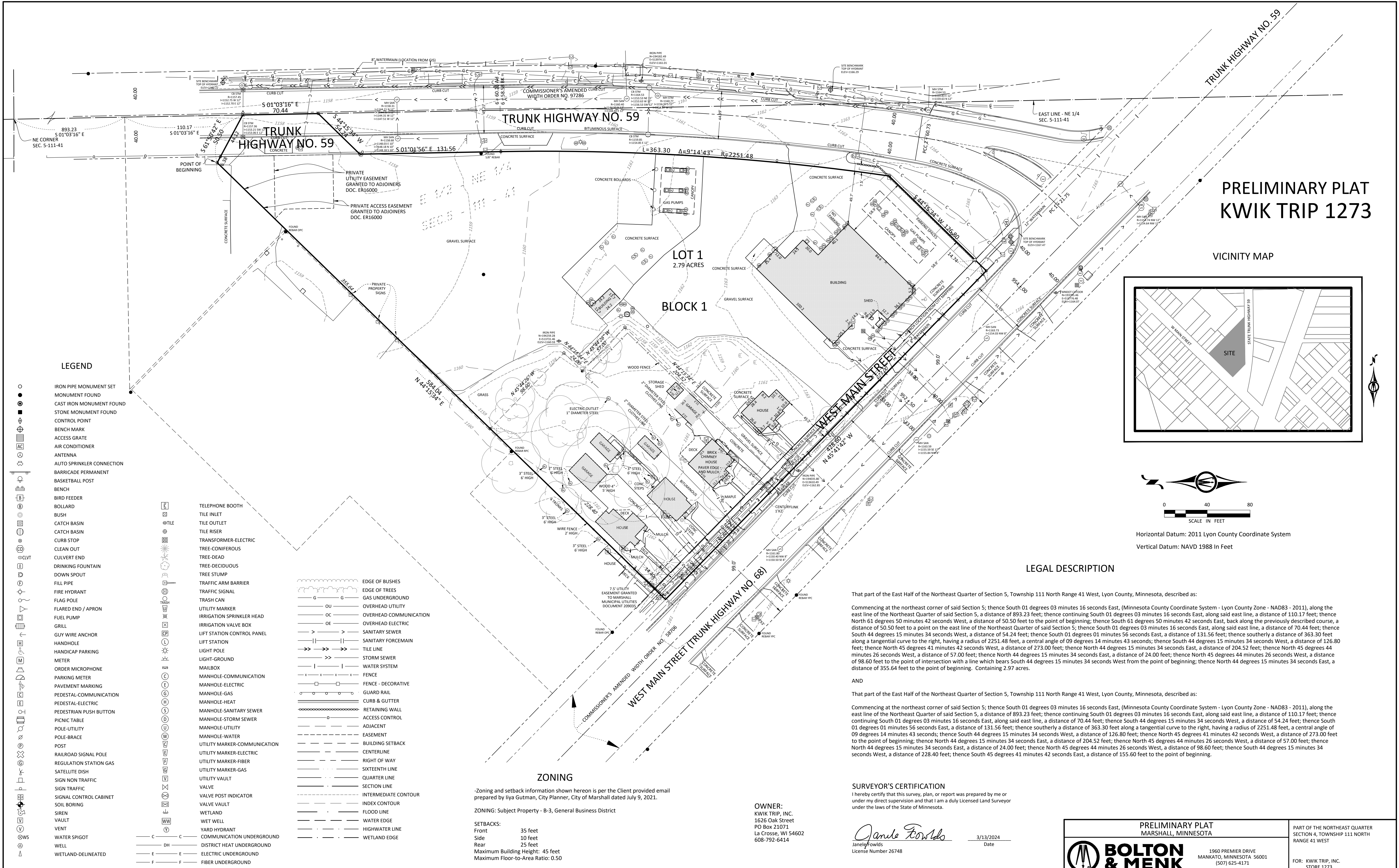
This Instrument Drafted By: Jason R. Anderson, P.E.; Director of Public Works/City Engineer

EXHIBIT A

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as: Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence North 61 degrees 50 minutes 42 seconds West, a distance of 50.50 feet to the point of beginning; thence South 61 degrees 50 minutes 42 seconds East, back along the previously described course, a distance of 50.50 feet to a point on the east line of the Northeast Quarter of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet to the point of intersection with a line which bears South 44 degrees 15 minutes 34 seconds West from the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 355.64 feet to the point of beginning.

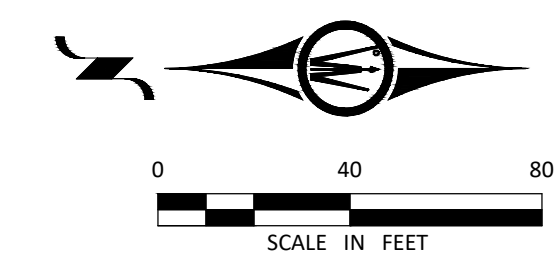
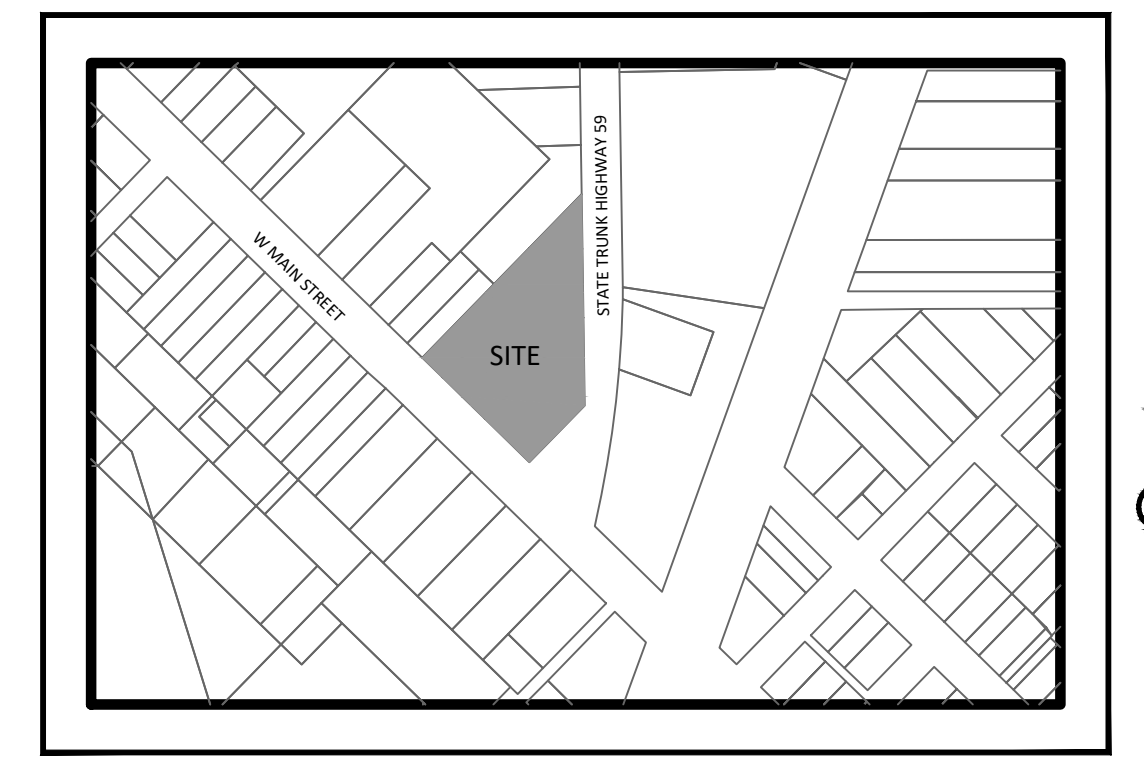
AND

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as: Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet to the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 228.40 feet; thence South 45 degrees 41 minutes 42 seconds East, a distance of 155.60 feet to the point of beginning.



PRELIMINARY PLAT KWIK TRIP 1273

VICINITY MAP



Horizontal Datum: 2011 Lyon County Coordinate System
Vertical Datum: NAVD 1988 In Feet

LEGEND

- | | | | |
|---|---------------------------|---|------------------------------|
| ○ | IRON PIPE MONUMENT SET | ⊠ | TELEPHONE BOOTH |
| ● | MONUMENT FOUND | ⊡ | TILE INLET |
| ⊙ | CAST IRON MONUMENT FOUND | ⊢ | TILE OUTLET |
| ⊚ | STONE MONUMENT FOUND | ⊣ | TILE RISER |
| ⊛ | CONTROL POINT | ⊤ | TRANSFORMER-ELECTRIC |
| ⊜ | BENCH MARK | ⊥ | TREE-CONIFEROUS |
| ⊝ | ACCESS GRATE | ⊦ | TREE-DEAD |
| ⊞ | AIR CONDITIONER | ⊧ | TREE-DECIDUOUS |
| ⊟ | ANTENNA | ⊨ | TREE STUMP |
| ⊠ | AUTO SPRINKLER CONNECTION | ⊩ | TRAFFIC ARM BARRIER |
| ⊡ | BARRICADE PERMANENT | ⊪ | TRAFFIC SIGNAL |
| ⊢ | BASKETBALL POST | ⊫ | TRASH CAN |
| ⊣ | BENCH | ⊬ | UTILITY MARKER |
| ⊤ | BIRD FEEDER | ⊭ | IRRIGATION SPRINKLER HEAD |
| ⊥ | BOLLARD | ⊮ | IRRIGATION VALVE BOX |
| ⊦ | BUSH | ⊯ | LIFT STATION CONTROL PANEL |
| ⊧ | CATCH BASIN | ⊰ | LIFT STATION |
| ⊨ | CATCH BASIN | ⊱ | LIGHT POLE |
| ⊩ | CURB STOP | ⊲ | LIGHT-GROUND |
| ⊪ | CLEAN OUT | ⊳ | MAILBOX |
| ⊫ | CULVERT END | ⊴ | MANHOLE-COMMUNICATION |
| ⊬ | DRINKING FOUNTAIN | ⊵ | MANHOLE-ELECTRIC |
| ⊭ | DOWN SPOUT | ⊶ | MANHOLE-GAS |
| ⊮ | FILL PIPE | ⊷ | MANHOLE-HEAT |
| ⊯ | FIRE HYDRANT | ⊸ | MANHOLE-SANITARY SEWER |
| ⊰ | FLAG POLE | ⊹ | MANHOLE-STORM SEWER |
| ⊱ | FLARED END / APRON | ⊺ | MANHOLE-UTILITY |
| ⊲ | FUEL PUMP | ⊻ | MANHOLE-WATER |
| ⊳ | GRILL | ⊼ | UTILITY MARKER-COMMUNICATION |
| ⊴ | GUY WIRE ANCHOR | ⊽ | UTILITY MARKER-ELECTRIC |
| ⊵ | HANDHOLE | ⊾ | UTILITY MARKER-FIBER |
| ⊶ | HANDICAP PARKING | ⊿ | UTILITY MARKER-GAS |
| ⊷ | METER | ⊀ | UTILITY VAULT |
| ⊸ | ORDER MICROPHONE | ⊁ | VALVE |
| ⊹ | PARKING METER | ⊂ | VALVE POST INDICATOR |
| ⊺ | PAVEMENT MARKING | ⊃ | VALVE VAULT |
| ⊻ | PEDESTAL-COMMUNICATION | ⊄ | WETLAND |
| ⊼ | PEDESTAL-ELECTRIC | ⊅ | WET WELL |
| ⊽ | PEDESTRIAN PUSH BUTTON | ⊆ | YARD HYDRANT |
| ⊾ | PICNIC TABLE | ⊇ | COMMUNICATION UNDERGROUND |
| ⊿ | POLE-UTILITY | ⊈ | DISTRICT HEAT UNDERGROUND |
| ⊀ | POLE-BRACE | ⊉ | ELECTRIC UNDERGROUND |
| ⊁ | POST | ⊊ | FIBER UNDERGROUND |
| ⊂ | RAILROAD SIGNAL POLE | | |
| ⊃ | REGULATION STATION GAS | | |
| ⊄ | SATELLITE DISH | | |
| ⊅ | SIGN NON TRAFFIC | | |
| ⊆ | SIGN TRAFFIC | | |
| ⊇ | SIGNAL CONTROL CABINET | | |
| ⊈ | SOIL BORING | | |
| ⊉ | SIREN | | |
| ⊊ | VAULT | | |
| ⊋ | VENT | | |
| ⊌ | WATER SPIGOT | | |
| ⊍ | WELL | | |
| ⊎ | WETLAND-DELINEATED | | |

- | | |
|---------------|------------------------|
| — G — G — | EDGE OF BUSHES |
| — OU — | EDGE OF TREES |
| — OC — | GAS UNDERGROUND |
| — OE — | OVERHEAD UTILITY |
| — OE — | OVERHEAD COMMUNICATION |
| — OE — | OVERHEAD ELECTRIC |
| — > — | SANITARY SEWER |
| — — | SANITARY FORCEMAIN |
| — — | TILE LINE |
| — >> — | STORM SEWER |
| — — — | WATER SYSTEM |
| — x — x — x — | FENCE |
| — □ — | FENCE - DECORATIVE |
| — ○ — ○ — | GUARD RAIL |
| — ○ — ○ — | CURB & GUTTER |
| — ○ — ○ — | RETAINING WALL |
| — ○ — ○ — | ACCESS CONTROL |
| — ○ — ○ — | ADJACENT |
| — ○ — ○ — | EASEMENT |
| — ○ — ○ — | BUILDING SETBACK |
| — ○ — ○ — | CENTERLINE |
| — ○ — ○ — | RIGHT OF WAY |
| — ○ — ○ — | SIXTEENTH LINE |
| — ○ — ○ — | QUARTER LINE |
| — ○ — ○ — | SECTION LINE |
| — ○ — ○ — | INTERMEDIATE CONTOUR |
| — ○ — ○ — | INDEX CONTOUR |
| — ○ — ○ — | FLOOD LINE |
| — ○ — ○ — | WATER EDGE |
| — ○ — ○ — | HIGHWATER LINE |
| — ○ — ○ — | WETLAND EDGE |

ZONING

-Zoning and setback information shown hereon is per the Client provided email prepared by Ilya Gutman, City Planner, City of Marshall dated July 9, 2021.

ZONING: Subject Property - B-3, General Business District

SETBACKS:
 Front 35 feet
 Side 10 feet
 Rear 25 feet
 Maximum Building Height: 45 feet
 Maximum Floor-to-Area Ratio: 0.50

OWNER:
 KWIK TRIP, INC.
 1626 Oak Street
 PO Box 21071
 La Crosse, WI 54602
 608-792-6414

SURVEYOR'S CERTIFICATION

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

Janele Fowlds
 Janele Fowlds
 License Number 26748
 3/13/2024
 Date

LEGAL DESCRIPTION

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence North 61 degrees 50 minutes 42 seconds West, a distance of 50.50 feet to the point of beginning; thence South 61 degrees 50 minutes 42 seconds East, back along the previously described course, a distance of 50.50 feet to a point on the east line of the Northeast Quarter of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 03 minutes 16 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet to the point of intersection with a line which bears South 44 degrees 15 minutes 34 seconds West from the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 355.64 feet to the point of beginning. Containing 2.97 acres.

AND

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 03 minutes 16 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet to the point of beginning; thence North 44 degrees 15 minutes 34 seconds West, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 228.40 feet; thence South 45 degrees 41 minutes 42 seconds East, a distance of 155.60 feet to the point of beginning.

PRELIMINARY PLAT
 MARSHALL, MINNESOTA

1960 PREMIER DRIVE
 MANKATO, MINNESOTA 56001
 (507) 625-4171

PART OF THE NORTHEAST QUARTER
 SECTION 4, TOWNSHIP 111 NORTH
 RANGE 41 WEST

FOR: KWIK TRIP, INC.
 STORE 1273

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Kwik Trip 1273

Quarter NE¹/₄ Section 5 Township 111N Range 41W

Owner's Name: Kwik Trip, Inc.

Surveyor: Janele Fowlds Reg. No. 26748

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

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

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

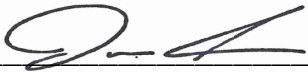
CITY ENGINEER'S RECOMMENDATIONS:

Approval

DATE RECEIVED: March 18, 2024

DATE REVIEWED: April 3, 2024

PLANNING COMMISSION REVIEW DATE: April 10, 2024



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

KWIK TRIP 1273

INSTRUMENT OF DEDICATION

Know all persons by these presents: That Kwik Trip, Inc., a Wisconsin corporation, fee owner of the following described property situated in the County of Lyon, State of Minnesota:

The Land referred to herein below is situated in the County of Lyon, State of MN, and is described as follows:

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence North 61 degrees 50 minutes 42 seconds West, a distance of 50.50 feet to the point of beginning; thence South 61 degrees 50 minutes 42 seconds East, back along the previously described course, a distance of 50.50 feet to a point on the east line of the Northeast Quarter of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet to the point of intersection with a line which bears South 44 degrees 15 minutes 34 seconds West from the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 355.64 feet to the point of beginning.

AND

That part of the East Half of the Northeast Quarter of Section 5, Township 111 North Range 41 West, Lyon County, Minnesota, described as:

Commencing at the northeast corner of said Section 5; thence South 01 degrees 03 minutes 16 seconds East, (Minnesota County Coordinate System - Lyon County Zone - NAD83 - 2011), along the east line of the Northeast Quarter of said Section 5, a distance of 893.23 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 110.17 feet; thence continuing South 01 degrees 03 minutes 16 seconds East, along said east line, a distance of 70.44 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 54.24 feet; thence South 01 degrees 01 minutes 56 seconds East, a distance of 131.56 feet; thence southerly a distance of 363.30 feet along a tangential curve to the right, having a radius of 2251.48 feet, a central angle of 09 degrees 14 minutes 43 seconds; thence South 44 degrees 15 minutes 34 seconds West, a distance of 126.80 feet; thence North 45 degrees 41 minutes 42 seconds West, a distance of 273.00 feet to the point of beginning; thence North 44 degrees 15 minutes 34 seconds East, a distance of 204.52 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 57.00 feet; thence North 44 degrees 15 minutes 34 seconds East, a distance of 24.00 feet; thence North 45 degrees 44 minutes 26 seconds West, a distance of 98.60 feet; thence South 44 degrees 15 minutes 34 seconds West, a distance of 228.40 feet; thence South 45 degrees 41 minutes 42 seconds East, a distance of 155.60 feet to the point of beginning.

Has caused the same to be surveyed and platted as KWIK TRIP 1273 and does hereby dedicate to the public for the public use the public ways and the utility easements as created by this plat.

In witness whereof, said Kwik Trip, Inc., a Wisconsin corporation, has caused these presents to be signed by its proper officer this ____ day of _____, 2024.

_____,

NOTARY CERTIFICATE

State of _____

County of _____

The foregoing instrument was acknowledged before me, this ____ day of _____, 2024 by _____, _____ of Kwik Trip, Inc., a Wisconsin corporation on behalf of the corporation.

_____, Notary Public,

State of _____

My Commission Expires _____

SURVEYOR'S CERTIFICATE

I, Janelle Fowlds, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this ____ day of _____, 2024.

Janelle Fowlds, Land Surveyor
Minnesota License Number 26748

NOTARY'S CERTIFICATE

This instrument was acknowledged before me on ____ day of _____, 2024, by Janelle Fowlds, Land Surveyor, Minnesota License No. 26748.

Nathan P Myhra, Notary Public
Notary Public-Minnesota
My Commission Expires Jan. 31, 2028

MARSHALL CITY COUNCIL

This plat of KWIK TRIP 1273 was approved and accepted by the City Council of Marshall, Minnesota at a regular meeting thereof held this ____ day of _____, 2024, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03, Subd. 2. and City Ordinances and that this plat has been submitted to and written comments have been received from the Commissioner of Transportation.

City Council, City of Marshall

Mayor

City Clerk

COUNTY AUDITOR AND TREASURER

I hereby certify that the current and delinquent taxes on the lands described within are paid and the transfer is entered this ____ day of _____, 2024.

Auditor/Treasurer, Lyon County

COUNTY RECORDER

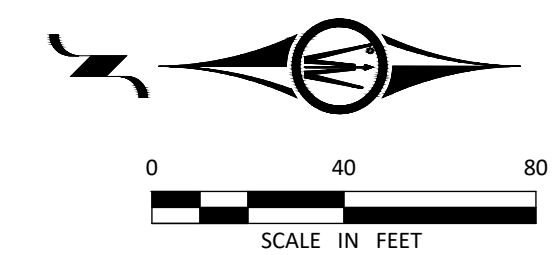
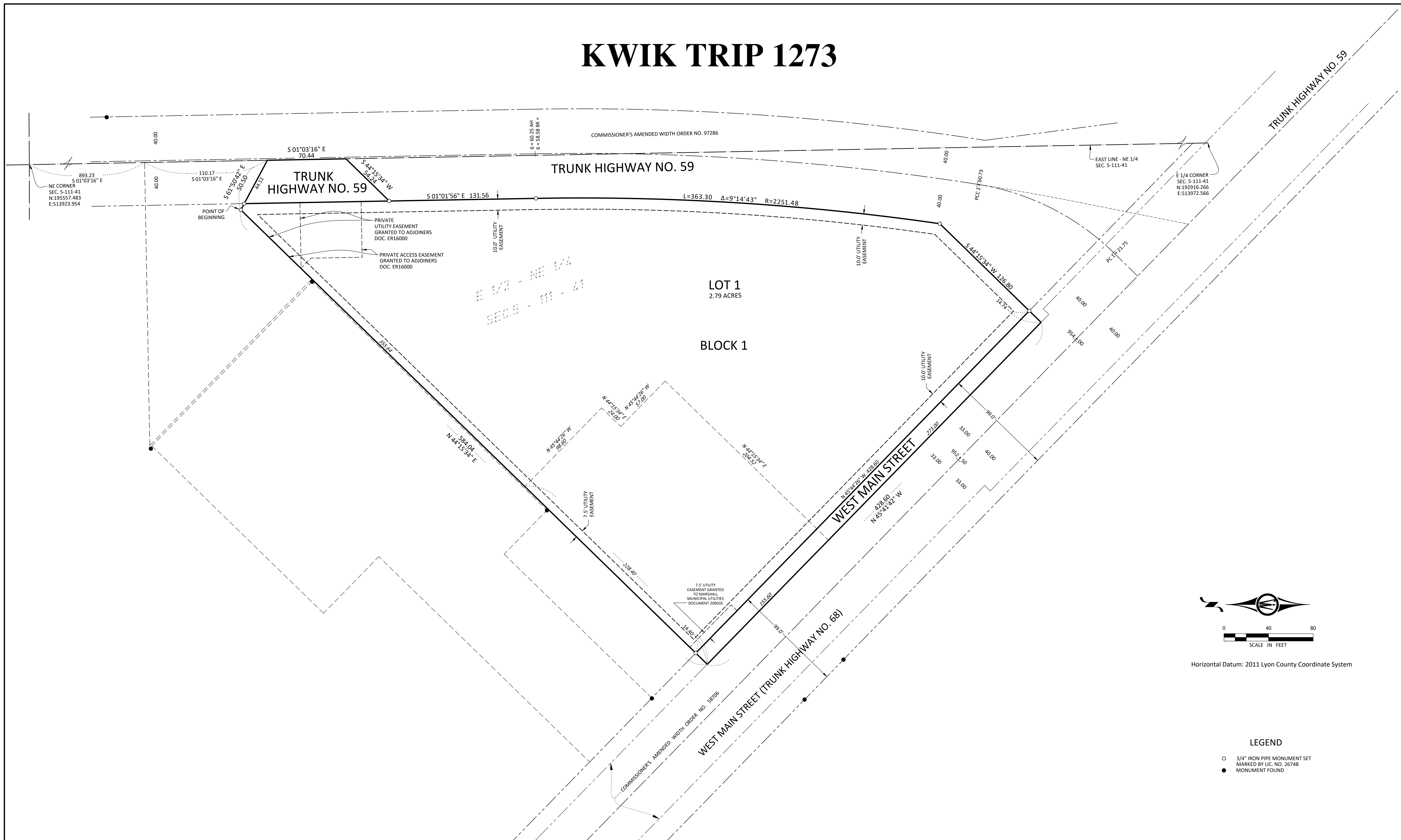
I hereby certify that this plat was filed in this office this ____ day of _____, 2024, ____ O' Clock ____M. as Document Number _____, Envelope Number _____.

Recorder, Lyon County



VICINITY MAP
NOT TO SCALE

KWIK TRIP 1273



Horizontal Datum: 2011 Lyon County Coordinate System

LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 26748
- MONUMENT FOUND

FINAL PLAT CHECKLIST CHAPTER 66 - SUBDIVISIONS

Subdivision Name: Kwik Trip 1273

Quarter NE¼ Section 5 Township 111N Range 41W

Owner's Name: Kwik Trip, Inc.

Surveyor: Janele Fowlds Reg. No. 26748

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

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

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

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

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



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

05/08/2024

 Date

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, May 14, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project PK-013 (S.A.P. 139-500-001): RRFB and Trail Extension Project - Consider Resolution Authorizing Execution of MnDOT Cooperative Construction Agreement No. 1056356
Background Information:	<p>The City of Marshall was awarded \$360,381 in Active Transportation (AT) Infrastructure Program grant funds for construction of several city-wide pedestrian improvement projects including an enhanced pedestrian crossing (RRFB) at US Hwy 59/A Street, a shared use trail along US Hwy 59 between Boyer Drive & Windstar, and the re-alignment of the Camden Trail at County Road 7 along with an enhanced crossing (RRFB). The projects will need to adhere to State Aid standards and require approval from the District State Aid Engineer.</p> <p>Attached for your review is the MnDOT Cooperative Construction Agreement No. 1056356 for Pedestrian Crosswalk Flasher System and Concrete Walk construction, and other associated construction upon, along, and adjacent to Trunk Highway No. 59 at A Street North and from Windstar Street to Boyer Drive according to City-prepared plans, specifications, and special provisions designated by the City as 2024 Marshall AT Improvements Project.</p> <p>City staff has reviewed the cooperative agreement and has not identified any issues or concerns. The City will be responsible for complete ownership and operation of the RRFB units and the City will be responsible for typical maintenance activities regarding the new shared use path installation.</p>
Fiscal Impact:	Project PK-013 consists of three project areas with an estimated construction cost of \$413,125, including 10% contingency. All costs outside of the AT Grant are proposed to be paid with Municipal State Aid Street (MSAS) funds. City staff has submitted to advance \$150,000 in MSAS funding for this project.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt Resolution 24-055, which is the Resolution Authorizing Execution of MnDOT Cooperative Construction Agreement No. 1056356.

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION
And
CITY OF MARSHALL
COOPERATIVE CONSTRUCTION
AGREEMENT**

Control Section: 4208
Trunk Highway Number (T.H.): 59=017
State Aid Project Number (S.A.P.): 139-500-001

This Agreement is between the State of Minnesota, acting through its Commissioner of Transportation ("State") and the City of Marshall acting through its City Council ("City").

Recitals

1. The City will perform Pedestrian Crosswalk Flasher System and Concrete Walk construction, and other associated construction upon, along, and adjacent to Trunk Highway No. 59 at A Street North and from Windstar Street to Boyer Drive according to City-prepared plans, specifications, and special provisions designated by the City as 2024 Marshall AT Improvements Project ("Project"); and
2. The City requests the State allow the construction of Pedestrian Crosswalk Flasher System and Concrete Walk and the State is willing to allow said construction; and
3. Minnesota Statutes § 161.20, subdivision 2 authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining, and improving the trunk highway system.

Agreement

1. Term of Agreement; Survival of Terms; Plans; Incorporation of Exhibits

- 1.1. *Effective Date.*** This Agreement will be effective on the date the State obtains all signatures required by Minnesota Statutes § 16C.05, subdivision 2.
- 1.2. *Expiration Date.*** This Agreement will expire when all obligations have been satisfactorily fulfilled.
- 1.3. *Survival of Terms.*** All clauses which impose obligations continuing in their nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: 2.4. State Ownership of Improvements; 5. Maintenance by the City; 6. Pedestrian Crosswalk Flasher System Power, Ownership, Operation, Maintenance and Compliance; 9. Liability; Worker Compensation Claims; Insurance; 11. State Audits; 12. Government Data Practices; 13. Governing Law; Jurisdiction; Venue; and 15. Force Majeure.
- 1.4. *Plans, Specifications, and Special Provisions.*** State-approved City plans, specifications, and special provisions designated by the City as 2024 Marshall AT Improvements Project are on file in the office of the City's Engineer and incorporated into this Agreement by reference ("Project Plans").

2. Right-of-Way Use

- 2.1. *Limited Right to Occupy.*** The State grants to the City (and its contractors and consultants) the right to occupy Trunk Highway Right-of-Way as necessary to perform the work described in the Project Plans. This

right is limited to the purpose of constructing the project, and administering such construction, and may be revoked by the State at any time, with or without cause. Cause for revoking this right of occupancy includes, but is not limited to, breaching the terms of this or any other agreement (relevant to this project) with the State, failing to provide adequate traffic control or other safety measures, failing to perform the construction properly and in a timely manner, and failing to observe applicable environmental laws or terms of applicable permits. The State will have no liability to the City (or its contractors or consultants) for revoking this right of occupancy.

- 2.2. State Access; Suspension of Work; Remedial Measures.** The State's District Engineer or assigned representative retains the right to enter and inspect the Trunk Highway Right-of-Way (including the construction being performed on such right-of-way) at any time and without notice to the City or its contractor. If the State determines (in its sole discretion) that the construction is not being performed in a proper or timely manner, or that environmental laws (or the terms of permits) are not being complied with, or that traffic control or other necessary safety measures are not being properly implemented, then the State may notify and require the City (and its contractors and consultants) to suspend their operations until the City (and its contractors and consultants) take all necessary actions to rectify the situation to the satisfaction of the State. The State will have no liability to the City (or its contractors or consultants) for exercising or failing to exercise its rights under this provision.
- 2.3. Traffic Control; Worker Safety.** While the City (and its contractors and consultants) are occupying the State's Trunk Highway Right-of-Way, they must comply with the approved traffic control plan, and with applicable provisions of the Work Zone Field Handbook (<http://www.dot.state.mn.us/trafficeng/workzone/index.html>). All City, contractor, and consultant personnel occupying the State's Trunk Highway Right-of-Way must be provided with required reflective clothing and hats.
- 2.4. State Ownership of Improvements.** The State will retain ownership of its Trunk Highway Right-of-Way, including any improvements made to such right-of-way under this Agreement, unless otherwise noted. The warranties and guarantees made by the City's contractor with respect to such improvements (if any) will flow to the State. The City will assist the State, as necessary, to enforce such warranties and guarantees, and to obtain recovery from the City's consultants, and contractor (including its sureties) for non-performance of contract work, for design errors and omissions, and for defects in materials and workmanship. Upon request of the State, the City will undertake such actions as are reasonably necessary to transfer or assign contract rights to the State and to permit subrogation by the State with respect to claims against the City's consultants and contractors.

3. Contract Award and Construction

3.1. Direction, Supervision, and Inspection of Construction.

- A.** The contract construction will be under the direction of the City and under the supervision of a registered professional engineer; however, the State participation construction covered under this Agreement will be open to inspection by the State District Engineer's authorized representatives. The City will give the District Construction Engineer at Willmar five days notice of its intention to start the contract construction.
- B.** Responsibility for the control of materials for the contract construction will be on the City and its contractor and will be carried out according to Specifications No. 1601 through and including No. 1609 in the State's current "Standard Specifications for Construction".

- 3.2. Completion of Construction.** The City will cause the contract construction to be started and completed according to the time schedule in the construction contract special provisions. The completion date for the

-2-

contract construction may be extended, by an exchange of letters between the appropriate City official and the State District Engineer's authorized representative, for unavoidable delays encountered in the performance of the contract construction.

- 3.3. Compliance with Laws, Ordinances, and Regulations.** The City will comply and cause its contractor to comply with all Federal, State, and Local laws, and all applicable ordinances and regulations. With respect only to that portion of work performed on the State's Trunk Highway Right-of-Way, the City will not require the contractor to follow local ordinances or to obtain local permits.

4. Right-of-Way; Easements; Permits

- 4.1.** The City will, without cost or expense to the State, obtain all rights-of-way, easements, construction permits, and any other permits and sanctions that may be required in connection with the local and trunk highway portions of the contract construction.
- 4.2.** The City will convey to the State by quit claim deed, all newly acquired rights needed for the continuing operation and maintenance of the Trunk Highway, if any, upon completion of the Project, at no cost or expense to the State.
- 4.3.** The City will comply with Minnesota Statutes § 216D.04, subdivision 1(a), for identification, notification, design meetings, and depiction of utilities affected by the contract construction.

5. Maintenance by the City

Upon completion of the project, the City will provide the following without cost or expense to the State:

- 5.1. Sidewalks.** Maintenance of any sidewalk construction, including stamped and colored concrete sidewalk (if any) and pedestrian ramps. Maintenance includes, but is not limited to, snow, ice, and debris removal, patching, crack repair, panel replacement, pedestrian crosswalk pavement markings, vegetation control of boulevards (if any), and any other maintenance activities necessary to perpetuate the sidewalks in a safe, useable, and aesthetically acceptable condition.
- 5.2. Additional Drainage.** No party to this Agreement will drain any additional drainage volume into the storm sewer facilities constructed under the construction contract that was not included in the drainage for which the storm sewer facilities were designed, without first obtaining written permission to do so from the other party.

6. Pedestrian Crosswalk Flasher System Power, Ownership, Operation, Maintenance and Compliance

Power, ownership, operation, maintenance and compliance responsibilities will be as follows for the new Pedestrian Crosswalk Flasher System on Trunk Highway No. 59 at A Street North:

- 6.1. Power.** The flasher system is solar powered and will have no upfront hookup or ongoing power costs. If the systems are replaced in the future, any upfront and/or ongoing costs associated with providing power to the systems are the responsibility of the City. The City will own and be responsible for the solar panel to operate the flasher system.
- 6.2. Ownership, Operation and Maintenance.** Upon completion of this project, the City will own the Pedestrian Crosswalk Flasher System. The City will operate and maintain the Pedestrian Crosswalk Flasher System, perform all Gopher State One Call locating, and be responsible for future system replacement, all at the City's cost and expense. The maintenance includes, but is not limited to: snow, ice and debris removal of the pedestrian landings and ramps, associated signing, pedestrian crosswalk pavement markings, solar panel cleaning/replacement, battery replacement, and lighting without cost or expense to the State. The City will perform all system maintenance in a timely manner.

6.3. Compliance. The City will also be responsible for replacement or upgrades to meet compliance of current and future ADA requirements without cost or expense to the State. If the City fails to comply with the maintenance terms or ADA requirements, or if a safety issue develops, the State may require the City to remove the Pedestrian Crosswalk Flasher System or the State may remove it at the City's cost.

7. Authorized Representatives

Each party's Authorized Representative is responsible for administering this Agreement and is authorized to give and receive any notice or demand required or permitted by this Agreement.

7.1. The State's Authorized Representative will be:

Name, Title: Malaki Ruranika, Cooperative Agreements Engineer (or successor)
 Address: 395 John Ireland Boulevard, Mailstop 682, Saint Paul, MN 55155
 Telephone: (651) 366-4634
 E-Mail: malaki.ruranika@state.mn.us

7.2. The City's Authorized Representative will be:

Name, Title: Jason Anderson, City Engineer (or successor)
 Address: 344 West Main Street, Marshall, MN 56258
 Telephone: (507) 537-6773
 E-Mail: jason.anderson@ci.marshall.mn.us

8. Assignment; Amendments; Waiver; Contract Complete

- 8.1. Assignment.** No party may assign or transfer any rights or obligations under this Agreement without the prior consent of the other party and a written assignment agreement, executed and approved by the same parties who executed and approved this Agreement, or their successors in office. The foregoing does not prohibit the City from contracting with a third party to perform City maintenance responsibilities covered under this Agreement.
- 8.2. Amendments.** Any amendment to this Agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original Agreement, or their successors in office.
- 8.3. Waiver.** If a party fails to enforce any provision of this Agreement, that failure does not waive the provision or the party's right to subsequently enforce it.
- 8.4. Contract Complete.** This Agreement contains all prior negotiations and agreements between the State and the City. No other understanding regarding this Agreement, whether written or oral, may be used to bind either party.

9. Liability; Worker Compensation Claims; Insurance

- 9.1.** Each party is responsible for its own acts, omissions, and the results thereof to the extent authorized by law and will not be responsible for the acts, omissions of others, and the results thereof. Minnesota Statutes § 3.736 and other applicable law govern liability of the State. Minnesota Statutes Chapter 466 and other applicable law govern liability of the City. Notwithstanding the foregoing, the City will indemnify, hold harmless, and defend (to the extent permitted by the Minnesota Attorney General) the State against any claims, causes of actions, damages, costs (including reasonable attorneys fees), and expenses arising in connection with the project covered by this Agreement, regardless of whether such claims are asserted by

the City's contractor(s) or consultant(s) or by a third party because of an act or omission by the City or its contractor(s) or consultant(s).

- 9.2.** Each party is responsible for its own employees for any claims arising under the Workers Compensation Act.
- 9.3.** The City may require its contractor to carry insurance to cover claims for damages asserted against the City's contractor.

10. Nondiscrimination

Provisions of Minnesota Statutes § 181.59 and of any applicable law relating to civil rights and discrimination are considered part of this Agreement.

11. State Audits

Under Minnesota Statutes § 16C.05, subdivision 5, the City's books, records, documents, accounting procedures, and practices relevant to this Agreement are subject to examination by the State and the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

12. Government Data Practices

The City and State must comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to all data provided under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this Agreement. The civil remedies of Minnesota Statutes §13.08 apply to the release of the data referred to in this clause by either the City or the State.

13. Governing Law; Jurisdiction; Venue

Minnesota law governs the validity, interpretation, and enforcement of this Agreement. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

14. Termination; Suspension

14.1. *By Mutual Agreement.* This Agreement may be terminated by mutual agreement of the parties or by the State for insufficient funding as described below.

14.2. *Termination for Insufficient Funding.* The State may immediately terminate this Agreement if it does not obtain funding from the Minnesota Legislature, or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment or the provision of the services covered here. Termination must be by written or fax notice to the City. The State will not be assessed any penalty if this Agreement is terminated because of the decision of the Minnesota Legislature, or other funding source, not to appropriate funds.

14.3. *Suspension.* In the event of a total or partial government shutdown, the State may suspend this Agreement and all work, activities, performance, and payments authorized through this Agreement.

15. Force Majeure

No party will be responsible to the other for a failure to perform under this Agreement (or a delay in performance), if such failure or delay is due to a force majeure event. A force majeure event is an event beyond a party's reasonable control, including but not limited to, unusually severe weather, fire, floods, other acts of God, labor disputes, acts of war or terrorism, or public health emergencies.

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-5-

CITY OF MARSHALL

The undersigned certify that they have lawfully executed this contract on behalf of the Governmental Unit as required by applicable charter provisions, resolutions, or ordinances.

By: _____

Title: Mayor

Date: May 14, 2024

By: _____

Title: City Clerk

Date: May 14, 2024

DEPARTMENT OF TRANSPORTATION

Recommended for Approval:

By: _____
(District Engineer)

Date: _____

Approved:

By: _____
(State Design Engineer)

Date: _____

COMMISSIONER OF ADMINISTRATION

By: _____
(With Delegated Authority)

Date: _____

INCLUDE COPY OF RESOLUTION APPROVING THE AGREEMENT AND AUTHORIZING ITS EXECUTION.

CITY OF MARHSALL

RESOLUTION 24-055

IT IS RESOLVED that the City of Marshall enter into MnDOT Agreement No. 1056356 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for routine maintenance by the City upon, along, and adjacent to Trunk Highway No. 59 at A Street North and from Windstar Street to Boyer Drive, the limits of which are defined in said Agreement.

IT IS FURTHER RESOLVED that the Mayor and the _____ City Clerk
(Title)
are authorized to execute the Agreement and any amendments to the Agreement.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the Council of the City of Marshall at an authorized meeting held on the 14th day of
May, 2024, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to me this _____ day of _____, 2024

Notary Public _____

My Commission Expires _____

(Signature)

Steven Anderson
(Type or Print Name)

City Clerk
(Title)

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, May 14, 2024
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Adult Community Center, Cable Commission, Economic Development Authority</p> <p>Schroeder – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p>Alcorn – Community Services Advisory Board, MMU Commission</p> <p>Moua-Leske – Convention & Visitors Bureau; Diversity, Equity & Inclusion Commission; Library Board</p> <p>Lozinski – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/Variations:	
Recommendations:	

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

FROM: Sharon Hanson, City Administrator

DATE: May 14, 2024

SUBJECT: Administrative Brief

CITY ATTORNEY

Some highlights from the office of City Attorney for the month of April:

- Attended meetings.
- Discussed additional questions related to graffiti.
- Worked with staff on reaching Walmart with respect to possible development.
- Reviewed restrictive covenants on certain city land.
- Worked on recording a previously unrecorded Contract for Deed.
- Reviewed bylaws of Redwood River Watershed and provided comments.
- Reviewed contracts and provided Certificate of City Attorney.
- Respond to questions about Builders Risk Insurance.
- Prepare Resolution for quit claim deed approval.
- Work with staff and Attorney Sathe on draft of zoning for Cannabis/THC.
- Coordinated review and revisions to drainage easements.
- Answered questions regarding possible ditch issue.
- Began discussions related to Parkland fees.
- Collaborate with staff on Elaine Park and Michael Park.
- Answered questions related to council member joining remotely.
- Worked on Broadmoor Valley issues that arose related to:
 - Changes in positioning of Schierholz and his attorney
 - Data production to Schierholz attorneys
- Provided advice and legal analysis for zoning administrator regarding desired change of ordinance language related to accessory buildings.
- Review of trail easements.
- Respond to questions from ACC.
- Answered bid question related to dump truck bid.
- Assisted with various data questions arising out of police department.

Work of other K&G Attorneys:

- Attorney Sonsalla assisted with quit claim deed questions.
- Attorney Sonsalla assisted with neighborhood park questions and meeting.
- Attorney Gilchrist assisted with contract reviews and provided certificate of attorney.
- Attorney Gilchrist took the lead on ditch discussion.

CITY PROSECUTOR:

March:

	ASSAULT	OFF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2024	2023 Comparison
Prosecution	1		2		3	6	2	14	16
Dismissed									
Non-Prosecution	2						1	3	6
Refer to County									

April:

	ASSAULT	OFF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2024	2023 Comparison
Prosecution	1		5		8	6	1	21	35
Dismissed									
Non-Prosecution	3				3	1	3	10	4
Refer to County									

ADMINISTRATION

This past month included the following meetings and work:

- North Memorial had made a request to the State regulatory board to change their license from full-time ALS (advanced life support) to part-time ALS. The city learned this past month that North Memorial has asked that this request be withdrawn. This means at this time, the matter has been closed. Ambulance staffing shortages remain to be a challenge.
- Staff and facilitator Cheryl Glaeser started the process of beginning to update the city’s strategic plan that will help provide focus areas for the next 2-3 years. Some of the beginning work on this update was the information contained in survey results that both staff and City Council completed in early March. Staff will now take time to review the initial information and we hope to come back to Council in late Summer.
- The city has been approached earlier this year regarding looking into daycare needs in the city. Since then, EDA/Chamber have enlisted SW Initiative Foundation (SWIF) and First Childrens Finance to study the needs and potential options. A community group has been established with daycare providers, businesses, and community support groups. EDA Director has also met with SW Health and Human Services daycare licensing agent to discuss different licensing options. In addition, EDA Director and I met with a daycare center provider to learn about challenges and possible options.
- The city has received housing aid, \$72,506 for both 2023 and 2024 as part of the housing aid provided by the 2023 legislature. EDA Director and I met with UCAP this past week and discussed a downpayment assistance program that could utilize the funds and help spur additional low-income housing construction. This item will be brought to the next EDA Board meeting for consideration/action.
- Public Works Director and I met with Schwan’s representatives regarding extending the AD (Arrival and Departure) Building and Hangar Lease agreements. We have had successful discussions after initially having delayed discussions due to uncertainties on the best approach regarding meeting Federal Aviation

Administration compliance as well as ensuring that equity and fair fees are applied for actual expenses and upkeep for airport operations. We anticipate bringing forward to Council at the May 28th Council meetings both agreements for Council consideration.

- Had multiple conversations with Public Safety Chief on the April 17th incident as well as general staff matters.
- City Administrator Intern Stephen Zimmer began his duties this past week and was able to meet with staff, spend time with the Mayor, tour Wastewater facility as well as begin some research on city topics for future discussion by Council and staff. Stephen will be pursuing further education in the field of public administration.
- In early May, I was able to attend the MN City County Management Association annual conference. Met many city administrators and was able to connect and share relatable topics and issues. The theme for the conference was “Sharing our Stories” and many of the presenters shared their experiences in the field of public administration. Appreciate the city’s investment in staff training.
- Other work this past month as included: Juneteenth event planning with planning committee, reviewing ordinances, meeting with various staff, attended South Whitney Street Public meeting to discuss trees, attended LBAE, attended MMU Audit, met with Jeremy Williams to discuss general city/school related items, attended League of Mn Cities Board mtg.

Economic Development Authority

- Began work on the First Children’s Finance Child Care Strategic Supply Plan. First work group meeting will be held in June. Also touring properties to add additional daycare opportunities.
- Submitted proposal for RFI request from MNDEED.
- Continuing work on the East College Economic Revitalization Grant. Three of 26 awards have been paid out with seven additional pending final approval.
- Finalizing SWWC land sale scheduled for May 15th.
- Staff to attend CVN networking/business pitch event on May 17th.

Human Resources

- Staffing update:
 - Part-time Community Services Officer—the City welcomes Jill Dolsen to our part-time CSO position. Jill will begin employment on 05/15/2024.
 - Maintenance Worker—applications are being reviewed, interviews will be scheduled for the week of May 13-17. HR will work with the hiring manager on candidate selection, offer, and pre-employment screening.
 - Police Officer: an eligibility roster will be established through this hiring process. Applicants will participate in oral testing on May 16th.
 - Many temporary and seasonal employees are being hired for a variety of positions for the spring/summer season in Community Services and Public Works.
- Safety program: employees will be trained on electrical safety and arc flash awareness in May.

Clerk

- Reviewed several city ordinances for potential amendment recommendations.
- Continuing to recruit and hire election judges for the August Primary and November General Election.
- Attended the Local Board of Appeal and Equalization meeting on April 15th.

Finance

- 2023 Audit – Auditors from BerganKDV will be on site the week of May 13th for audit fieldwork (sampling, testing, substantiation, etc.)
- 2024 Bonding – The issuances (bond and grant anticipation note) closed on May 9th and the City received the applicable proceeds.

Liquor Store

- April Financials: Sales 554,351 +2.46%, Customer Count 16,325 + 1.08%, Ticket Average \$33.96 +1.16%. A pretty good month for all financials.
- Upgraded staff computers and added 1 more workstation in the office. We peeled off the video camera monitor and made it a separate screen mounted on the office wall.
- The Liquor Store Manager and 1 full-time associate attended the MMBA annual conference.

COMMUNITY SERVICES

Parks & Recreation

- Spring has been wet and windy, yet we've still be able to get outdoors for programming including youth track and field, soccer camps, golf lessons and an upcoming flag football training camp.
- Adult co-rec and men's softball leagues will start their games next week at the Amateur Sports Complex, team numbers are up from last year in both leagues.
- Preparation for the opening of the Aquatic Center is ongoing as the doors open Saturday, June 1st!
- Seasonal staff positions have been filled.
- Parks and Arena staff have been working to keep up with mowing and scheduled games at facilities – this has been a challenge this spring.
- All restrooms and shelters have been opened for the season.
- Staff continue to meet and discuss Aquatic facility sponsorship opportunities with local businesses.
- Working on plans for new shelter at restroom at Independence Park to prep for bidding – grant awarded from DNR for these projects.
- The new Finnly Sport software launched on May 1st – over 1,000 registrations taken in – staff continue to work on small issues as they arise. This software will house registration, facility rentals, facility calendar, point of sale for Aquatic Center and more.

Community Education

- Community Education is wrapping up the Winter/Spring programming in the next two weeks. There was an extension of the new Spanish class with all of the participants wanting to continue the class for eight more sessions.
- We kicked off the Summer Brochure on May 1st with great registration numbers all while using a new registration program! Thank you to the entire team for your hard work during this transition and making sure our customers and the community get the best service!
- Continue to work on modifications to the Driver's Education program. We've added two additional Behind the Wheel instructors for June and July to try to get a large amount of students through the driving training.
- Planning for community events: Juneteenth, 4th of July, Welcoming Week

COMMUNITY PLANNING

Building Services / Planning & Zoning

- Over 200 open permits.
- A new airport hangar is the largest project under construction. Several other large projects are in a plan review stage.
- Rental Ordinance is approved and people have been applying for registration.
- Sign ordinance is being reviewed.

PUBLIC WORKS DIVISION

Engineering

- Project ST-001-2024: Chip Sealing on Various City Streets – Council awarded to Pearson Bros., Inc. of Hanover, Minnesota, at 03/26/2024 City Council.
- Project ST-002-2024: Bituminous Overlay Project - Council awarded to Central Specialties, Inc. of Alexandria, Minnesota. Pre-Construction meeting held 5/6/2024, concrete work could start in Mid-May with milling and paving anticipated in early June.
- Project ST-007: UCAP Bus Shelter Installations – Project plans are complete. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-009: N. 3rd St./W. Lyon St. Reconstruction (R&G Construction Co.) –The Addison Parking lot is under construction.
- Project ST-010: Lyon Circle Reconstruction Project – Lyon Circle Reconstruction Project - Awarded at 04/23/2024 Council meeting with an anticipated start date of June 15.
- Project ST-012-2024: South Whitney Street Reconstruction Project (East College Drive to Jean Avenue) – Contractor is on site and construction has started on the first portion of the project (E College Dr. to E Marshall St.).
- Project PK-015: Independence Park Parking Lot Project: Awarded at 04/23/2024 Council meeting with an anticipated start date of June 15.

Wastewater

- All five Significant Industrial User agreements have been updated and sent to the industries for their approval. Once that has been completed the SIU agreements will be brought to the City Council for Council approval sometime in June.
- Staff have completed 321 preventative maintenance work orders in the last 30 days.
- Plant operators have started spring maintenance tasks on outdoor equipment.
- Spring cleaning of the sanitary lift stations has been completed.
- Summer jetting of the sanitary lines has started.
- Working on the televising of various sanitary lines.
- Working on spring groundskeeping around the Wastewater Facility.

PUBLIC SAFETY DIVISION

FIRE DEPARTMENT

- The Fire Department responded to eighteen (18) calls for service. Total calls for service included:
 - Fire/CO2 Alarm (4)
 - Fire; Structure (11)
 - Medical Assist (0)
 - Vehicle Accident (3)
 - Other – Assist (0)

POLICE DEPARTMENT

- The Marshall Police Department responded to 865 calls for the month of April. 98 criminal offenses were reported with a total number of 36 adults and 2 juveniles arrested.

OFFICER'S REPORT

- Alarms (8)
- Accidents (26)
- Alcohol involved incidents (1)
- Assaults (9)
- Domestic Assaults (16)
- Burglaries (4)
- Criminal Sexual Conduct (0)
- Damage to Property (2)
- Keys Locked in Vehicles (21)
- Loud Party (7)/ Public Disturbances (14)
- Thefts (24)
- Traffic Related Complaints (203)
- Vandalism (7)
- Warrant Pickups (5)
- Welfare Checks/Mental Health (26)

DETECTIVE REPORT

- A report of a missing person was investigated. The person was located and found to be safe.
- Five separate cases involving possession and distribution of child pornography are under investigation. Multiple search warrants have been executed.
- Five deaths were investigated during the month of March.
- Ten theft by swindle cases involving scams and two identity theft cases were investigated.
- A case involving an assault with a stun gun was investigated and referred to the Lyon County Attorney's Office for consideration of charges against a juvenile.
- A suspicious fire was investigated. The case was referred to the Lyon County Attorney's Office for consideration of charges against a juvenile.
- Five cases of criminal sexual conduct are under investigation.
- Twenty-one child protection reports and eight reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.

MERIT CENTER

- In April, MN West held Basic Rider Course – Motorcycle Training, EVOG Training, and a Steam & Hot Water Boiler Course and is continuing CDL training utilizing the driving track at the MERIT Center.

- On April 3rd the Marshall PD held a meeting.
- From April 5th to April 7th and April 12th to April 14th Plumbology held a Plumbing Exam Prep Course with 10 attendees each day.
- On April 8th SWHHS held a CDC Crisis and Risk Communication Training (CERC) with 30 attendees.
- On April 8th the American Red Cross held a Blood Drive.
- From April 7th to April 18th Southwest Healthcare Preparedness Coalition held ALICE training with 25 attendees each day.
- On April 17th SW EMS held a board meeting with 12 attendees.
- On April 20th the Law Enforcement Patch Fair held a Law Enforcement Show.
- On April 23rd Axon Academy held a TASER Instructor Course with 30 attendees.
- From April 23rd to April 26th ARMOR Training held ISP – GWO Training with 3 attendees each day.
- On April 24th a PSAP Leadership Meeting was held with 15 attendees.
- On April 25th ADM held their monthly Contractor Safety Training with 60 attendees.
- The MERIT Center was utilized 22 out of 30 days with 17 reservations in April. There was a total of 476+ attendees.

EMERGENCY MANGEMENT

- Captain Ryan Hoffmann has been attending Emergency Management courses in Rochester in an effort to attain his Emergency Management certification.

MONTHLY REPORT OF ACTIVITY FOR MARSHALL POLICE For Month and Year ending April 2024 (YTD TOTALS)

OFFENSE/ARREST DATA

	Offenses		Actual	Total Arrests/Excluding traffic	
	Reported	Unfounded	Offenses	Adult	Juvenile
January	75	0	75	33	0
February	93	0	93	19	2
March	66	0	66	33	0
April	98	0	98	36	2
May					
June					
July					
August					
September					
October					
November					
December					

YTD 2024	332	0	332	121	4
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Averages for all Activities (Calls for Service)

	#Calls	Time in Hrs
	Total	Spent
January	762	347
February	809	325
March	1061	378
April	865	350
May		
June		
July		
August		
September		
October		
November		
December		
YTD 2024	3497	1400

Accidents	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sep	Oct.	Nov.	Dec.	YTD
Hit and Run	2	3	7	8									20
Property Damage	26	15	22	16									79
Personal Injury	3	3	5	2									13
Fatalities	1	0	0	0									1
TOTAL 2024	32	21	34	26	0	0	0	0	0	0	0	0	113

CITATIONS	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Citations	17	106	134	70									327
Parking Tickets	24	30	72	18									144

Activities (Calls For Service)	*High Hours Expended												
	Jan.	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Alarms	20	14	10	8									52

Alcohol	1	2	1	1										5
Animal Bite	2	2	1	1										6
Animal Complaint	8	0	11	13										32
Assault	8	3	6	9										26
Assists	56	49	53	45										203
Auto Theft	0	3	0	1										4
Bike Found	1	4	7	6										18
Bike Theft	0	2	0	0										2
Burglary	4	3	1	4										12
Bus Violation	11	2	3	3										19
Check Forgery	0	1	0	0										1
Check Fraud	1	1	0	0										2
Civil Matters	8	8	11	15										42
Criminal Sex	4	8	6	0										18
Damage to Prp	1	2	3	2										8
Death Investigation	3	4	5	2										14
Domestics	21	12	12	16										61
Drugs/Narcotics	0	2	2	1										5
Family Matters	7	8	17	11										43
Fire Alarm	0	0	0	0										0
Gas Meal Assist	1	2	3	0										6
Gun Permits	6	6	18	9										39
Harassment	9	12	13	9										43
Intoxicated/Detox	0	1	1	1										3
Keys Locked In vehicles	26	23	23	21										93
Mental Health	12	3	11	8										34
Fraud	0	3	2	3										8
Parking Complaints	41	75	129	25										270
Party Loud Party	4	6	7	7										24
Pred - Sex Offender	0	0	0	2										2
Property Found	13	4	6	10										33
Public Disturbance	8	11	15	14										48
Pursuit	0	0	0	0										0
Runaway	7	6	2	3										18
Escort Funeral,other	7	10	8	11										36
Search Warrant	0	0	0	0										0
Suspicious Anything	15	12	21	35										83
Suspicious Vehicle	6	15	7	10										38
Tobacco Violation	4	9	6	4										23
Theft	22	16	16	24										78
Trains	0	0	0	0										0
Transport (Marshall PD etc)	2	1	4	2										9
Trespassing	5	8	8	7										28
Traffic Related Complaints	111	148	289	203										751
Unsecured Building	0	0	0	1										1
Vandalism	4	5	5	7										21
Violation of OFP	4	4	2	5										15
Warrant Pickups	8	7	14	5										34
Welfare Checks	27	18	22	18										85
Welfare Fraud	0	0	0	0										0
ERU Activated	0	0	0	1										1
Weapons Involved	2	2	0	4										8
YTD 2024	500	537	781	587	0	0	0	0	0	0	0	0	0	2405

OFFENSE ACTIVITY BY DAY OF WEEK

	Mon	Tues	Wed	Thur	Fri	Sat	Sun
January	13	17	13	8	8	5	11
February	9	16	19	13	20	8	8
March	10	15	11	3	9	12	6
April	17	14	10	16	18	7	16
May							
June							
July							
August							
September							
October							
November							
December							

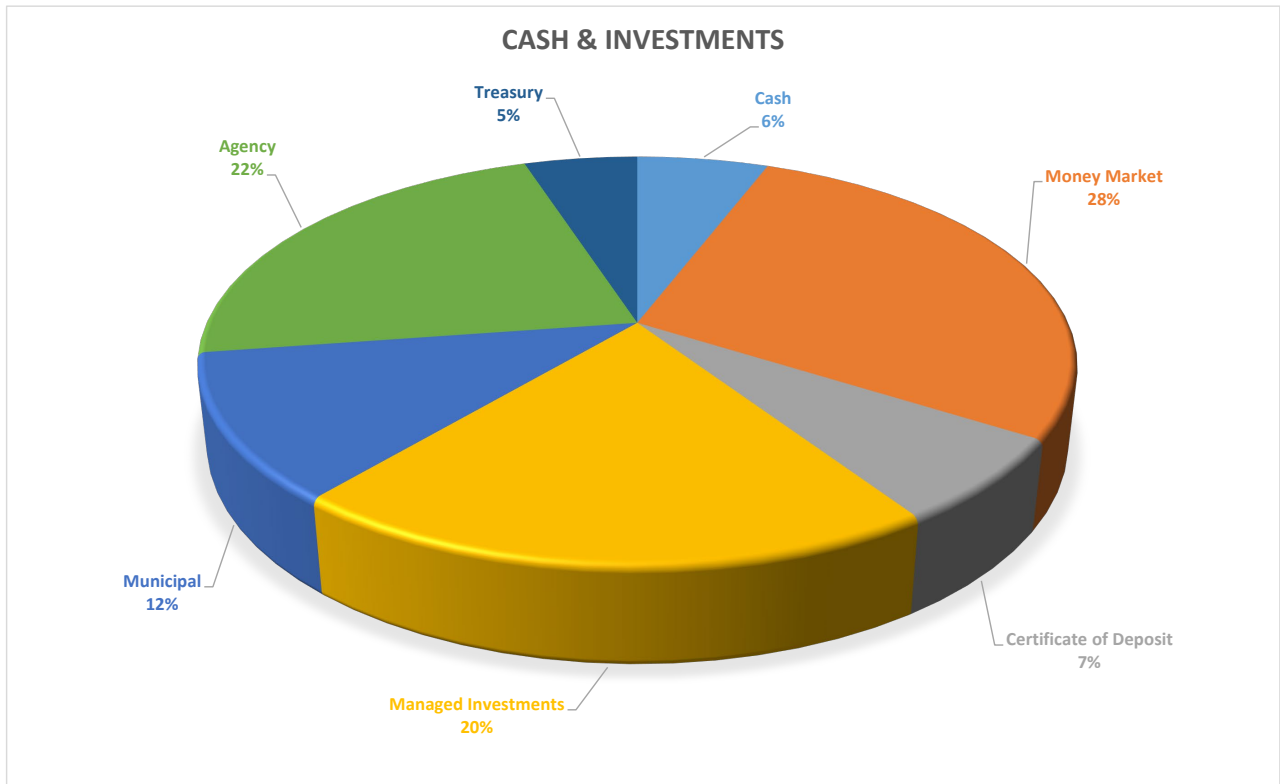
YTD 2024	49	62	53	40	55	32	41
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DETECTIVE / INVESTIGATIONS ACTIVITIES

	Jan.	Feb.	Mar	Apr	May	June	July	Aug	Sept	Oct.	Nov.	Dec.	YTD
Felonies	28	23	28	22									101
Gross Misdemeanors	36	28	24	20									108
Misdemeanors	19	21	18	24									82

City of Marshall, Minnesota
Cash & Investments
4/30/2024

	Par Value	YTM Rate
CASH & INVESTMENTS:		
Checking -Bremer	2,321,028.46	0.00%
Money Market - US Bank	6,225,173.78	5.21%
Money Market - Wells Fargo	143,907.66	5.23%
Money Market - 4M	4,910,546.49	5.26%
Agency - 4M	3,355,000.00	4.33%
Certificate of Deposit - Wells Fargo	1,470,000.00	4.36% Average
Investment Portfolio - General Fund	2,693,051.93	
Investment Portfolio - WW/SW Capital Reserve	3,576,459.84	
Investment Portfolio - Endowment Fund	1,904,886.84	
Municipal - US Bank	4,615,000.00	3.99% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	5,585,000.00	5.15% Average
Treasury - US Bank	2,000,000.00	
TOTAL CASH & INVESTMENTS	40,025,055.00	3.97% Average YTM



**MINUTES OF THE
MARSHALL PLANNING COMMISSION MEETING
MAY 8, 2024**

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

1. Call to Order.

The meeting was called to order by Chairperson Lee.

2. Approval of the Minutes.

Lee asked for the approval of the minutes of the April 10, 2024, regular meeting of the Marshall Planning Commission. DOOM MADE A MOTION, SECOND BY MUCHLINSKI, to approve the minutes as written. ALL VOTED IN FAVOR OF THE MOTION. MOTION PASSED 7:0

Consider the request of Brad Meulebroeck for exterior finishes not listed in the ordinance at 300 West Main Street. This building is located within Central Heritage District.

Gutman informed this request is for a building located on the corner of Third Street and Main Street. Gutman shared this request relates to the Central Heritage District, and the request applies to the appearance only. The ordinance was established in 2011 in order to keep Central Heritage District's character from the past. There are several materials listed in the ordinance that are permitted, such as Brick, Stucco, EIFS, Stone, or Precast Concrete. Gutman informed the material requested to be used is similar to wood. Duetz asked if there is an ordinance related to color pallet. Anderson replied yes, it is earth tones. Muchlinski asked if this type of material has been used anywhere else in Marshall. Gutman stated that it has been used in Downtown, but not for the entire building as shown in the picture. Lee stated her only concern is to have it be used on the entire building. Lee suggested to use a small amount of brick along the bottom and this wood material along the top. Brad Meulebroeck, the owner of 300 West Main Street, stated that he would take down the tile that is currently on the building due to the tiles falling off and being a hazard. Brad stated that Block 11 could be utilized as an example for the use of this wood material. Duetz asked what the cost will be for this project. Brad stated he is unsure not knowing what is behind the tile. DOOM MADE A MOTION, SECOND BY PIEPER to approve the request because LP wood board and batten siding meets the intent and purpose of the Heritage District Exterior Construction standards. ALL VOTED IN FAVOR. MOTION PASSED 7:0

Preliminary Plat of Lockwood Second Addition

Anderson shared the property owner is proposing a replat to make one large lot. Anderson informed with a proposed building addition going over an existing lot line that would be non-conforming with the ordinance. Anderson stated that there are no concerns or issues with this request and will continue to work with the surveyor and property owner to complete the final plat. Muchlinski asked if the location is all zoned the same. Anderson affirmed that it is all General Business. MUCHLINSKI MADE A MOTION, SECOND BY STONEBERG, to close the public hearing. All VOTED IN FAVOR. AGBOOLA MADE A MOTION SECOND BY PIEPER to recommend approval of the preliminary plat of Lockwood Second Addition to the City Council, subject to utility companies review and recommendations. ALL VOTED IN FAVOR. MOTION PASSED 7:0

Preliminary Plat of Peachy Subdivision

Anderson shared property owner Troy Deutz is looking to subdivide parcels. Anderson informed this location is an unplatted area and the ordinance does not allow subdividing of unplatted parcels. The property owner is planning to plat both of the parcels into the same subdivision and create two pieces of land. Anderson stated the existing buildings on this site are being in the process of being demolished for future opportunity. Anderson stated that there are no issues or concerns with this request and will continue to work with the surveyor and property owner to complete the final plat. STONEBERG MADE A MOTION, second by DUETZ, to close the public hearing. All VOTED IN FAVOR. DOOM MADE A MOTION, SECOND BY DEUTZ to recommend approval of the preliminary plat of Peachy Subdivision to the City Council, subject to utility companies review and recommendations. ALL VOTED IN FAVOR. MOTION PASSED 7:0

~~–UNAPPROVED–~~

3. Other Business

Chairperson Lee asked for nominations for 2024/2025 officers. Lee indicated Robert's Rules of Order states you do not need a second nomination. DOOM nominated Cathy Lee for Chairperson. ALL VOTED IN FAVOR. LEE nominated Larry Doom for Vice Chairperson. ALL VOTED IN FAVOR. MOTION PASSED 7:0. Since there was no other business, A MOTION WAS MADE BY DOOM, SECOND BY PIEPER, to adjourn the meeting. ALL VOTED IN FAVOR. MOTION PASSED 7:0 Chairperson Lee declared the meeting adjourned.

Respectfully submitted,
Karla Ellis, Recording Secretary



MARSHALL

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

Applicant Name	Location	Description of Work	Valuation	Approved Date
Aaron Thooft	607 PARKSIDE DR	HVAC - Air Conditioning, [Ductwork], Furnace	12200.00	04/18/2024
ACE HOME & HARDWARE	500 MERCEDES DR	New Building/House	680000.00	05/02/2024
Alicia Bell	405 WHITNEY ST S	Interior Remodeling - ANY Work Inside, Except Fireplace	2000.00	04/25/2024
Dave M Nelson	1200 COLLEGE DR E	Plumbing - [Installation of a 1/2? RPZ]	1500.00	04/22/2024
Derek Varpness	510 CARLSON ST, 510 CARLSON ST	Interior Remodeling - ANY Work Inside, Except Fireplace, Windows	2500.00	04/23/2024
Eric Mathiowetz	621 ELAINE AVE	HVAC - Air Conditioning	5050.00	04/18/2024
Eric Mathiowetz	309 MAIN ST E	HVAC - Air Conditioning, Furnace	8527.00	05/01/2024
Eric Mathiowetz	506 DONITA AVE	HVAC - Air Conditioning, Furnace	9000.00	04/18/2024
Eric Mathiowetz	620 DONITA AVE	HVAC - Air Conditioning, Furnace	9000.00	05/08/2024
Eric Mathiowetz	1202 EVERGREEN AVE	HVAC - Air Conditioning	10200.00	05/01/2024
Eric Mathiowetz	604 PROSPECT CIR	HVAC - Air Conditioning	15070.00	04/22/2024
GARY VLAMINCK CONSTRUCTION	414 LEGION FIELD RD	Re-Roofing	13500.00	05/06/2024
GESKE HOME IMPROVEMENT CO	205 A ATHENS AVE	Windows	3200.00	05/01/2024
HARVEY SIGN SERVICE LLC	1301 COLLEGE DR E	Wall Mounted Sign	5000.00	05/01/2024
HENN/JOSEPH P & CHERYL A/JT	306 WHITNEY ST N	Deck	3584.00	04/23/2024
INDEPENDENT LUMBER OF MARSHALL INC	129 E ST, 129 E ST	Accessory Building (Garages, Sheds, Gazebos, etc), Deck	45000.00	04/23/2024
INNOVATIVE BASEMENT AUTHORITY	616 REDWOOD ST W	Interior Remodeling - ANY Work Inside, Except Fireplace	3400.00	05/01/2024
Jeff Sussner	1201 SUSAN DR	HVAC - Air Conditioning, Furnace	49000.00	04/18/2024
Julie Clapp	120 MAIN ST E	Re-Roofing	20000.00	04/22/2024
Kasey Holm	508 HARRIETT DR	Both - New building AND Air Conditioning, Furnace	0.00	04/22/2024
Kevin V Goslar	1308 PETERSON ST	Plumbing - Water heater	400.00	04/18/2024
MIKE BUYSSE CONSTRUCTION INC	504 LYON ST W	Re-Roofing	4500.00	05/08/2024
STRAND HOME SERVICES LLC	719 MARGUERITE AVE	Re-Siding	1600.00	05/06/2024
STRAND HOME SERVICES LLC	1202 EVERGREEN AVE, 1202 EVERGREEN AVE	Doors, Windows	3200.00	05/06/2024



Upcoming Meetings

May

- 05/14 Board/Commission Interview, 5:00 PM, City Hall
 - 05/14 Regular Meeting, 5:30 PM, City Hall
 - 05/21 Ways and Means Committee, 12:45 PM, City Hall
 - 05/28 Regular Meeting, 5:30 PM, City Hall
-

June

- 06/11 Regular Meeting, 5:30 PM, City Hall
- 06/25 Regular Meeting, 5:30 PM, City Hall

2024 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

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

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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