



**CITY OF MARSHALL**  
**City Council Meeting**  
**Agenda**  
**Tuesday, July 12, 2022 at 5:30 PM**  
**City Hall, 344 West Main Street**

**OPENING ITEMS**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

1. Consider approval of the minutes from the work session and regular meeting held on June 28, 2022.

**PUBLIC HEARING**

**AWARD OF BIDS**

2. Project ST-024: Baldwin Parking Lot Reconstruction Lot Project - 1) Consider Development Agreement between Qwest Corporation (CenturyLink) and the City of Marshall; 2) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax Exempt Bonds; 3) Resolution Accepting Bid (Awarding Contract).

**CONSENT AGENDA**

3. Consider approval of the bills/project payments

**APPROVAL OF ITEMS PULLED FROM CONSENT**

**OLD BUSINESS**

**TABLED ITEM**

**NEW BUSINESS**

4. Coalition of Greater MN Cities Legislative Update
5. Call for Public Hearing Regarding Annexation of N. 7<sup>th</sup> Street Property. Owner Western Minnesota Municipal Power Agency. 80.52 Acres
6. Surface Water Management Ordinance Amendment – Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances – Introduction of Ordinance and Call for Public Hearing.
7. Introduction of the ordinance amending salaries and compensation of mayor and councilpersons.
8. Consider Appointments to the Various Boards, Commissions, Bureaus, and Authorities.

**COUNCIL REPORTS**

9. Commission/Board Liaison Reports
10. Councilmember Individual Items

**STAFF REPORTS**

11. City Administrator
12. Director of Public Works/City Engineer
13. City Attorney

**ADMINISTRATIVE REPORTS**

14. Administrative Brief

**INFORMATION ONLY**

15. Building Permits

**ADJOURN TO CLOSED SESSION**

**MEETINGS**

16. Upcoming Meetings

**ADJOURN**

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	APPROVAL OF MINUTES
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the minutes from the regular meeting held on June 28, 2022.
<b>Background Information:</b>	Enclosed are the minutes from the regular meeting held on June 28, 2022.
<b>Fiscal Impact:</b>	None
<b>Alternative/ Variations:</b>	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
<b>Recommendations:</b>	That the minutes from the regular meeting held on June 28, 2022 be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL  
CITY COUNCIL MEETING  
M I N U T E S  
Tuesday, June 28, 2022**

The regular meeting of the Common Council of the City of Marshall was held June 28, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Russ Labat, John DeCramer, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; and City Clerk Steven Anderson.

The Pledge of Allegiance was recited at this time.

Agenda item number nine (9) was removed from the agenda.

**Introduction of Marshall Police Department Leadership and Officers**

Public Safety Director Jim Marshall introduced the Marshall Police Department newest hires in officer positions and also introduced the Western Mental Health Center community liaison. Mayor Byrnes also invited the entire Department to introduce themselves.

**Consider Approval of the Minutes from the Regular Meeting held on June 14, 2022.**

Motion made by Councilmember Lozinski, seconded by Councilmember Meister that the minutes from the regular meeting held on June 14, 2022 be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

**PUBLIC HEARING-CDI Addition - 1) Public Hearing on Preliminary Plat and Approval of Preliminary Plat; 2) Consider Resolution 22-061 Adopting the Final Plat**

Mayor Byrnes opened the Public Hearing on Preliminary Plat for CDI Addition at 5:40 p.m.

Public Works Director presented information on the Preliminary Plat of CDI Addition in Marshall, Minnesota.

The property owner desires to split the properties to allow for separate ownership of the two large storage buildings on the property. Currently, this land is not part of a platted subdivision, and it is described by metes and bounds. Section 66-31 of our City Ordinance requires a plat whenever a subdivision of land is proposed. Charles Bladholm, or a representative of CDI of Marshall, LLP was present to answer any questions.

The preliminary plat was presented at the Planning Commission meeting on June 8, 2022 with recommendation of approval of the preliminary plat to the City Council. All voted in favor.

Motion by Councilmember DeCramer, seconded by Councilmember Lozinski to close the Public Hearing on Preliminary Plat-CDI Addition. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember

Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.** Public Hearing closed at 5:42 p.m.

Motion by Labat, seconded by DeCramer to approve the Preliminary Plat of CDI Addition in Marshall, Minnesota. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

Motion by Councilmember Schafer, seconded by Councilmember Lozinski to adopt Resolution 22-062 that the Final Plat of CDI Addition has been duly found to be in conformity with Chapter 66 of the Code of Ordinances and State Statutes, the Council hereby authorizes and directs the City Clerk to certify his approval on the plat and 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. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0.**

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

Motion made by Councilmember Schafer, seconded by Councilmember Meister, to approve the consent agenda. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

- Consider Resolution 22-061 Designating MedSurety LLC and MATRIX Trust as the Health Reimbursement Arrangement Trustee
- Consider Resolution 22-063 designating the amended Official Depositories for City Funds for 2022
- Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Lyon County Agricultural Society
- Consider approval of the bills/project payments for Date Range: 06/17/22 through 06/28/22.

### **Project Z88: 2021 State Aid Overlay Project - Consider Change Order No. 5 (Final) and Acknowledgement of Final Pay Request No. 6**

Public Works Director Anderson presented information on Change Order No. 5 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction. Change Order No. 5 (Final) results in a contract decrease in the amount of \$65,170.74. The original contract amount was \$1,924,600.45 and final contract amount is \$1,890,760.02 for a net contract decrease of \$33,840.43.

Motion made by Councilmember Meister, seconded by Councilmember Lozinski, to approve Change Order No. 5 for Project Z88 State Aid Overlay Project that resulted in a contract decrease in the amount of \$65,170.74 and approve Final Payment Request No. 6 that results in a final net contract decrease of \$33,840.43. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Renewal of Limited Use Permit #4203-0010 for Non-Motorized Trail along T.H. 23-Resolution 22-064**

Public Works Director Anderson explained The Limited Use Permit ("LUP") by and between MnDOT and the City for the trail known as the North Bike and Pedestrian Trail Improvements Project is



scheduled for review and possible ten (10) year extension of the term. Per MnDOT, the attached existing LUP #4203-0002 (executed in 2009) does not have a natural expiration date; however, MnDOT is updating its Limited Use Permit form and the new form includes an expiration date. If the City desires to continue the use of the permitted area of MnDOT Right of Way, MnDOT may consider a ten (10) year renewal of the LUP upon the City's request as outlined in the attached letter dated 06/21/2022 and adoption and provision of a certified resolution authorizing execution of said LUP.

Motion by Councilmember Schafer, seconded by Councilmember DeCramer that the Council adopt Resolution Number 22-064, which authorizes staff to execute Limited Use Permit #4203-0010 to continue use of the permitted area of MnDOT right-of-way as defined in said permit for a 10-year renewal period to expire 10/15/2032. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Consider Request for Proposals – Insurance Agent Services**

During 2021, Council expressed desire for city staff to work on a request for proposals for insurance agent services.

The City's insurance coverage for property, liability, automobile, and workers' compensation is provided by the League of Minnesota Cities Insurance Trust (LMCIT). LMCIT requires cities to use the services of an agent to assist and advise a city on their insurance coverage. The policy coverage period is an annual term, with property, liability, and automobile coverage effective October 1 each year and workers' compensation coverage effective January 1 each year.

Director of Administrative Services, E.J. Moberg, reviewed the draft proposal and described the proposed timeline which includes Council consideration of an agreement in September 2022 to be effective October 1st. The current agent would assist with the October 1, 2022 renewal and has already been working with city staff on coverage values and review of the city's reported assets.

Motion by Councilmember Meister, seconded by Councilmember Lozinski to authorize the issuance of the proposed Request for Proposals for Insurance Agent Services-Workers Compensation, Property, Auto and Liability. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

### **Commission/Board Liaison Reports**

Byrnes Stated the Southwest Regional Development Commission's annual meeting will be held in Marshall July 14, 2022 at Red Baron Arena and Expo Center; provided an update on the Revolving Loan program; and updated MISO forecast and emergency planning efforts, communications on good home preparedness, and communications with the business community.

Schafer Sports Amateur Commission monthly meeting update.

Meister EDA did not have a quorum for their monthly meeting.

DeCramer Legislative and Ordinance Committee meeting regarding ordinance changes regarding floodplain and surface water programs. Progress on Rental Code Ordinance with required Public Hearing forthcoming.

Report on Marshall Municipal Utilities energy alert and shortages this summer.

Labat Marshall Area Transit with severe shortage of drivers being reported and impacts on service.

Report on loss of youth State Baseball tournament due to mistake on the booking of rooms.

Lozinski No report.

### **Councilmember Individual Items**

Councilmember Lozinski reported on League of Mn Cities Annual Conference attendance.

Councilmember Labat mentioned the need for campground in or near City of Marshall to accommodate lodging for events and length of grass in certain areas of the city.

Mayor Byrnes mentioned Independence Park project and 4<sup>th</sup> of July activities.

### **City Administrator**

Administrator Hanson reported on scheduled AFSCME mediation July 6<sup>th</sup> and State Demographer 2021 population estimate.

### **Director of Public Works**

Director of Public Works/ City Engineer provided an update on Independence Park project, Baldwin and Rose Parking Lot improvements, Legion Field storm water improvements, diversion channel sediment removal, and the Halbur Road project.

### **City Attorney**

No report.

### **Information Only**

There were no questions on the information items.

### **Upcoming Meetings**

There were no questions on the upcoming meetings.

### **Closed Session Pursuant to Minnesota Statute 13D.05 Subd.3(b) Attorney Client Privilege. Discussion Considering Helena Property Matters.**

City Attorney Simpson request to close the meeting pursuant to MN Statutes 13D.05 Subd. 3 (b) to consider informational document received from Minnesota Department of Agriculture regarding

chemical cleanup status and consider future action to be taken involving property acquisition and other matters. No action can be taken in closed session. Information to be provided at closed session.

Motion by Councilmember Meister, seconded by Councilmember Lozinski to close the meeting; meeting closed at 6:30 p.m. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 6-0**

Present at the meeting: Mayor Byrnes, Councilmembers: Craig Schafer, Steve Meister, Russ Labat, John DeCramer, and James Lozinski. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; and City Clerk, Steven Anderson.

The Council came out of closed session at 6:40 p.m.

**Adjourn**

At 6:42 p.m. Motion made by Councilmember Schafer, seconded by Councilmember Lozinski to adjourn.

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

\_\_\_\_\_  
Mayor

Attest:

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

**CITY OF MARSHALL  
WORK SESSION  
M I N U T E S  
Tuesday, June 28, 2022**

The work session of the Common Council of the City of Marshall was held June 28, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 4:00 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, John DeCramer, Russ Labat, and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Wastewater (WW) Facility Superintendent Scott Truedson, Scott Przybilla, Assistant WW Facility Superintendent, Bolton and Menk Engineer Jon Peterson and Steven Anderson, City Clerk.

**Discuss City Response to MPCA Notification of new Wastewater Permit Limits.**

Scott Truedson, Wastewater Treatment Facility Supervisor; Scott Przybilla, Wastewater Treatment Facility Assistant Supervisor and Jon Peterson from Bolton and Menk presented Minnesota Pollution Control Agency's new proposed permit limits for the wastewater treatment facility National Pollutant Discharge Elimination System (NPDES) to take effect in 2024. Council commented on the City of Marshall's efforts in reducing discharge and clarified with staff about current city discharge levels in comparison to the new limits. Discussion took place regarding the draft response letter to the MPCA and working with Significant Industrial Users (SIU). Consensus was given to proceed with a response letter and to continue to work with SIU in the area.

**Adjourn**

At 4:40 P.M., Meeting was adjourned by Mayor Byrnes.

\_\_\_\_\_  
Mayor

Attest:

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	AWARD OF BIDS
<b>Type:</b>	ACTION
<b>Subject:</b>	Project ST-024: Baldwin Parking Lot Reconstruction Lot Project - 1) Consider Development Agreement between Qwest Corporation (CenturyLink) and the City of Marshall; 2) Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds; 3) Resolution Accepting Bid (Awarding Contract).
<b>Background Information:</b>	<p>This project consists of: reconstruction of the Baldwin Parking Lot adjacent to W. Lyon Street; pavement removal and concrete paved surfacing. The Baldwin Parking Lot is located behind City Hall.</p> <p>The proposed project is included in the 2023 Capital Improvement Plan (CIP) for reconstruction of parking lot surfacing. Limits of reconstruction would include the entire lot owned by the City of Marshall and the portion of the lot owned by Qwest/CenturyLink. The project will remove the existing surfacing and replace with 6" concrete surfacing.</p> <p>The City currently utilizes CenturyLink's property to access angled parking stalls for permitted City vehicle parking. The City relies upon an access agreement that has been in place since 1993 for this use of CenturyLink's property. The access agreement allows for City-use to access parking stalls, and in return the City is responsible for snow removal and maintenance of the lot.</p> <p>City staff has worked with our City Attorney and Qwest's real estate department to draft a development agreement that allows for the reconstruction of the Qwest/CenturyLink access and parking area in addition to the City-owned parking lot area. It is staff's opinion that the end result will be the best possible product for the City of Marshall. The Qwest-owned access area is used heavily by the City of Marshall staff and general public to access the adjacent public parking and public alley. With downtown parking being at a premium, staff believes that the existing arrangement has been mutually beneficial for both Qwest/CenturyLink and the City of Marshall.</p> <p>On June 29, 2022, bids were received for the above-referenced project. Three bids were received as shown on the attached Resolution Accepting Bid. The low bid was from R&amp;G Construction Co. of Marshall, Minnesota, in the amount of \$159,515.77. The engineer's estimate for the construction portion of the project is \$184,853.00.</p>
<b>Fiscal Impact:</b>	<p>The proposed project is included in the 2022 capital improvement plan (CIP).</p> <p>The above-referenced project, or a portion thereof, may be financed by the sale of bonds with repayment coming from assessments and Debt Service Fund Levy. It is required that action be authorized by City Council via Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.</p>

	<p>Attached is the “Resolution Accepting Bid” awarding the contract to R&amp;G Construction Co. of Marshall, Minnesota, in the amount of \$159,515.77.</p> <p>The estimated total project cost including 5% allowance for contingencies and 16% for engineering and administrative costs is \$194,290.21.</p>
<b>Alternatives:</b>	No alternative actions recommended.
<b>Recommendations:</b>	<p>Recommendation No. 1 that the Council approve entering into the attached Development Agreement with Qwest Corporation for Project ST-024: Baldwin Parking Lot Reconstruction Project.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 22-065, which provides for Resolution Declaring Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds for Project ST-024: Baldwin Parking Lot Reconstruction Lot Project.</p> <p>Recommendation No. 3 that the Council adopt RESOLUTION NUMBER 22-066, which provides for the Resolution Accepting Bid (Awarding Contract) and authorizing entering into an agreement with R&amp;G Construction Co. of Marshall, Minnesota, in the amount of \$159,515.77 for Project ST-024: Baldwin Parking Lot Reconstruction Lot Project.</p>

DEVELOPMENT AGREEMENT FOR  
BALDWIN PARKING LOT PROJECT

THIS DEVELOPMENT AGREEMENT FOR BALDWIN PARKING LOT PROJECT ("AGREEMENT") is made and entered into as of the date it is last signed by both parties ("Effective Date") by and between the City of Marshall, State of Minnesota, (hereinafter referred to as the City), and Qwest Corporation (hereinafter referred to as Qwest). City and Qwest will sometimes be referred to collectively in this Agreement as the parties.

Statement of Facts:

WHEREAS, Qwest is the owner of certain real property identified as Lot 4, Block 9, Original Plat to the City of Marshall, Lyon County, Minnesota, having an address of 305 W. Lyon Street, Marshall, MN 56258 ("Property"). The westerly 15 feet of said Property ("Access Tract") is used for access to private parking for Qwest employees, and also serves as driveway access for parking purposes for City of Marshall Vehicles and its' employees; and

WHEREAS, the Property , is subject to an that certain access easement between the parties hereto, pursuant to an Access Easement dated October 4, 1993 ("Access Easement"). A copy of said Access Easement is marked as Exhibit A and is attached hereto. Said Access Easement further obligates the City to provide for general maintenance, including snow removal, patching and cleaning of the Access Tract, subject to said Access Easement; and

WHEREAS, the City owns the adjacent property identified as Lot 5, Block 9, Original Plat to the City of Marshall, Lyon County, Minnesota. Said Lot 5 is identified as the public "Baldwin" parking lot for public parking purposes and said Lot 5 also provides for some private parking for the City of Marshall employees; and

WHEREAS, it is anticipated that a reconstruction project ("Project") of City owned Lot 5 property will be initiated in 2022, which project is scheduled to conclude prior to June 2, 2023. The Project will include the removal of the current bituminous and concrete surfacing and will also include the resurfacing of the Baldwin public and private parking lots:

Pursuant to the terms of this Agreement, it is anticipated that in addition to the City owned property, the Access Tract will be included in said resurfacing project and that all of the bituminous and concrete surfacing from the Access Tract will be removed and replaced pursuant to the construction agreement and terms of this Agreement. A drawing that identifies Lots 4-5, Block 9, Original Plat to the City of Marshall, and the Access Easement that is located over the Access Tract is marked as Exhibit B and is hereto attached.

Therefore, in conclusion of the factual statements as set forth above, the parties agree as follows:

Assumption of Costs and Waiver of Irregularity of Appeal: All costs for the Project will be paid 100% by the City. . Qwest expressly waives objection to any irregularity with regard to said improvement together with all further rights of appeal subject to the terms of this Agreement.

Conflicts of Interest. No member of the governing body or other official of City will have any financial interests, direct or indirect, in this Agreement or with the Project or any contract,

agreement or other kind of transaction contemplated to occur or to be undertaken thereof under or with respect thereto, nor will any such member of a governing body or other official take part in any decision directly related to this Agreement that effects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested. No member, official or employee of the City will be personally liable to the City in the event of any default or breach by Qwest or its successors or any other obligations under the terms of this Agreement, unless determined otherwise by a court of competent jurisdiction.

Notice: Whenever any notice, consent, approval, demand, request or authorization and the like (collectively, "Notice") is required or permitted under the Agreement, the same must be in writing. Notice must be sent by certified mail, return receipt requested, postage prepaid, or by a nationally recognized overnight delivery/courier service, to the parties at their respective addresses set forth below. Notice will be deemed effective on the date shown on the return receipt if Notice is given by certified mail or on the date shown on the confirmation of delivery form if Notice is given by overnight delivery/courier service. Rejection or refusal to accept or the inability to deliver because of a changed address of which no Notice was given will be deemed to be receipt of the Notice as of the date of rejection, refusal or inability to deliver. Either party may change its address in this Section by giving Notice of address change to the other party in the manner for giving Notice prescribed in this Section.

*If Notice is to Lumen:*

*Qwest Corporation*  
c/o Lumen Technologies  
1025 Eldorado Blvd., 31D  
Broomfield, Colorado 80021  
Attn: Vice President of Real Estate

With a copy at the same time and in the same manner to:

Qwest Corporation  
c/o Lumen Technologies  
100 CenturyLink Drive  
Monroe, LA 71203  
Attn: Real Estate Lease Administration  
Lease ID:           M73387          

If Notice to City:

City of Marshall  
Attn: Sharon Hanson, City Administrator  
344 W. Main St.  
Marshall, MN 56258



City acknowledges that it has conducted its own investigation of the Access Tract, and accepts the Access Tract in its "As-Is," "Where-Is" and "With-All-Faults" condition as of the Effective Date, and subject to all existing licenses, easements, leases, grants, exceptions, encumbrances, title defects, matters of record, reservations and conditions affecting the Access Tract or access to the same as of the Effective Date.

To the extent permitted by law, City will indemnify, defend and hold Qwest harmless from and against any and all claims, demands, losses, damages, penalties, fines, costs, expenses (including court costs and reasonable attorneys' fees), judgments, liabilities and causes of action of any nature whatsoever resulting from or relating to the Project or arising in any manner out of the acts or omissions of City or its agents, employees, representatives, contractors or any other persons acting under their respective direction or control in connection with this Agreement. City's obligations under this paragraph will survive the expiration or termination of this Agreement.

City acknowledges that Qwest (or anyone on Qwest's behalf) has not made, does not make and specifically negates and disclaims any representations, warranties, promises, covenants, agreements or guaranties of any kind or character whatsoever, whether express or implied, oral or written, present or future, of, as, to, concerning or with respect to the physical condition, characteristics and attributes of the Access Tract, the suitability of the Access Tract for the Project and any activities and uses which City may or plans to conduct on the Access Tract with respect to the Project, and the compliance of or by the Access Tract with any applicable laws.

If in exercising its rights under this Agreement the City materially and adversely damages or disturbs the Access Tract or Qwest's adjacent Property, or any of Qwest's improvements on such adjacent Property or Access Tract (including but not limited to such improvements as curbing, equipment, pavement, but excluding the current bituminous and concrete surfacing removal on the Access Tract that is part of the Project), City will, at its sole cost and expense, promptly after receiving notice of such damage or disturbance from Qwest, repair such damage or disturbance at City's cost to Qwest's reasonable satisfaction, reasonable wear and tear excepted.

Law Governing. This Agreement will be governed and construed in accordance with the laws of the State of Minnesota.

Successors and Interest. The terms of this Agreement are binding upon the parties and to their successors and assigns.

Counterparts and Electronic Mail Signatures. This Agreement may be signed in one or more identical counterparts, which together will constitute the same agreement. Signatures to this Agreement that are photocopied or electronically stored or transmitted will be deemed to be originals, and both parties will accept and be bound by such signatures.

City and Qwest have entered into this Agreement as of the Effective Date.

Qwest Corporation,  
A COLORADO CORPORATION

*LaRae D. Dodson*

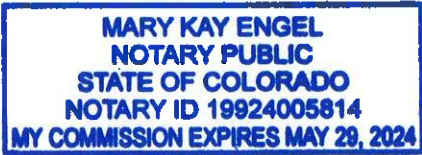
By: LaRae D. Dodson

Its: VP of Real Estate and Fleet

Signature Date: 6-30-22

STATE OF Colorado )  
City and ) SS.  
COUNTY OF Broomfield )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of June, 2022,  
by LaRae D. Dodson, the VP of Real Estate and Fleet of Qwest  
Corporation, a Colorado corporation, on behalf of the company.



*Mary Kay Engel*  
\_\_\_\_\_  
Notary Public

CITY OF MARSHALL

\_\_\_\_\_  
By: Sharon Hanson  
Its: City Administrator  
Signature Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: City Clerk

EXHIBIT A

ACCESS EASEMENT

THIS AGREEMENT, Is made and entered into this 4<sup>th</sup> day of October, 1993, by and between US West Communications, hereinafter referred to as Grantor and the City of Marshall, a municipal corporation, hereinafter referred to as Grantee.

RECITALS

1. Grantor owns Lot Four, Block Nine, of the Original Plat to the City of Marshall, Minnesota.

2. On the Westerly fifteen feet of said Lot Four, Block Nine, Original Plat of the City of Marshall, there is a driveway which provides access for parking on the Grantor's property directly east of said roadway.

3. The Grantee owns a parking lot directly to the West of the Grantor's roadway, but does not have access to said property from the Grantor's driveway but desires it.

4. That the Grantee's parking lot is located on Lot Five, Block Nine, Original Plat to the City of Marshall.

5. The Grantee desires to have access by use of the above described roadway for the purpose of ingress and egress to East Lyon Street and to the alley directly to the South of said roadway as it would serve the Easterly 22 feet of the City's property.

NOW, THEREFORE, It is hereby agreed between the Grantor and the Grantee as follows:

TERMS AND CONDITIONS

1. That Grantor does hereby grant to Grantee a nonexclusive, roadway easement across the Westerly fifteen feet of Lot Four, Block Nine, Original Plat of the City of Marshall, for the purposes of ingress and egress from East Lyon Street to the parking lot of

the Grantees located on the Easterly twenty-two feet of Lot Five, Block Nine of the Original Plat to the City of Marshall, Minnesota, which lies directly West of the roadway.

2. This Access Easement is granted for so long as Grantee's property which is described as Lot Five of Block Nine, Original Plat of the City of Marshall, is used by Grantee for a parking lot, and if ever the Grantee's property is not used by Grantee for a parking lot the easement shall automatically terminate and the Grantee shall execute all documents necessary to extinguish any rights to said easement.

3. That as and for the consideration of the establishment of said mutual driveway, the Grantee shall agree to remove all snow from said driveway as well as the Grantor's parking lot which is located 22 feet East of said driveway.

4. Said easement is given for the sole purpose of ingress and egress and it is agreed and understood by Grantee that it is not to be construed as an easement lien to the exclusion of Grantor, its heirs and assigns or to others later granted a similar right.

5. It is further understood that the Grantee agrees to pay all costs involved with removal and replacement of curb and gutter, paving, and other items necessary to provide the parking directly west of this proposed access easement. The Grantee further agrees to do all general maintenance, items including snow removal, patching, and cleaning in the area of the proposed access easement, the existing parking area adjacent and east of the proposed access easement and the City parking area adjacent to the west of the proposed access easement.

6. Grantor makes no warranty of title or otherwise in entering into this Agreement; provided, however, if it is determined that the Grantor does not have the right to authorize Grantee to use the lands affected by this Agreement for the purposes set forth herein, then Grantee's sole remedy shall be to recover from Grantor those payments for the rights which Grantors did not have the right to grant to Grantee. This easement is granted subject to all documents and interests of record which affect the Easement Area. Grantor shall have the right to further encumber the Easement Area.

7. Grantee shall indemnify, defend, and hold harmless Grantor, their principals, officers, directors, shareholders, partners, tenants-in-common, employees and agents and their respective officers, directors, shareholders, partners, employees, and agents and all of their respective successors and assigns harmless from any and all claims, actions, causes of action, suite, damages, losses, costs or expenses, including reasonable attorneys' fees, actually incurred by, imposed on or assessed against any of the indemnified parties which arise out of or in connection with the easement granted herein. This section shall survive a termination of this Agreement.

8. Except to the extent caused by the gross negligence or willful misconduct of Grantor, Grantee releases, waives, and discharges Grantor from all liability to Grantee for any and all loss or damages arising out of or in connection with the easement granted herein.

9. This instrument contains the entire agreement of the parties. There are no other or different agreements or

understandings between the Grantor and the Grantee or its agents.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement.

REVIEWED AND APPROVED  
BY LEGAL DEPARTMENT  
BY: James Booth by S. Sattler  
10-4-93

US WEST COMMUNICATIONS  
By: Carol K. Higgins  
As Attorney-in-Fact  
CITY OF MARSHALL  
By: Clat J. Aden  
Mayor  
By: [Signature]  
City Administrator  
By: Thomas M. Meulebroeck  
City Clerk

COLORADO  
STATE OF MINNESOTA)  
) SS  
COUNTY OF ARAUCO )

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of OCTOBER, 1993, by CAROLYN R. HIGGINS, the ATTORNEY IN FACT of US West Communications, a corporation under the laws of the State of MINNESOTA, on behalf of the corporation.

MY COMMISSION EXPIRES:  
June 22, 1997

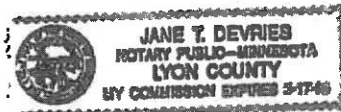
[Signature]

STATE OF MINNESOTA)  
) SS  
COUNTY OF DYER )

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of OCTOBER, 1993, by Duane Aden and Thomas Meulebroeck, the City Administrator and City Clerk, respectively, of the City of Marshall, a municipal corporation under the laws of the State of Minnesota, on behalf of the municipality.




[Signature]

This instrument was drafted by  
Brian J. Murphy  
Marshall City Attorney  
109 South Fourth Street  
Marshall, MN 56258





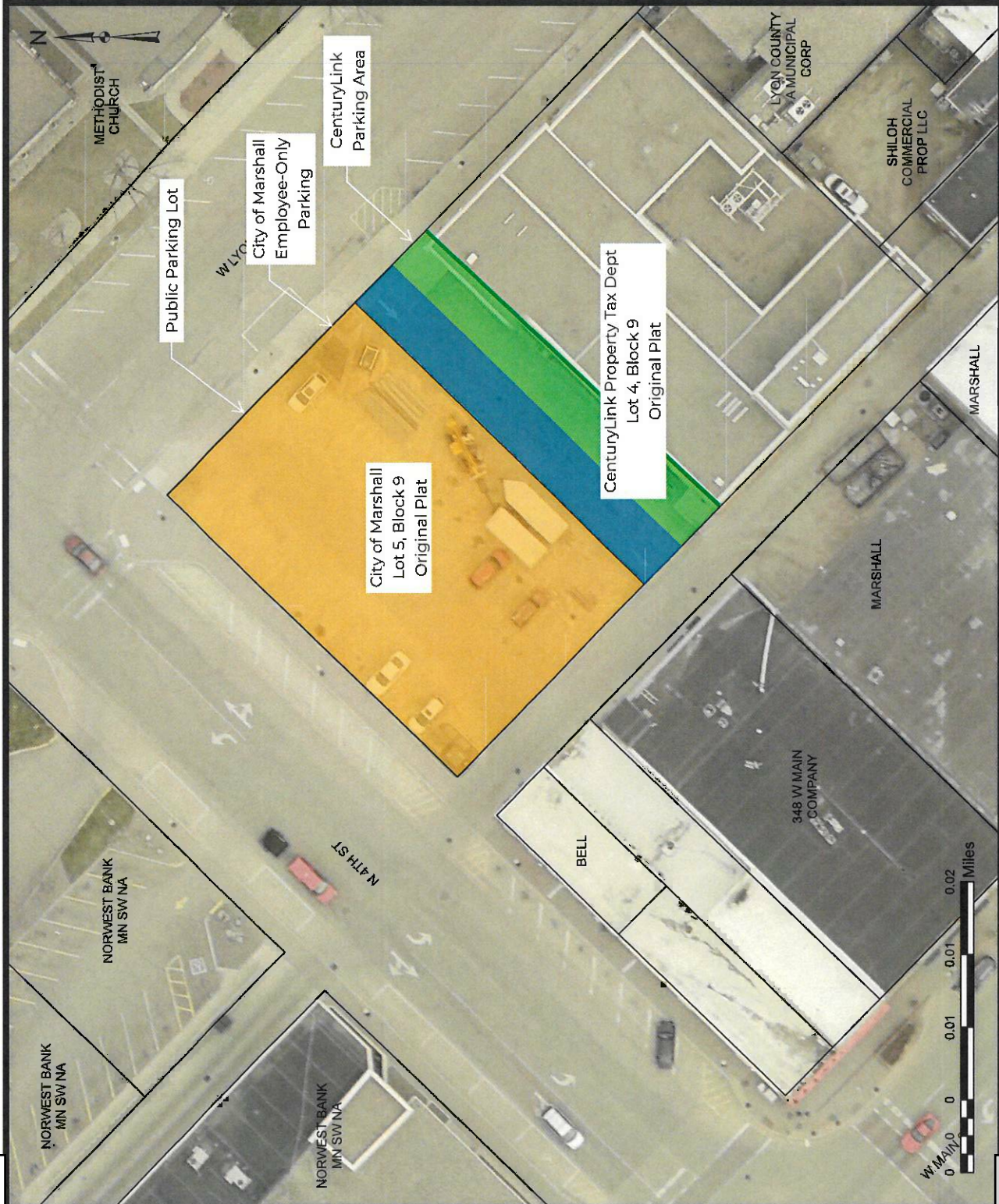
# CenturyLink Parking Lot Parcel

-  City of Marshall  
Municipal Lot  
Parcel Area
-  CenturyLink  
Parking Lot  
Parcel Area
-  15-Ft Access  
Easement

## EXHIBIT B

6/3/2022

\*\* Disclaimer: The City of Marshall does not guarantee the accuracy of the data included on this map. This map data is for referencing purposes only.



**RESOLUTION NUMBER 22-065**

**DECLARATION OF OFFICIAL INTENT  
REGARDING THE REIMBURSEMENT OF EXPENDITURES  
WITH THE PROCEEDS OF TAX-EXEMPT BONDS**

WHEREAS, under regulations adopted by the Secretary of the Treasury of the United States of America, the City of Marshall, Minnesota (the "City") is required to make a declaration of its official intent prior to making a capital expenditure, if it intends to be reimbursed for such capital expenditure at a future date from the proceeds of a tax-exempt bond; and

WHEREAS, the City intends to make capital expenditures with respect to the project described below and also intends to reimburse the fund or account described below from which the capital expenditure will be initially paid from the proceeds of an issue of tax-exempt bonds issued at a future date.

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

1. A general functional description of the project for which the expenditures to be reimbursed are paid is set forth below:

**PROJECT ST-024: BALDWIN PARKING LOT RECONSTRUCTION PROJECT** -- This project consists of: reconstruction of the Baldwin Parking Lot adjacent to W. Lyon Street (behind City Hall); pavement removal and concrete paved surfacing.

The principal amount of debt expected to be issued for the project referred to above will not exceed \$225,000.

2. The fund or account from which the expenditures to be reimbursed are to be paid and the general functional purpose of the fund or account is set forth below:

Public Improvement Projects Fund

3. The City reasonably expects to reimburse the expenditures referred to above with the proceeds of tax-exempt bonds.
4. This statement of the official intent of the City is a declaration of official intent under the regulations adopted by the Secretary of the Treasury of the United States of America.

Passed and adopted by the City Council this 12<sup>th</sup> day of July 2022.

ATTEST:

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

\_\_\_\_\_  
Mayor

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



**RESOLUTION NUMBER 22-066  
RESOLUTION ACCEPTING BID (AWARD CONTRACT)**

WHEREAS, pursuant to an advertisement for bids for the following project:

**PROJECT ST-024: BALDWIN PARKING LOT RECONSTRUCTION PROJECT** -- This project consists of: reconstruction of the Baldwin Parking Lot adjacent to W. Lyon Street (behind City Hall); pavement removal and concrete paved surfacing.

bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

Bidder	Bid Amount
R&G Construction Co. Marshall, MN	\$159,515.77
D&G Excavating, Inc. Marshall, MN	\$171,858.57
Duininck, Inc. Prinsburg, MN	\$174,779.00

AND WHEREAS, it appears that R&G Construction Co. of Marshall, Minnesota, is the lowest responsible bidder.

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into a contract with R&G Construction Co. of Marshall, Minnesota, in the amount of \$159,515.77, in the name of the City of Marshall for the above referenced project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

Passed and adopted by the City Council this 12<sup>th</sup> day of July 2022.

ATTEST:

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

\_\_\_\_\_  
Mayor

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider approval of the bills/project payments
<b>Background Information:</b>	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	The following bills and project payments be authorized for payment.



Marshall, MN

# Check Report

By Vendor Name

Date Range: 07/01/2022 - 07/08/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-REG AP</b>						
4549	A & B BUSINESS, INC	07/01/2022	EFT	0.00	2,174.37	10098
4193	A & C EXCAVATING	07/01/2022	Regular	0.00	110,961.63	121375
5813	ACE HOME & HARDWARE	07/01/2022	EFT	0.00	196.98	10099
5813	ACE HOME & HARDWARE	07/01/2022	EFT	0.00	300.00	10100
5813	ACE HOME & HARDWARE	07/08/2022	EFT	0.00	2,098.03	10187
6128	ACTION CO LLC	07/08/2022	EFT	0.00	539.98	10188
0548	ACTION SPORTS INC	07/01/2022	EFT	0.00	361.83	10101
7026	ADA ENTERPRISES	07/01/2022	Regular	0.00	464.00	121376
0560	AFSCME COUNCIL 65	07/08/2022	EFT	0.00	1,436.93	10189
0578	AMAZON CAPITAL SERVICES	07/01/2022	EFT	0.00	277.24	10102
0578	AMAZON CAPITAL SERVICES	07/08/2022	EFT	0.00	486.54	10190
3761	AMERICAN BOTTLING CO.	07/08/2022	Regular	0.00	53.92	121421
0583	AMERICAN FAMILY LIFE ASSURANCE CO	07/08/2022	EFT	0.00	1,476.60	10191
5837	ANDERSON, JASON	07/01/2022	EFT	0.00	80.00	10103
0658	AP DESIGN	07/08/2022	EFT	0.00	240.00	10192
0630	ARCTIC GLACIER	07/08/2022	Regular	0.00	1,148.60	121422
0629	ARNOLD MOTOR SUPPLY	07/01/2022	Regular	0.00	93.11	121377
0629	ARNOLD MOTOR SUPPLY	07/08/2022	Regular	0.00	70.33	121423
5447	ARTISAN BEER COMPANY	07/01/2022	EFT	0.00	1,558.85	10104
5447	ARTISAN BEER COMPANY	07/08/2022	EFT	0.00	1,326.00	10193
6883	AT&T MOBILITY II LLC	07/08/2022	Regular	0.00	38.23	121424
0656	AVERA MARSHALL REGIONAL MED CTR	07/01/2022	Regular	0.00	340.25	121378
2340	BAKER TILLY MUNICIPAL ADVISORS, LLC	07/01/2022	EFT	0.00	3,100.00	10105
5327	BAUMANN, ADAM	07/01/2022	EFT	0.00	30.00	10106
4764	BCA TRAINING	07/01/2022	Regular	0.00	275.00	121379
6288	BECKLER, AMANDA	07/08/2022	Regular	0.00	321.87	121425
0688	BELLBOY CORPORATION	07/08/2022	EFT	0.00	2,850.99	10194
0689	BEND RITE FABRICATION INC	07/08/2022	Regular	0.00	100.00	121426
0699	BEVERAGE WHOLESALERS	07/01/2022	Regular	0.00	38,315.50	121380
0699	BEVERAGE WHOLESALERS	07/08/2022	Regular	0.00	43,823.85	121427
0704	BIKE SHOP	07/08/2022	EFT	0.00	24.99	10195
0724	BOLTON & MENK INC	07/08/2022	EFT	0.00	7,312.50	10196
0018	BORDER STATES ELECTRIC SUPPLY	07/01/2022	EFT	0.00	212.50	10107
0018	BORDER STATES ELECTRIC SUPPLY	07/08/2022	EFT	0.00	74.24	10197
3829	BRAU BROTHERS	07/01/2022	EFT	0.00	1,264.00	10108
4457	BREAKTHRU BEVERAGE	07/01/2022	Regular	0.00	4,720.26	121382
4457	BREAKTHRU BEVERAGE	07/08/2022	Regular	0.00	3,830.32	121428
7034	BREWERS, EVELYN	07/08/2022	Regular	0.00	120.00	121430
3568	BRUNSVOLD, QUENTIN	07/01/2022	EFT	0.00	30.00	10109
6857	BRUSVEN, KATHERINE	07/01/2022	EFT	0.00	55.00	10110
0728	BUFFALO RIDGE CONCRETE, INC	07/08/2022	EFT	0.00	2,014.37	10198
7020	BUILDING SPRINKLER, INC.	07/08/2022	Regular	0.00	486.38	121431
0378	BUYASSE, JASON	07/01/2022	EFT	0.00	30.00	10111
0379	BYRNES, ROBERT J	07/01/2022	EFT	0.00	363.72	10112
5156	C & R SUPPLY	07/01/2022	Regular	0.00	195.69	121383
0380	CALLENS, DAVID	07/01/2022	EFT	0.00	30.00	10113
6791	CAPITAL ONE	07/01/2022	Regular	0.00	325.50	121384
6791	CAPITAL ONE	07/08/2022	Regular	0.00	198.82	121432
0802	CARLSON & STEWART REFRIG INC	07/01/2022	EFT	0.00	1,289.99	10114
0815	CATTOOR OIL COMPANY INC	07/01/2022	EFT	0.00	1,458.00	10115
0818	CAUWELS, ROGER	07/01/2022	EFT	0.00	291.98	10116
6919	CAYO, CLAWSONDY AND ANDREA	07/08/2022	Regular	0.00	409.87	121433
7037	CHURCH OF THE HOLY REDEEMER	07/08/2022	Regular	0.00	10,000.00	121434
5733	CLARITY TELECOM, LLC	07/01/2022	EFT	0.00	2,374.49	10117

Check Report

Date Range: 07/01/2022 - 07/08/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
5733	CLARITY TELECOM, LLC	07/08/2022	EFT	0.00	145.00	10199
7030	COLEMAN, JAMES & LORI	07/01/2022	Regular	0.00	300.00	121385
4054	COMPUTER INFORMATION SYSTEMS, INC.	07/01/2022	EFT	0.00	5,800.00	10118
0384	COUDRON, DEAN	07/01/2022	EFT	0.00	30.00	10119
3819	DACOTAH PAPER CO	07/01/2022	EFT	0.00	293.46	10120
3819	DACOTAH PAPER CO	07/08/2022	EFT	0.00	2,351.30	10200
0950	DAKTRONICS INC	07/01/2022	Regular	0.00	25.00	121386
6537	DEHN, JESSIE	07/01/2022	EFT	0.00	70.00	10121
7029	DESCHEPPER, JEFFREY	07/01/2022	Regular	0.00	10.20	121387
6472	DEUTZ, LAUREN	07/01/2022	EFT	0.00	80.00	10122
5731	DOLL DISTRIBUTING	07/01/2022	EFT	0.00	20,941.20	10123
5731	DOLL DISTRIBUTING	07/08/2022	EFT	0.00	27,680.10	10201
1020	DUIINCK BROS., INC.	07/01/2022	EFT	0.00	601.20	10124
1020	DUIINCK BROS., INC.	07/01/2022	EFT	0.00	11,458.53	10125
1020	DUIINCK BROS., INC.	07/08/2022	EFT	0.00	377,627.05	10202
5511	DVL FIRE AND SAFETY	07/01/2022	Regular	0.00	862.43	121388
5511	DVL FIRE AND SAFETY	07/08/2022	Regular	0.00	328.00	121435
7033	ECO-COMPTEUR INC.	07/08/2022	Regular	0.00	5,940.00	121436
4753	ENTERPRISE LEASING CO	07/08/2022	EFT	0.00	218.84	10203
6599	ET ENTERTAINMENT, LLC	07/01/2022	Regular	0.00	674.75	121389
6700	EYEMED VISION CARE	07/08/2022	Regular	0.00	533.84	121437
6822	FALLINE, BRIAN	07/01/2022	Regular	0.00	3,500.00	121390
1090	FASTENAL COMPANY	07/01/2022	EFT	0.00	203.81	10126
1090	FASTENAL COMPANY	07/08/2022	EFT	0.00	211.51	10204
6882	FRIEDRICH, MELISSA	07/01/2022	EFT	0.00	418.51	10127
1158	GALLS INC	07/01/2022	EFT	0.00	179.49	10128
7031	GEIHL, AARIC & CHERYL	07/01/2022	Regular	0.00	300.00	121391
6424	GITCH GEAR, LLC	07/08/2022	Regular	0.00	192.15	121440
6478	GOPHER STATE ONE CALL	07/08/2022	EFT	0.00	315.90	10205
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	07/08/2022	Regular	0.00	127.03	121441
1201	GRAINGER INC	07/01/2022	EFT	0.00	63.17	10129
6269	HANSON, SHARON	07/08/2022	EFT	0.00	694.63	10206
1243	HARDWARE HANK	07/01/2022	EFT	0.00	29.43	10130
1243	HARDWARE HANK	07/08/2022	EFT	0.00	391.85	10207
7024	HEALTHY WATER SOLUTIONS LLC	07/01/2022	Regular	0.00	1,113.57	121392
7028	HENRY SCHEIN, INC.	07/01/2022	Regular	0.00	432.00	121393
1291	HOFFMAN FILTER SERVICE	07/08/2022	Regular	0.00	60.00	121442
5515	HOFFMANN, RYAN	07/01/2022	EFT	0.00	30.00	10131
6324	HOOK, MATT	07/01/2022	EFT	0.00	50.00	10132
4885	HORIZON COMMERCIAL POOL SUPPLY	07/08/2022	EFT	0.00	198.63	10208
1325	ICMA RETIREMENT TRUST #300877	07/08/2022	Regular	0.00	50.00	121443
5017	JIM'S CLOTHING & SPORTING GOODS	07/01/2022	Regular	0.00	6,371.56	121394
5333	JOHANSSON SALES & SERVICE	07/01/2022	Regular	0.00	307.45	121395
5333	JOHANSSON SALES & SERVICE	07/08/2022	Regular	0.00	432.22	121444
1399	JOHNSON BROTHERS LIQUOR COMPANY	07/01/2022	EFT	0.00	13,677.22	10133
1399	JOHNSON BROTHERS LIQUOR COMPANY	07/08/2022	EFT	0.00	9,897.45	10209
1417	KENNEDY & GRAVEN, CHARTERED	07/08/2022	EFT	0.00	154.00	10210
3564	KESTELOOT ENTERPRISES, INC	07/01/2022	EFT	0.00	40.30	10134
3564	KESTELOOT ENTERPRISES, INC	07/08/2022	EFT	0.00	29.54	10211
5095	KIBBLE EQUIPMENT	07/01/2022	EFT	0.00	717.54	10135
5095	KIBBLE EQUIPMENT	07/08/2022	EFT	0.00	136.09	10212
6944	KIRI ANN FAUL	07/01/2022	EFT	0.00	650.00	10136
0450	KOPITSKI, JASON	07/01/2022	EFT	0.00	30.00	10137
5377	KRUK, CHRISTOPHER	07/01/2022	EFT	0.00	30.00	10138
1480	LAW ENFORCEMENT LABOR SERVICE INC	07/08/2022	EFT	0.00	1,235.00	10213
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	07/01/2022	Regular	0.00	1,109.51	121397
1481	LEAGUE OF MINNESOTA CITIES	07/01/2022	Regular	0.00	50.00	121396
6183	LEE, JERRED	07/01/2022	EFT	0.00	30.00	10139
5606	LEGALSHIELD	07/08/2022	Regular	0.00	105.65	121445
6068	LEHMAN, CHRISTINE	07/01/2022	EFT	0.00	150.00	10140
1507	LOCHER BROTHERS INC	07/01/2022	EFT	0.00	4,287.20	10141

Check Report

Date Range: 07/01/2022 - 07/08/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1508	LOCKWOOD MOTORS INC.	07/08/2022	EFT	0.00	197.01	10214
7032	LOUWAGIE, DUANE & BERNADETTE	07/01/2022	Regular	0.00	300.00	121398
5977	LOUWAGIE, LEONARD & MARIAN	07/01/2022	Regular	0.00	300.00	121399
6323	LUTHER, ERIC	07/01/2022	EFT	0.00	30.00	10142
6323	LUTHER, ERIC	07/08/2022	EFT	0.00	42.94	10215
3816	LUTHERAN SOCIAL SERVICES	07/01/2022	Regular	0.00	14.00	121400
1531	LYON COUNTY AUDITOR-TREASURER	07/01/2022	EFT	0.00	521.92	10143
1545	LYON COUNTY HIGHWAY DEPARTMENT	07/01/2022	EFT	0.00	12,168.75	10144
1546	LYON COUNTY HISTORICAL SOCIETY	07/01/2022	Regular	0.00	6,138.00	121401
1548	LYON COUNTY LANDFILL	07/01/2022	EFT	0.00	21.31	10145
1552	LYON COUNTY RECORDER	07/08/2022	EFT	0.00	60.35	10216
1553	LYON COUNTY SHERIFF'S DEPT.	07/01/2022	Regular	0.00	10.00	121402
1565	MACQUEEN EQUIPMENT INC.	07/08/2022	EFT	0.00	181.18	10217
1571	MADISON NATIONAL LIFE INSURANCE COMPAN	07/08/2022	EFT	0.00	1,028.01	10218
5459	MAGNEY CONSTRUCTION, INC	07/08/2022	Regular	0.00	36,147.18	121446
1575	MAILBOXES & PARCEL DEPOT	07/08/2022	EFT	0.00	35.38	10219
1603	MARSHALL ANIMAL CLINIC	07/01/2022	Regular	0.00	242.33	121403
1616	MARSHALL CONVENTION & VISITORS BUREAU	07/01/2022	EFT	0.00	7,000.00	10146
1616	MARSHALL CONVENTION & VISITORS BUREAU	07/08/2022	EFT	0.00	18,319.68	10220
1623	MARSHALL INDEPENDENT, INC	07/01/2022	Regular	0.00	1,877.81	121404
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	07/01/2022	EFT	0.00	17.89	10147
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	07/08/2022	EFT	0.00	134.26	10221
1637	MARSHALL PUBLIC SCHOOLS	07/08/2022	EFT	0.00	15,057.37	10222
3545	MARSHALL RADIO	07/08/2022	EFT	0.00	2,000.00	10223
0460	MARSHALL, JAMES	07/01/2022	EFT	0.00	80.00	10148
1683	MCFOA	07/08/2022	Regular	0.00	50.00	121447
6025	MELLENTHIN, CODY	07/01/2022	EFT	0.00	30.00	10149
4980	MENARDS INC	07/01/2022	Regular	0.00	108.55	121406
4980	MENARDS INC	07/08/2022	Regular	0.00	69.10	121448
3971	MEULEBROECK, ANDY	07/01/2022	EFT	0.00	30.00	10150
6276	MIDSTATES EQUIPMENT & SUPPLY	07/08/2022	Regular	0.00	23,019.70	121449
1839	MINNESOTA VALLEY TESTING LABS INC	07/08/2022	EFT	0.00	609.60	10224
1807	MN MUNICIPAL BEVERAGE ASSOCIATION	07/01/2022	Regular	0.00	5,700.00	121407
5590	MN STATE HIGH SCHOOL LEAGUE REGION 3A	07/01/2022	Regular	0.00	19,770.00	121408
6955	MOBERG, E.J.	07/01/2022	EFT	0.00	80.00	10151
1877	MOTION INDUSTRIES INC	07/08/2022	EFT	0.00	37.80	10225
1923	NCPERS MN GROUP LIFE INS.	07/08/2022	EFT	0.00	256.00	10226
1945	NORM'S GTC	07/01/2022	Regular	0.00	288.47	121409
1945	NORM'S GTC	07/08/2022	Regular	0.00	371.46	121450
1946	NORTH CENTRAL LABS	07/08/2022	EFT	0.00	50.81	10227
5891	ONE OFFICE SOLUTION	07/01/2022	EFT	0.00	97.79	10152
5891	ONE OFFICE SOLUTION	07/08/2022	EFT	0.00	42.80	10228
6132	ORMBERG, JASON	07/01/2022	Regular	0.00	175.00	121410
2019	PAUSTIS WINE COMPANY	07/01/2022	Regular	0.00	4,216.50	121411
2019	PAUSTIS WINE COMPANY	07/08/2022	Regular	0.00	495.00	121451
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	07/08/2022	EFT	0.00	80.00	10229
2030	PETERSON, ALEX	07/01/2022	EFT	0.00	480.99	10153
2034	PETTY CASH	07/01/2022	Regular	0.00	73.01	121412
7023	PFLAG	07/01/2022	Regular	0.00	100.00	121414
2036	PHILLIPS WINE AND SPIRITS INC	07/01/2022	EFT	0.00	22,182.26	10154
2036	PHILLIPS WINE AND SPIRITS INC	07/08/2022	EFT	0.00	14,189.18	10230
2049	PLUNKETTS PEST CONTROL INC	07/01/2022	EFT	0.00	41.82	10155
2049	PLUNKETTS PEST CONTROL INC	07/08/2022	EFT	0.00	322.13	10231
2065	POWER PROCESS EQUIPMENT INC	07/01/2022	EFT	0.00	699.93	10156
2064	POWERPLAN	07/08/2022	Regular	0.00	193.89	121452
5585	PRESTIGE CHEMICALS	07/08/2022	Regular	0.00	648.00	121453
0477	PRZYBILLA, SCOTT	07/01/2022	EFT	0.00	30.00	10157
6166	PULVER MOTOR SVC, LLC	07/01/2022	EFT	0.00	92.86	10158
2096	QUARNSTROM & DOERING, PA	07/01/2022	EFT	0.00	11,369.42	10159
7025	QWEST CORPORATION	07/01/2022	Regular	0.00	450.00	121415
2112	R and G CONSTRUCTION COMPANY INC	07/01/2022	EFT	0.00	158,180.30	10160

Check Report

Date Range: 07/01/2022 - 07/08/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
6910	REDWOOD VALLEY TECHNICAL SOLUTIONS, LLC	07/01/2022	Regular	0.00	1,625.00	121416
4826	RIEKE, BENJAMIN	07/01/2022	EFT	0.00	30.00	10161
0481	ROKEH, JASON	07/01/2022	EFT	0.00	30.00	10162
2190	ROTARY CLUB OF MARSHALL	07/01/2022	Regular	0.00	237.50	121417
2201	RUNNINGS SUPPLY INC	07/01/2022	EFT	0.00	50.99	10163
2201	RUNNINGS SUPPLY INC	07/08/2022	EFT	0.00	365.49	10232
5556	SANDGREN, KAYLYNN	07/01/2022	EFT	0.00	30.00	10164
2244	SCHWANS SALES ENTERPRISES	07/01/2022	Regular	0.00	1,142.25	121418
6251	SHRED RIGHT	07/01/2022	EFT	0.00	15.00	10165
7022	SLAUGHTER, JULIE	07/01/2022	Regular	0.00	25.00	121419
4855	SOUTHERN GLAZER'S	07/01/2022	EFT	0.00	16,872.78	10166
4855	SOUTHERN GLAZER'S	07/08/2022	EFT	0.00	8,067.46	10233
2311	SOUTHWEST GLASS CENTER	07/01/2022	EFT	0.00	2,709.00	10167
2311	SOUTHWEST GLASS CENTER	07/08/2022	EFT	0.00	25.95	10234
0491	ST AUBIN, GREGORY	07/01/2022	EFT	0.00	30.00	10168
4522	ST LOUIS MRO INC.	07/01/2022	EFT	0.00	55.00	10169
5686	STANTON, TROY	07/01/2022	EFT	0.00	231.00	10170
3808	STELTER, GEOFFREY	07/01/2022	EFT	0.00	184.99	10171
4134	STENSRUD, PRESTON	07/01/2022	EFT	0.00	30.00	10172
6952	STERNER, JOHN K	07/08/2022	Regular	0.00	125.00	121454
6376	STORM COMBATIVES TRAINING & CONSULTATI	07/08/2022	Regular	0.00	1,887.90	121455
6706	SUN LIFE FINANCIAL	07/08/2022	EFT	0.00	1,636.93	10235
6202	SUNDANCE AUTO REPAIR	07/08/2022	Regular	0.00	67.55	121456
6427	SWALBOSKI, BRIAN	07/01/2022	EFT	0.00	387.84	10173
0495	SWANSON, GREGG	07/01/2022	EFT	0.00	30.00	10174
6277	TALKING WATERS BREWING CO, LLC	07/08/2022	EFT	0.00	495.00	10236
4734	TESSMAN COMPANY	07/08/2022	EFT	0.00	880.00	10237
2143	THOOFT ENTERPRISES LLC	07/01/2022	EFT	0.00	403.00	10175
6389	TOWNE & COUNTRY EXCAVATING LLC	07/01/2022	EFT	0.00	27,376.63	10176
6786	TRUCK CENTER COMPANIES EAST LLC	07/01/2022	EFT	0.00	170.20	10177
6156	TRUE BRANDS	07/01/2022	EFT	0.00	221.12	10178
3342	TRUEDSON, SCOTT	07/01/2022	EFT	0.00	30.00	10179
5106	ULINE	07/01/2022	EFT	0.00	695.65	10180
7027	USIC HOLDINGS, INC.	07/01/2022	Regular	0.00	995.00	121420
6092	VANDERMILLEN, SCOTT	07/01/2022	EFT	0.00	80.00	10181
0512	VANLEEUWE, SARA J.	07/01/2022	EFT	0.00	70.00	10182
4489	VERIZON WIRELESS	07/08/2022	EFT	0.00	400.50	10238
6113	VERSA-VEND VENDING INC	07/08/2022	EFT	0.00	699.08	10239
2538	VIKING COCA COLA BOTTLING COMPANY	07/01/2022	EFT	0.00	474.40	10183
2538	VIKING COCA COLA BOTTLING COMPANY	07/08/2022	EFT	0.00	1,291.05	10240
4594	VINOCUPIA	07/01/2022	EFT	0.00	1,066.00	10184
4594	VINOCUPIA	07/08/2022	EFT	0.00	330.00	10241
2591	WESTERN PRINT GROUP	07/08/2022	EFT	0.00	1,028.52	10242
2605	WINE MERCHANTS	07/01/2022	EFT	0.00	3,517.25	10185
2631	ZEP MANUFACTURING COMPANY	07/01/2022	EFT	0.00	2,018.28	10186

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	127	76	0.00	345,981.77
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	262	145	0.00	854,336.92
	<b>389</b>	<b>221</b>	<b>0.00</b>	<b>1,200,318.69</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	127	76	0.00	345,981.77
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	262	145	0.00	854,336.92
	<b>389</b>	<b>221</b>	<b>0.00</b>	<b>1,200,318.69</b>

### Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	7/2022	1,200,318.69
			<b>1,200,318.69</b>



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	INFO
<b>Subject:</b>	Coalition of Greater MN Cities Legislative Update
<b>Background Information:</b>	Coalition of Greater MN Cities (CGMC) Legislative Lobbyist Marty Seifert will be present to provide an update on the 2022 Legislative Session
<b>Fiscal Impact:</b>	N/A
<b>Alternative/ Variations:</b>	N/A
<b>Recommendations:</b>	N/A



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	CONSENT AGENDA
<b>Type:</b>	ACTION
<b>Subject:</b>	Call for Public Hearing Regarding Annexation of N. 7 <sup>th</sup> Street Property. Owner Western Minnesota Municipal Power Agency. 80.52 Acres
<b>Background Information:</b>	<p>The City of Marshall has received a petition requesting annexation of 80.52 acres of Fairview Township property to be annexed into the City of Marshall. Property owner, Western Minnesota Municipal Power Agency requests annexation for the property ultimately to be used as a solar field by the owner.</p> <p>The property is identified within the orderly annexation agreement between the City of Marshall and Fairview Township. The original orderly annexation agreement was approved in 1982. The City of Marshall and Fairview Township must each hold a public hearing regarding the annexation request. A joint resolution of annexation has been prepared and must be approved and signed after each government entity holds a public hearing. The joint resolution will be submitted to the Minnesota Boundary Adjustment Agency for approval.</p>
<b>Fiscal Impact:</b>	The property will be included in the City of Marshall and will be taxed as City property.
<b>Alternative/Variations:</b>	None
<b>Recommendations:</b>	That the City Council call for public hearing to address the annexation of property. Public hearing to be held on Tuesday, July 26, 2022.

**Resolution No. 22-\_\_\_\_\_**

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARING

IN THE MATTER OF THE JOINT  
RESOLUTION OF THE CITY OF  
MARSHALL AND THE TOWNSHIP OF  
FAIRVIEW DESIGNATING CERTAIN  
AREAS AS IN NEED OF ORDERLY  
ANNEXATION PURSUANT TO  
MINNESOTA STATUTES, SECTION  
414.0325.

JOINT RESOLUTION FOR  
ORDERELY ANNEXATION

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WHEREAS, the property owner with property located within the Township of Fairview (“Township”) and legally described in Exhibit A, which is attached hereto and incorporated herein by reference, has petitioned the City of Marshall (“City”) regarding annexation of that property and extension of City services to that property; and

WHEREAS, for ease of reference, the area of the Township proposed for annexation in accordance with this Joint Resolution and legally described in Exhibit A is shown on Exhibit B; and

WHEREAS, the Township and City have agreed to work cooperatively to accomplish the orderly annexation of the areas legally described in Exhibit A; and

WHEREAS, the above-mentioned property is agricultural property, abuts the City, and is in need of orderly annexation and extension of services from the City since the property is urban or suburban or about to become so; and

WHEREAS, the City has available capacity to provide needed services to the above-mentioned property; and

WHEREAS, the City and Township agree that orderly annexation of the property legally described in Exhibit A is in the best interest of the property owners and would benefit the public health, safety, and welfare of the community; and

WHEREAS, the City and Township agree that the property legally described in Exhibit A has been designated and is in need of immediate orderly annexation; and

WHEREAS, the City and Township desire to accomplish the immediate orderly annexation of the property legally described in Exhibit A without the need for hearing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marshall and the Board of Supervisors of the Township of Fairview as follows:

1. The City and Township hereby agree that the area legally described in Exhibit A has been designated for orderly annexation pursuant to Minnesota Statutes, Section 414.0325:

2. The City and Township agree that the area legally described in Exhibit A and designated is in need of immediate orderly annexation and is approximately 80.52 acres.
3. A boundary map showing the area legally described in Exhibit A is attached hereto as Exhibit B and is hereby incorporated by reference.
4. The City and Township agree that the population of the area legally described in Exhibit A is zero (0).
5. Pursuant to Minnesota Statutes, Section 414.0325, the City and Township agree that no alteration of boundaries stated herein is appropriate, that all conditions for annexation of the area legally described in Exhibit A are contained in this Joint Resolution, and that no consideration by the State of Minnesota Office of Administrative Hearings; Municipal Boundary Adjustments Office is necessary. Upon the execution and filing of this Joint Resolution, the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office may review and comment thereon, but shall, within 30 days of receipt of this Joint Resolution, order the annexation of the area legally described in Exhibit A in accordance with the terms and conditions contained in this Joint Resolution.
6. Pursuant to Minnesota Statutes, Section 414.036, the City and Township agree that upon annexation of the area legally described in Exhibit A, the City shall reimburse the Township for the loss of taxes from the property so annexed for the period and in accordance with the following schedule:
  - a. In the first year following the year the City of Marshall could first levy on the annexed area, an amount equal to \$275.28 and
  - b. In the second and final year, an amount equal to \$275.25.
7. Following annexation of the area legally described in Exhibit A, the tax rate of the City applied to the area of the Township hereby annexed shall be increased in substantially equal proportions over two (2) years to equality with the City's tax rate applicable to other property already within the City.
8. The City and Township agree that upon adoption and execution of this Joint Resolution, the City shall file the same with the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office.
9. In the event there are errors, omissions or any other problems with the legal descriptions provided in Exhibit A in the judgment of the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office, the City and Township agree to make such corrections and file any additional documentation, including a new Exhibit A making the

corrections requested or required by the State of Minnesota Office of Administrative Hearings/Municipal Boundary Adjustments Office as necessary to make effective the annexation of said area in accordance with the terms of this Joint Resolution.

10. With respond only to the area legally described in Exhibit A, which is attached hereto and incorporated herein by reference, to the terms and conditions of this Joint Resolution, shall constitute the entire agreement between the parties hereto superseding all prior agreements and negotiations between the parties hereto, but only with respect to the area legally described in Exhibit A.

Passed, adopted, and approved by the Township Board of Supervisors of the Township of Fairview, Lyon County, Minnesota this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, Township Clerk

TOWNSHIP OF FAIRVIEW

By: \_\_\_\_\_  
\_\_\_\_\_, Chair

Passed, adopted, and approved by the City Council in and for the City of Marshall, Lyon County, Minnesota this \_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_, City Clerk

CITY OF MARSHALL

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Surface Water Management Ordinance Amendment – Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances – Introduction of Ordinance and Call for Public Hearing.
<b>Background Information:</b>	<p>The included ordinance amendments are being proposed to simplify the City’s stormwater management ordinance by referencing the State of Minnesota’s stormwater management requirements.</p> <p>Section 30-43 will reference the most current version of the Construction Stormwater (CSW) General Permit as adopted by the Minnesota Pollution Control Agency (MPCA). The Construction Stormwater General Permit outlines numerous minimum standards that must be met for all construction site development plans for projects that exceed one (1) acre in land disturbing activities. City staff believes that it is redundant for the City to outline its own standards when the intent is to match the State requirements. By referencing the most current CSW permit, we can likely reduce the number of times that ordinance amendments must be made in the future.</p> <p>Section 30-45 will reference the most current version of the Small Municipal Separate Storm Sewer Systems General Permit as adopted by the MPCA. The Municipal Separate Storm Sewer Systems (MS4) permit outlines numerous criteria that must be met regarding surface water management, including many references to the Construction Stormwater (CSW) permit. Further, for projects greater than one (1) acre in land disturbance, the MS4 permit outlines requirements for water quality treatment and water volume reduction where possible. City staff believes that it is redundant for the City to outline its own standards when the intent is to match the State requirements. By referencing the most current MS4 permit, we can likely reduce the number of times that ordinance amendments must be made in the future.</p> <p>This item was presented to the Legislative &amp; Ordinance Committee at their meeting on June 28, 2022 with recommended revisions as shown in the attached redlined document.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	No alternative actions recommended.
<b>Recommendation:</b>	that the Council introduce the ordinance and call for public hearing to be held on July 26, 2022 regarding proposed amendment to Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances.

## DIVISION 2. SURFACE WATER MANAGEMENT PLAN

### Sec. 30-41. Applicability.

Every applicant for a building permit, subdivision approval or any permit involving land disturbing activities greater than 2,000 sq. ft., excluding agricultural activities, must submit a surface water management plan to the city engineering department. No building permit, subdivision approval or permit involving land disturbing activities shall be issued until approval of the surface water management plan and issuance of a drainage/land disturbance permit in strict conformance with the provisions of this article.

(Ord. No. 693 2nd series, § 1, 4-28-2015)

### Sec. 30-42. Application.

A written application for a drainage/land disturbance permit, along with the proposed surface water management plan, shall be filed with the city engineering department and shall include adequate evidence showing that the proposed use will conform to the standards set forth in this article. Prior to applying for approval of a surface water management plan, an applicant may have the surface water management plans reviewed by the appropriate departments of the city. One set of clearly legible blue or black lined drawings and required information shall be submitted to the city engineer and shall be accompanied by a receipt from the city engineer's office evidencing the payment of all required fees for processing and approval as set forth in section 30-44(e) and a bond when required by section 30-44(d) in the amount to be calculated in accordance with that section. Drawings shall be prepared to a scale appropriate to the site of the project and suitable for the review to be performed. At a minimum, the scale shall be one inch equals 100 feet.

(Ord. No. 693 2nd series, § 1, 4-28-2015)

### Sec. 30-43. Surface water management plan.

**ADOPTED BY REFERENCE.** The City of Marshall hereby adopts and incorporates by reference the erosion, sediment, and waste control standards established by the Minnesota Pollution Control Agency's NPDES/SDS Construction Stormwater General Permit MNR100001 (CSW Permit) as now constituted and from time to time amended.

~~Unless otherwise directed by city engineer, at a minimum the surface water management plan shall contain the following information:~~

- ~~(1) Existing site map. A map of existing site conditions showing the site and immediately adjacent areas, including:~~
- ~~a. The name and address of the applicant, the section, township and range, northpoint, date and scale of drawing and number of sheets;~~
  - ~~b. Location of the tract by an insert map at a scale sufficient to clearly identify the location of the property and giving such information as the names and numbers of adjoining roads, railroads, utilities, subdivisions, towns and districts or other landmarks;~~

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- c. Existing topography with a contour interval appropriate to the topography of the land but in no case having a contour interval greater than two feet;
  - d. A delineation of all streams, rivers, public waters and wetlands located on and immediately adjacent to the site, including depth of water, a statement of general water quality and any classification given to the water body or wetland by the state department of natural resources, the state pollution control agency, and/or the United States Army Corps of Engineers;
  - e. Locations and dimensions of existing stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site, delineating in which direction and at what rate stormwater is conveyed from the site, identifying the receiving stream, river, public water or wetland, and setting forth those areas of the unaltered site where stormwater collects;
  - f. A description of the soils of the site, including a map indicating soil types of areas to be disturbed, as well as a soil report containing information on the suitability of the soils for the type of development proposed and for the type of sewage disposal proposed, and describing any remedial steps to be taken by the developer to render the soils suitable;
  - g. Vegetative cover and clearly delineating any vegetation proposed for removal; and
  - h. 100-year floodplains, flood fringes and floodways.
- (2) *Site construction plan.* A site construction plan including:
- a. Locations and dimensions of all proposed land disturbing activities and any phasing of those activities;
  - b. Locations and dimensions of all temporary soil or dirt stockpiles;
  - c. Locations and dimensions of all construction site erosion control measures necessary to meet the requirements of this article;
  - d. Schedule of anticipated starting and completion date of each land disturbing activity, including the installation of construction site erosion control measures needed to meet the requirements of this article; and
  - e. Provisions for maintenance of the construction site erosion control measures during construction.
- (3) *Plan of final site conditions.* A plan of final site conditions on the same scale as the existing site map showing the site changes, including:
- a. Finished grading shown at contours at the same interval as provided above or as required to clearly indicate the relationship of proposed changes to existing topography and remaining features;
  - b. A landscape plan, drawn to an appropriate scale, including dimensions and distances and the location, type, size and description of all proposed landscape materials which will be added to the site as part of the development;
  - c. A drainage plan of the developed site delineating in which direction, and at what rate, surface water will be conveyed from the site and setting forth the areas of the site where stormwater will be allowed to collect;
  - d. The proposed size, alignment and intended use of any structures to be erected on the site;
  - e. A clear delineation and tabulation of all areas which shall be paved or surfaced, including a description of the surfacing material to be used; and

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f. ~~Any other information pertinent to the particular project which, in the opinion of the applicant, is necessary for the review of the project.~~

(Ord. No. 693 2nd series, § 1, 4-28-2015)

### **Sec. 30-44. Plan review procedure.**

- (a) *Process.* Surface water management plans meeting the requirements of sections 30-42 and 30-43 shall be submitted to the city engineer for review in accordance with the standards of section 30-45. The city engineer, or his/her appointed designee, shall recommend approval, recommend approval with conditions, or recommend denial of the surface water management plan. City engineer action on the surface water management plan must be accomplished within 120 days following the date the application for approval is filed with the city engineer.
- (b) *Duration.* Approval of a plan submitted under the provisions of this article shall expire one year after the date of approval unless construction has commenced in accordance with the plan. However, if prior to the expiration of the approval, the applicant makes a written request to the city engineer for an extension of time to commence construction setting forth the reasons for the requested extension, the engineering department may grant one extension of not greater than one single year. Receipt of any request for an extension shall be acknowledged by the city engineer within 15 days. The city engineer shall make a decision on the extension within 30 days of receipt. Any plan may be revised in the same manner as originally approved.
- (c) *Conditions.* A surface water management plan may be approved subject to compliance with conditions at least as stringent as the requirements for erosion and sediment controls and waste controls as established by the current Minnesota Pollution Control Agency's General Permit to Discharge Stormwater Associated with Construction Activity No. MN R100001 and necessary to ensure that the requirements contained in this article are met. Such conditions may, among other matters, limit the size, kind or character of the proposed development, require the construction of structures, drainage facilities, storage basins and other facilities, require replacement of vegetation, establish required monitoring procedures, stage the work over time, require alteration of the site design to ensure buffering, and require the conveyance to the city or other public entity of certain lands or interests therein.
- (d) *Performance bond.* For projects, developments, or subdivisions larger than one acre, prior to approval of any surface water management plan, the applicant shall submit an agreement to construct such required physical improvements, to dedicate property or easements, or to comply with such conditions as may have been agreed to. Such agreement shall be accompanied by a bond to cover the amount of the established cost of complying with the agreement. The agreement and bond shall guarantee completion and compliance with conditions within a specific time, which time may be extended in accordance with subsection (b). The adequacy, conditions and acceptability of any agreement and bond shall be determined by the city or any official of the city as may be designated by resolution of the city council.
- (e) *Fees.* All applicants for surface water management plan approval shall be accompanied by a processing and approval fee as set by resolution of the council.

(Ord. No. 693 2nd series, § 1, 4-28-2015)

### **Sec. 30-45. Surface Water Management Criteria. ~~Approval and construction standards.~~**

- (a) **ADOPTED BY REFERENCE.** The City of Marshall hereby adopts and incorporates by reference the surface water management criteria for permanent facilities established by the Minnesota Pollution Control Agency's Small

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(Supp. No. 38)

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Municipal Separate Storm Sewer Systems (MS4) General Permit MNR040000 as now constituted and from time to time amended.

- (a) ~~No surface water management plan which fails to meet the following standards shall be approved by the city council:~~
- (1) ~~Site dewatering.~~ Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro cyclones, swirl concentrators or other appropriate controls as appropriate. Water may not be discharged in a manner so that nuisance conditions will result from the discharge or that causes erosion or flooding of the site or receiving channels or a wetland.
  - (2) ~~Waste and material disposal.~~ All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel or storm sewer system. Additionally, all waste material disposal containers shall be tarped or otherwise covered, as needed, to prevent wind-blown pollution.
  - (3) ~~Tracking.~~ Temporary rock entrances are required on every construction site. Rock driveways will also be required during the winter months after backfilling the foundation. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (no flushing) before the end of each workday. If cleanup of the mud, dirt or other sediment is not carried out as required above, the city engineer, or designee, may direct city crews and/or contract a third party to complete the cleanup and bill the property owner or contractor for all associated costs, or deduct these amounts from any required bond or security. Unpaid charges will be certified by the city for collection with taxes.
  - (4) ~~Drain inlet protection.~~ All storm drain inlets shall be protected during construction in accordance with accepted methods, design criteria, standards and specifications contained in the MPCA publication "Protecting Water Quality in Urban Areas."
  - (5) ~~Site erosion control.~~ The following criteria (subsections (a)(5)a.—d.) apply only to construction activities that result in runoff leaving the site.
    - a. ~~Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff rates of less than 0.5 ft.<sup>3</sup> /sec. across the disturbed area for the one year storm. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. After connecting drainage ditches or swales that drains water from the site, the last 200 lineal feet must be stabilized within 24 hours after connecting to surface water.~~
    - b. ~~All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. Appropriate erosion and sediment control measures shall be taken throughout the construction process. They include, but are not necessarily limited to, the use of erosion control fences, wood fiber blankets, rock construction entrances, seeding and/or mulch. If silt fence is required for erosion control, the builder is responsible for properly installing erosion control immediately after land disturbing activities commence. If the required erosion control is not installed within 24 hours the builder will be issued a stop work order until erosion control measures meet city requirements. The builder is responsible to maintain the silt fence during the construction process. Other techniques or combinations of the above may be used. The erosion and sediment control measures shall be maintained and repaired throughout~~

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construction and until such time as the property has been either sodded or a seeded vegetative cover has taken hold.

c. ~~Runoff from the entire disturbed area on the site shall be controlled by meeting either subsection (a)(5)c.1. and 2. or (a)(5)c.1. and 3.~~

1. ~~All disturbed ground left inactive for 14 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering or other equivalent control measures.~~

2. ~~For sites with more than ten acres disturbed at one time, or if a channel originates in the disturbed area, one or more temporary or permanent sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least one percent of the area draining to the basin and at least three feet of depth and constructed in accordance with accepted design specifications. Sediment shall be removed to maintain a depth of three feet. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.~~

3. ~~For sites with less than ten acres disturbed at one time, silt fences, straw bales or equivalent control measures shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce sediment reaching the channel. The use of silt fences, straw bales or equivalent control measures must include a maintenance and inspection schedule.~~

d. ~~Any soil or dirt storage piles containing more than ten cubic yards of material should not be located with a downslope drainage length of less than 25 feet from the toe of the pile to a roadway or drainage channel. If remaining for more than seven days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than seven days shall be controlled by placing straw bales or silt fence barriers around the pile. In street utility repair or construction soil or dirt storage piles located closer than 25 feet of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than seven days, and the storm drain inlets must be protected with straw bale or other appropriate filtering barriers.~~

(b) ~~Surface water management criteria.~~ Surface water management criteria for permanent facilities are as follows:

(1) ~~An applicant shall install or construct, on or for the proposed land disturbing development activity, all surface water management facilities necessary to manage increased runoff so that the two year, ten-year and 100-year storm peak discharge rates existing before the proposed development shall not be increased and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. An applicant may also make an in-kind or monetary contribution to the development and maintenance of community stormwater management facilities designed to serve multiple land disturbing and development activities undertaken by one or more persons, including the applicant.~~

(2) ~~The applicant shall give consideration to reducing the need for stormwater management facilities by incorporating the use of natural topography and land cover such as wetlands, ponds, natural swales and depressions as they exist before development to the degree that they can accommodate the additional flow of water without compromising the integrity or quality of the wetland or pond.~~

(3) ~~The following surface water management practices shall be investigated in developing a surface water management plan in the following descending order of preference:~~

a. ~~Natural infiltration of precipitation on site;~~

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- b. — Flow attenuation by use of open vegetated swales and natural depressions;
  - c. — Stormwater retention facilities;
  - d. — Stormwater detention facilities.
- (4) — A combination of successive practices may be used to achieve the applicable minimum control requirements specified in subsection (a). Justification shall be provided by the applicant for the method selected.
- (5) — Volume control and pollutant management. Post-construction stormwater management requires significant attention to stormwater pollution mitigation practices, including limitations on volume, total suspended solids (TSS) and total phosphorus (TP) on both new construction and re-construction sites. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots and landscaped areas to the maximum extent practical to provide treatment for both water quantity and quality.

The following rules apply:

- a. — Green infrastructure techniques and practices (including, but not limited to, infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, and green roofs), shall be given preference as design options consistent with zoning, subdivision and planned unit development requirements.
- b. — New development projects shall achieve no net increase from pre-project conditions (on an annual average basis) of stormwater discharge volume; discharges of total suspended solids (TSS); and discharge of total phosphorus (TP). New developments that create one or more acres of new impervious surface shall manage stormwater volume and pollutants by infiltrating or retaining the first one inch of precipitation over the impervious surface of the site.
- c. — Redevelopment projects shall achieve a net reduction from pre-project conditions (on an annual average basis) of stormwater discharge volume; discharges of total suspended solids (TSS); and discharges of total phosphorus (TP). Redevelopments that create one or more acres of new and/or fully reconstructed impervious surfaces shall manage stormwater volume and pollutants by applying the new development treatment requirements in (b)(5)b. above to the net increase of impervious surfaces. Additional treatment must also be included to reduce the volume, TSS and TP loads from the existing impervious surfaces.
- d. — Infiltration prohibited. The use of infiltration techniques are prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in, the following areas:
  - 1. — Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit.
  - 2. — Where vehicle fueling and maintenance occur.
  - 3. — Where less than three feet of separation from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock exists.
  - 4. — Where high levels of contaminants in soil or groundwater will be mobilized by infiltrating stormwater.
- e. — Infiltration restricted. The use of infiltration techniques will be restricted when the infiltration device will be constructed in areas:
  - 1. — With predominately hydrologic soil group D (clay) soils.
  - 2. — Within 1,000 feet up gradient, or 100 feet down gradient of active karst features.

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3. ~~Within a drinking water supply management area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.~~

4. ~~Where soil infiltration rates are more than eight and three tenths inches per hour.~~

~~In these restricted areas, the city engineer may request additional information and/or testing to ensure that infiltration basins will perform properly and that groundwater is adequately protected.~~

f. ~~Roads and other linear projects. Road reconstruction projects, mill and overlay projects, sidewalk projects and trail projects that do not create one or more acres of new impervious surfaces are exempt from these stormwater requirements. These projects may be subject to other requirements.~~

g. ~~Exceptions. A lesser volume control standard on the site of the original construction activity may be applied, at the discretion of the city, under the following circumstances:~~

1. ~~The owner and/or operator of a construction activity is precluded from infiltrating stormwater due to limitations under (b)(5)d., e. or f., and~~

2. ~~The owner and/or operator of the construction activity implements volume reduction techniques, other than infiltration, on the site of the original construction activity that reduce stormwater discharge volume but may not meet the requirements of post-construction stormwater management.~~

h. ~~Mitigation. If the owner and/or operator of a construction activity believe that the requirements for TP and/or TSS cannot be met on the site of the original construction activity, the owner and/or operator must provide appropriate documentation to the city as support. Stormwater discharges that do not meet the TP and/or TSS standards on the site of the original construction activity may be mitigated off-site at the city's discretion. The proposed mitigation must meet the following criteria:~~

1. ~~Mitigation project areas should be selected in the following order of preference and in consultation and with approval by the city:~~

i. ~~Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.~~

ii. ~~Locations within the same department of natural resource (DNR) catchment area as the original construction activity.~~

iii. ~~Locations in the next adjacent DNR catchment area up stream.~~

iv. ~~Locations within the city.~~

2. ~~Mitigation projects must involve the creation of new structural stormwater BMPs, the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.~~

3. ~~Routine maintenance of structural stormwater BMPs required by this section cannot be used to meet mitigation requirements.~~

4. ~~Mitigation projects must be completed within 24 months after the start of the original construction activity.~~

5. ~~If the mitigation project is a private structural stormwater BMP and the city is not responsible for long-term maintenance of the project, the city will require written and recorded documentation of maintenance responsibilities.~~

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i. ~~Maintenance of private structural stormwater BMPs. Any structural stormwater BMP that the city determines to be private shall meet the following requirements:~~

~~A) A permanent public easement shall be provided to the city for access for inspection and/or maintenance purposes. Costs incurred by the city for any maintenance of private systems will be billed and/or assessed to the owner/operator.~~

~~B) Recorded inspection and maintenance agreements that define inspection and maintenance responsibilities are required. A minimum annual inspection for private systems shall be required. These requirements are transferrable to any party that becomes the owner/operator of the site.~~

~~C) If site configurations or structural stormwater BMPs change, causing decreased BMP effectiveness, new or improved structural stormwater BMPs must be implemented to meet the requirements of this section.~~

(eb) *Design standards.* Stormwater detention facilities constructed in the city shall be designed according to the most current technology as reflected in the MPCA publication, "Protecting Water Quality in Urban Areas," and shall contain, at a minimum, the following design factors:

- (1) A permanent pond surface area equal to two percent of the impervious area draining to the pond, whichever amount is greater;
- (2) An average permanent pool depth of four to ten feet;
- (3) A permanent pool length-to-width ratio of three to one or greater;
- (4) A minimum protective shelf extending ten feet into the permanent pool with a slope of ten to one, beyond which slopes should not exceed three to one;
- (5) A protective buffer strip of vegetation surrounding the permanent pool at a minimum width of one rod (16.5 feet);
- (6) All stormwater detention facilities shall have a device to keep oil, grease and other floatable material from moving downstream as a result of normal operations;
- (7) Stormwater detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 100-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the surface water management plan;
- (8) All stormwater detention facilities must have a forebay to remove coarse-grained particles prior to discharge into a watercourse or storage basin;
- (9) Ponds shall be designed so postdevelopment runoff is no greater than predevelopment runoff;
- (10) Where a detention pond site is sized or located such that it will impact or otherwise benefit other property or future subdivisions, a drainage service area shall be identified. All of the required detention pond site shall be dedicated to the city with the cost of that portion benefitting other developments to be reimbursed by the city to the developer at the time of completion and certification of the improvement. The cost shall be based on actual construction costs obtained by the city and shall be prorated to future developments within such drainage service area;
- (11) Where a detention pond site is required to be located outside of the development area that will contribute to the stormwater flow, the city may be requested to acquire and develop the pond site,

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with the acquisition costs to be prorated to the developing property and to future development within the drainage service area.

(e**b**) *Wetlands.*

- (1) Runoff shall not be discharged directly into wetlands without pre-settlement of the runoff.
- (2) A protective buffer strip of natural vegetation at least 25 feet in width shall surround all wetlands.
- (3) Wetlands must not be drained or filled, wholly or partially, unless replaced by restoring or creating wetland areas of at least equal public value. Replacement must be guided by the following principles in descending order of priority:
  - a. Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
  - b. Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
  - c. Rectifying the impact by repairing, rehabilitating or restoring the affected wetland environment;
  - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the activity; and
  - e. Compensating for the impact by replacing or providing substitute wetland resources or environments.

(e**c**) *Steep slopes.* No land disturbing or development activities shall be allowed on slopes of 18 percent or more.

(f**d**) *Catch basins.* All newly installed and rehabilitated catch basins shall be provided with a sump area for the collection of coarse-grained material. Such basins shall be cleaned when they are half-filled with material.

(g**e**) *Drain leaders.* All newly constructed and reconstructed buildings will route drain leaders to pervious areas wherein the runoff can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so no erosion occurs in the pervious areas.

(h**f**) *Inspection and maintenance.* All stormwater management facilities shall be designed to minimize the need of maintenance, to provide access for maintenance purposes and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that ensures continued effective removal of pollutants carried in stormwater runoff. The city engineer, or designated representative, shall inspect all surface water management facilities during construction, during the first year of operation, and at least once every five years thereafter. The inspection records will be kept on file at the office of the city engineer for a period of six years. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the stormwater management facilities for inspection and maintenance purposes.

(i**g**) *Models/methodologies/computations.* For project sites one acre or larger, hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the city engineer. Plans, specification and computations for stormwater management facilities submitted for review shall be sealed and signed by a registered professional engineer. All computations shall appear on the plans submitted for review, unless otherwise approved by the city engineer.

(j**h**) *Watershed management plans/groundwater management plans.* Surface water management plans shall be consistent with adopted watershed management plans and groundwater management plans prepared in accordance with Minn. Stat. §§ 103B.231 and 103B.255, respectively, and as approved by the state board of water and soil resources in accordance with state law.

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- (ki) *Easements.* If a surface water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.
  - (kj) Failure to comply with any of the above requirements will result in the issuance of a stop work order halting construction until the project area is brought into compliance. Failure to remedy the situation within a reasonable time determined by the city engineer or designee will result in the issuance of a citation for violation of this section. Failure to have erosion and sediment control measures in place may also result in denial of a certificate of occupancy for the structure under construction.

(Ord. No. 693 2nd series, § 1, 4-28-2015)

State law reference(s)—Wetlands, Minn. Stat. § 103G.221 et seq.

### **Sec. 30-46. Illicit connection.**

- (a) *Purpose/intent.* The purpose of this section is to provide for the health, safety, and general welfare of the citizens of the city through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This section establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this section are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this section.

- (b) *Definitions.* For the purposes of this section, the following shall mean:

*Authorized enforcement agency* means employees or designees of the director of the municipal agency designated to enforce this section.

*Best management practices (BMPs)* means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Clean Water Act* means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

*Construction activity* means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Hazardous materials* means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illegal discharge* means any direct or indirect non-storm water discharge to the storm drain system, except as exempted in subsection (h).

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*Illicit connections.* An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency, or

Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the city.

*Industrial activity* means activities subject to NPDES industrial storm water permits as defined in 40 CFR, Section 122.26(b)(14).

*Municipal separate storm sewer system (MS4)* means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

*National Pollutant Discharge Elimination System (NPDES) storm water discharge permit* means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The Minnesota Pollution Control Agency (MPCA) has adopted general stormwater discharge permits, including but not limited to the general construction activity and general industrial activity permits.

*Non-storm water discharge* means any discharge to the storm drain system that is not composed entirely of storm water.

*Person* means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant* means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

*Premises* means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

*Storm drainage system* means publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

*Storm water* means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

*Storm water management plan* means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable.

*Wastewater* means any water or other liquid, other than uncontaminated storm water, discharged from a facility.



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- (c) *Applicability.* This section shall apply to all water entering the storm drain system generated on any developed and undeveloped lands within the city, including any amendments or revisions thereto.
  - (d) *Responsibility for administration.* The public works department shall administer, implement, and enforce the provisions of this section. Any powers granted or duties imposed upon the public works department may be delegated in writing by the director of the public works department to persons or entities acting in the beneficial interest of or in the employ of the agency.
  - (e) *Compatibility with other regulations.* This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this section are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this section imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
  - (f) *Severability.* The provisions of this section are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this section.
  - (g) *Ultimate responsibility.* The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore this section does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into waters of the state caused by said person. This section shall not create liability on the part of the city or any agent or employee thereof for any damages that result from any discharger's reliance on this section or any administrative decision lawfully made thereunder.
  - (h) *Discharge prohibitions.*
    - (1) *Prohibition of illegal discharges.* No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- a. The following discharges are exempt from discharge prohibitions established by this section: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
- b. Discharges or flow from firefighting, and other discharges specified in writing by the public works department as being necessary to protect public health and safety.
- c. Discharges associated with dye testing, however this activity requires a verbal notification to the public works department prior to the time of the test.
- d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

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(2) *Prohibition of illicit connections.*

- a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
  - b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - c. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
  - d. Improper connections in violation of this section must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the public works department.
  - e. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the public works department requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the public works department.
- (i) *Watercourse protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, compost, grass clippings, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.
- (j) *Industrial or construction activity discharges—Submission of NOI to the city.*
- (1) Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the public works department prior to the allowing of discharges to the MS4.
  - (2) The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial activity shall submit a copy of the notice of intent (NOI) to the public works department at the same time the operator submits the original notice of intent to the EPA as applicable.
  - (3) The copy of the notice of intent may be delivered to the public works department either in person or by mailing it to:  
  
Notice of Intent to Discharge Storm Water  
City of Marshall  
Attn: Director of Public Works  
344 West Main Street  
Marshall, MN 56258
  - (4) A person commits an offense if the person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the notice of intent to do so to the public works department.

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(k) *Compliance monitoring.*

(1) *Right of entry—Inspection and sampling.* The public works department shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this section.

- a. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the public works department.
- b. Facility operators shall allow the public works department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The public works department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the public works department to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The public works department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the public works department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing the public works department access to a permitted facility is a violation of a storm water discharge permit and of this section. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the public works department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this section.

(2) *Search warrants.* If the public works department has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the public works department may seek issuance of a search warrant from any court of competent jurisdiction.

(l) *Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.*

(1) *Authorization to adopt and impose best management practices.* The city will adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional

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structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this subdivision. These BMPs shall be part of a storm water management plan (SWMP) as necessary for compliance with requirements of the NPDES permit.

- (2) *New development and redevelopment.* The city may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of storm water runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The city shall incorporate such requirements in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required herein and the city surface water management utility ordinance, chapter 78, article III.
- (3) *Responsibility to implement best management practices.* Notwithstanding the presence or absence of requirements promulgated pursuant [to] subsections (l)(1) and (2), any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering storm water, the storm drain system or waters of the United States shall implement best management practices to the extent that they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
- (m) *Notification of spills.* Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the public works department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the public works department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years. Failure to provide notification of a release as provided above is a violation of this section.
- (n) *Violations, enforcement, and penalties.*
- (1) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this section. Any person who has violated or continues to violate the provisions of this section, shall constitute a misdemeanor and shall be punished as set forth in this Code.
- In the event the violation constitutes an immediate danger to public health or public safety, the public works department is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The public works department is authorized to seek costs of the abatement as outlined in subsection (q).
- (2) *Warning notice.* When the public works department finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, the public works department may serve upon that person a written warning notice, specifying the particular violation believed to have

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occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this subdivision shall limit the authority of the public works department to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

- (3) *Notice of violation.* Whenever the public works department finds that a person has violated a prohibition or failed to meet a requirement of this section, the public works department may order compliance by written notice of violation to the responsible person.
- a. The notice of violation shall contain:
1. The name and address of the alleged violator;
  2. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  3. A statement specifying the nature of the violation;
  4. A description of the remedial measures necessary to restore compliance with this section and a time schedule for the completion of such remedial action;
  5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
  6. A statement that the determination of violation may be appealed to the city administrator by filing a written notice of appeal within seven days of the date of notice of violation; and
  7. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- b. Such notice may require without limitation:
1. The performance of monitoring, analyses, and reporting;
  2. The elimination of illicit connections or discharges;
  3. That violating discharges, practices, or operations shall cease and desist;
  4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  5. Payment of a fine to cover administrative and remediation costs; and
  6. The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated by the director of public works and the expense thereof shall be charged to the violator.

- (4) *Administrative fines.* The city council may, by resolution, establish a schedule of administrative fines authorized by this section. The amount of the fine shall reflect the costs associated with inspection, notice and order, posting, and/or abatement of violations. Administrative fines shall be imposed according to the schedule adopted by the city council and may be imposed in addition to any criminal charges or fines or actual abatement costs.

- 
- (5) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this section, the public works department may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- (6) *Suspension of MS4 access.*
- a. *Emergency cease and desist orders.* When the public works department finds that any person has violated, or continues to violate, any provision of this section, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the public works department may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
1. Immediately comply with all ordinance requirements; and
  2. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any person notified of an emergency order directed to it under this subdivision shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the public works department may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The public works department may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the public works department that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this section. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the public works department within three days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- b. *Suspension due to illicit discharges in emergency situations.* The public works department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the public works department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- c. *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this section may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The public works department will notify a violator of the proposed termination of its MS4 access. The violator may petition the public works department for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this subdivision, without the prior approval of the public works department.

- 
- (7) *Criminal prosecution.* Any person that has violated or continues to violate this section shall be liable to criminal prosecution to the fullest extent of the law. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (o) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the public works department. The notice of appeal must be filed with the office of the city administrator within seven days from the date of the notice of violation. A hearing on the appeal before the city administrator or his/her designee shall take place within 15 days from the date of filing of the notice of appeal. The decision of the city administrator or his/her designee shall be final.
- (p) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within seven days of the decision of the municipal authority upholding the decision of the public works department, then representatives of the public works department shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- (q) *Cost of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than eight equal payments. Interest at the rate of six percent per annum shall be assessed on the balance beginning on the 50th day following discovery of the violation.

- (r) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this section is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- (s) *Remedies not exclusive.* The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the public works department to seek cumulative remedies.

The city has the right to charge and assess violators for all costs to the city for damages from any discharge or other action in violation of the city ordinance or in violation of a permit issued by the city, including all attorney's fees, court costs, sampling and monitoring expenses, and other expenses associated with enforcement of this section. Administrative fines or other enforcement actions are not considered to be payment of these costs.

(Ord. No. 693 2nd series, § 1, 4-28-2015)



**MARSHALL**  
CULTIVATING THE BEST IN US

**CITY OF MARSHALL  
AGENDA ITEM REPORT**

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Introduction of the ordinance amending salaries and compensation of mayor and councilpersons.
<b>Background Information:</b>	<p>Chapter 2, Sec. 2.07 of the City of Marshall Charter requires salaries of the Councilmembers and Mayor to be discussed as an agenda item at the first council meeting in July of each year. After said discussions, the council shall set and determine said salaries in accordance with the applicable state law.</p> <p>Minnesota State Statute 415.11 allows for the governing body fix their own salaries by ordinance in such amount as they deem reasonable. No change in salary shall take effect until after the next succeeding municipal election.</p> <p>Staff have adjusted the proposed salaries to be in line with the nonunion employee general wage increases through December 31, 2024.</p> <p>The proposed ordinance will become effective January 1, 2023.</p>
<b>Fiscal Impact:</b>	<p>2021-2022 Annual Salaries:</p> <p>Mayor Salary – 2021: \$10,687.92 2022: \$10,687.92</p> <p>Councilpersons Salary – 2021: \$6,760.31 2022: \$6,760.31</p> <p>Proposed 2023-2024 Annual Salaries Consistent with Non-Union General Wage Adjustments:</p> <p>Mayor Salary – 2023: \$11,008.66 2024: \$11,338.87</p> <p>Councilpersons Salary – 2023: \$6,963.32 2024: \$7,172.11</p>
<b>Alternative/ Variations:</b>	None recommended
<b>Recommendations:</b>	To introduce the ordinance amending the salaries and compensation of the mayor and councilpersons.



Ranked by Salary

City	Mayor Salary	Council Salary	Population
Northfield	\$ 12,294.86	\$ 9,220.58	20,712
Willmar	\$ 12,000.00	\$ 7,125.00	20,993
Albert Lea	\$ 12,000.00	\$ 8,000.00	18,518
Faribault	\$ 10,880.00	\$ 8,420.00	24,423
Owatonna	\$ 10,800.00	\$ 8,400.00	26,402
<b>Marshall</b>	<b>\$ 10,687.92</b>	\$ 6,760.31	13,624
New Ulm	\$ 10,500.00	\$ 8,000.00	14,125
Stillwater	\$ 9,600.00	\$ 7,200.00	19,390
Hutchinson	\$ 9,247.00	\$ 6,279.00	14,552
St. Peter	\$ 8,000.00	\$ 6,000.00	11,767
Worthington	\$ 6,000.00	\$ 10,000.00	13,837
Fairmont	\$ 4,800.00	\$ 2,400.00	10,451

Ranked by Salary

City	Mayor Salary	Council Salary	Population
Worthington	\$ 6,000.00	\$ 10,000.00	13,837
Northfield	\$ 12,294.86	\$ 9,220.58	20,712
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**An Ordinance Amending Chapter 2, Article III, Division 1, Sec. 2-53 Salaries and compensation of mayor and councilpersons**

**The City Council of Marshall, Minnesota ordains:**

Chapter 2, Article III, Division 1, Sec. 2-53 of the Marshall City Code is hereby amended, which shall read as follows:

Sec. 2-53. - Salaries and compensation of mayor and councilpersons.

Salaries and compensation of the mayor and councilpersons are hereby fixed as follows, which amounts are deemed reasonable:

~~(1) Effective January 1, 2021, the annual salary of the mayor shall be the sum of \$10,687.92, which shall be payable in equal biweekly installments.~~

(1) Effective January 1, 2023, the annual salary of the mayor shall be the sum of \$11,008.66, which shall be payable in equal biweekly installments.

(2) Effective January 1, 2024, the annual salary of the mayor shall be the sum of \$11,338.87, which shall be payable in equal biweekly installments.

~~(2) Effective January 1, 2021, the annual salary of each councilperson shall be the sum of \$6,760.31, which shall be payable in equal biweekly installments.~~

(3) Effective January 1, 2023, the annual salary of each councilmember shall be the sum of \$6,963.32, which shall be payable in equal biweekly installments.

(4) Effective January 1, 2024, the annual salary of each councilmember shall be the sum of \$7,172.11, which shall be payable in equal biweekly installments.

(5) The mayor and any councilpersons attending any meeting or other business relating to the function of the city shall be entitled to reimbursement for their expenses, provided, that such reimbursement is authorized by the council. The provision shall not apply to attendance at regular and special council meetings or performing routine council business.

**Charter reference**— Salaries of mayor and council, § 2.07.

**Minnesota State Statute reference** – 415.11

The ordinance shall become effective January 1, ~~2021~~ 2023.

Passed by the Common Council of the City of Marshall, Minnesota this \_\_\_\_ day of, \_\_\_\_\_ ~~2020~~ 2022.

\_\_\_\_\_  
Mayor

Attested:

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



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	NEW BUSINESS
<b>Type:</b>	ACTION
<b>Subject:</b>	Consider Appointments to the Various Boards, Commissions, Bureaus and Authorities.
<b>Background Information:</b>	<p>The City of Marshall has various openings on the Boards, Commission, Bureaus and Authorities.</p> <p>Dr. George Taylor-Diversity Equity and Inclusion          Ben Walker-Police Advisory          Sara Stoneberg-Planning Commission (filling vacant term to expire 5/31/23)</p>
<b>Fiscal Impact:</b>	
<b>Alternative/ Variations:</b>	
<b>Recommendations:</b>	To approve the appointments to the various boards, commissions, bureaus, and authorities.

**City of Marshall  
Boards and Commissions  
7/12/2022**

<b>Adult Community Center Commission</b>	Incumbent	New Applicants
(1) Opening – Term expired 5/31/22 (1) Vacant - Term to expire 5/31/25		

<b>Airport Commission</b>	Incumbent	New Applicants
(1) Opening - Term expired 5/31/2022		

<b>Cable Commission</b>	Incumbent	New Applicants
(1) Opening – Term expired 5/31/22 (2) Vacant – Terms to expire 5/31/24 & 5/31/2025		

<b>Community Services Advisory Board</b>	Incumbent	New Applicants
(2) Vacant – Terms to expire 2/28/25		

<b>Diversity Equity and Inclusion</b>	Incumbent	New Applicants
	Dr. George Taylor (5/31/25)	

<b>Police Advisory</b>	Incumbent	New Applicants
	Ben Walker (5/31/24)	

<b>Planning Commission</b>	Incumbent	New Applicants
(1) Opening – Term expired 5/31/22		Sara Stoneberg (filling vacant term to expire 5/31/23)

<b>Public Housing Commission</b>	Incumbent	New Applicants
(1) Vacant – Term to Expire 5/31/2026		

<b>MERIT Center Commission</b>	Incumbent	New Applicants
(1) Vacant – Term to expire 12/31/23		



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Meeting Date:</b>	Tuesday, July 12, 2022
<b>Category:</b>	COUNCIL REPORTS
<b>Type:</b>	INFO
<b>Subject:</b>	Commission/Board Liaison Reports
<b>Background Information:</b>	<p><b>Byrnes</b> - Fire Relief Association and Regional Development Commission, Planning Commission</p> <p><b>Schafer</b> – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p><b>Meister</b> – Cable Commission, Community Services Advisory Board, Economic Development Authority</p> <p><b>DeCramer</b> – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion Commission, Public Housing Commission</p> <p><b>Labat</b> – Adult Community Center Commission, Convention &amp; Visitors Bureau, Library Board, Marshall Area Transit Committee</p> <p><b>Lozinski</b> – Joint LEC Management Committee, Police Advisory Board</p>
<b>Fiscal Impact:</b>	
<b>Alternative/Variations:</b>	
<b>Recommendations:</b>	

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

FROM: Sharon Hanson, City Administrator

DATE: July 12, 2022

SUBJECT: Administrative Brief

**CITY ATTORNEY**

- Broadmoor Valley Updates: I am continuing to work with City Staff and opposing legal counsel regarding various outstanding matters related to Broadmoor Valley. The following is a summary of the current status of various pending matters.
  - Minnesota Housing Finance Grant. Schierholz and Associates, the owners of Broadmoor Valley Manufactured Home Park, have been awarded a \$500,000.00 infrastructure grant related to Broadmoor Valley property. There have been ongoing discussions and negotiations related to the terms of the infrastructure grant and serious considerations from the property owner as to whether or not he would accept the grant and terms as provided within the grant. Pursuant to those discussions, City of Marshall has developed the scope of work provisions regarding the infrastructure within Broadmoor Valley Manufactured Home Park. Mr. Schierholz did execute the agreement incorporating the scope of work terms as developed. The State of Minnesota Housing Finance Agency has also executed the fully executed agreement regarding the use of the \$500,000.00 infrastructure grant monies has been approved.

The City of Marshall pursuant to the terms of the infrastructure grant, is to oversee the infrastructure improvements. The grant monies will not be disbursed until the City of Marshall has approved the infrastructure improvements pursuant to pay requests.

The Scope of work does require that the property owner retain licensed engineering firm (Bolton & Menk) to design the infrastructure parameters for Broadmoor Valley. Infrastructure grant is to address the improvements to the water, sanitary sewer and electrical utilities facilities within the manufactured home park. Another area of major concern is reconstruction of the roadways. All work to be done pursuant to the grant must be done in accordance with City of Marshall's standard specifications.

Minnesota public bidding law must be complied with by the property owner and consultation with consulting engineer. Updates will be provided to the council regarding this infrastructure grant as improvement work continues.

- City of Marshall Abatement Order. A court hearing is scheduled for Monday, August 8, 2022 at 11:00 o'clock A.M. The purpose of the hearing is to obtain district court enforcement order authorizing the City of Marshall to remove three hazardous or substandard buildings as located within Broadmoor Valley Manufactured Home Park.

- Tenants’ Remedies Action. Civil trial has been held regarding the tenants’ request for court intervention regarding various matters within the Broadmoor Valley Manufactured Home Park. The trial has been concluded and the matter is under advisement by District Court Judge Zimmer.
- Attorney General’s Enforcement Action. The discovery process continues on that matter. Minnesota Attorney General Keith Ellison and his staff continue to monitor the situation at Broadmoor Valley Manufactured Home Park. A trial on the Attorney General’s pending action is scheduled for January of 2023.
- I am continuing to work with City Staff and Purchasers regarding two lot sales in Parkway II Addition.
- Criminal prosecution numbers for June are as follows:

**June:**

	ASSAULT	OPF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2022	2021 Comparison
Prosecution	4		7		11	2	2	26	18
Dismissed									
Non-Prosecution	3	1					1	5	6
Refer to County									

**ADMINISTRATION**

This past month included the following meetings and work:

- Met with Lyon County Museum Board members and Lyon County Commission Liaison regarding 2023 Museum budget and Director salary comparisons. A budget presentation and information from this meeting will be presented to Council during the budget work sessions.
- Presented to Southwest Amateur Sports Commission on Indoor Recreation Study RFP.
- Both the City Attorney and Indoor Recreation/YMCA Feasibility RFP are due July 15<sup>th</sup>.
- June 22-24<sup>th</sup> attended League of MN Cities Annual Conference with Councilmember Lozinski and Mayor Byrnes.
- Attended MMU meeting to discuss energy alerts, L&O and PIT Committee meetings, radio interview, met with EDA Director on various economic development issues, met with various staff and had several staff mtgs. Assisted with City Clerk duties and Council packet items.
- July 6<sup>th</sup>-we reached a tentative agreement with AFSCME union representation and expect a ratification vote in the next couple of weeks with hopes of bringing contract approval to the July 26<sup>th</sup> Council mtg.

**Economic Development Authority**

- Shopko – Woodcrest
  - Staff continues to work with Woodcrest Capital on filling the former Shopko building. To date, Woodcrest is working with five potential tenants with the intention of accommodating three tenants in the build out. They expect to start construction in the next three to six months.
- Block 11
  - CBC Fischer Group is finalizing the building permit but has been approved to start groundwork on the project. We are starting to look at potential commercial tenants for future phases.
- Market Street Mall
  - Staff is working with developer on potential redevelopment plan for the Market Street Mall.

## Human Resources

- No report.

## Clerk

- Recruiting and hiring election judges.
- Preparing for General Election filing, beginning Aug. 2 through Aug. 16.
- Transitioning duties back from city staff.

## Finance

- 2023 Budget: Division Heads have worked to submit budgets to Finance (were due July 1<sup>st</sup>). Finance staff are in the process of inputting information into the accounting system.
- At the Work Session at 4:00 PM on July 26<sup>th</sup> Council will hear community organization requests, along with a presentation from the Marshall-Lyon County Library.
- The annual reporting form required for each TIF district for 2021 is due by August 1<sup>st</sup>. Finance has consulted with BakerTilly on those reports, the pay-go distributions, and a required decertification before year-end.

## Assessing

- No Report

## Liquor Store

- June Financials: Sales \$663,942.65 +10%, Customer Count 18,872 +5.98%, Ticket average \$35.18 +3.8%. A very good month for all financials. Customers are stocking up for their Summer plans with ready to drink cocktails, seltzers and beer. YTD sales are trending up around 2%- a good trend to see mid-year.
- We have hired 2 part-time liquor clerks earlier in June. We are currently advertising again to hire 1-2 more to fill out our employee schedule. With Increased business and more focus on helping customers on the floor it has been necessary to add staff to cover the priorities of the store.

## COMMUNITY SERVICES

- Aquatic Center numbers remain steady as the warm weather continues to attract families. Following the July 4<sup>th</sup> holiday, the MAC was open 34 days and was averaging 305 visitors per day. Season Pass numbers were consistent this summer with 472 sold compared to 487 in 2021.
- Staff continues to assist and plan for the City's Sesquicentennial Celebration as well as the auxiliary events leading up to mid-August.
- The City received 15 applications for the Adult Community Center Coordinator position. Interviews are scheduled to be held the week of July 11<sup>th</sup>.
- The annual Junior T-Ball and Baseball Family Night (June 29<sup>th</sup>) at the Amateur Sports Complex drew over 500 participants. Burgers and beverages were provided out of the City's mobile concessions trailer.
- An outdoor Drive-In movie is scheduled for Saturday, August 6<sup>th</sup> at the Red Baron Arena & Expo parking lot. The cost of the movie is FREE.
- Studio 1 TV continues to work with our cable providers for Closed Captioning access within the City's three cable channels and online feeds.
- Staff received notification from officials at the MN DNR that the City's grant application for inclusive playground components at Independence Park was selected for funding. The project can start as early as late fall 2022 with an anticipated completion date of Summer 2024.



## COMMUNITY PLANNING

### Building Services / Planning & Zoning

- About 280 open permits.
- Ralco, three Avera projects, the third Unique apartment building, and Border State Electric building are the largest projects under construction. Block 11 project is under review
- New permit software is open for applicants since May.
- Sign Ordinance is under review.

## PUBLIC WORKS DIVISION

### Engineering

- Project Z83: James/Camden – Reviewing Final Change Order and Pay Request
- Project Z87: Diversion Channel Slope Repairs and Sheet Pile Removal – R&G has completed the sheet pile removal and slope repairs. Riprap and seeding is planned for the week of July 5<sup>th</sup> and should be complete by the end of the week of July 11<sup>th</sup>.
- Project PK-001: Independence Park Trail Replacement Project – A&C is completing grading and gravelling of the remaining trail segments the week of July 5<sup>th</sup>. Hisken is continuing to pour segments of concrete trail as weather allows. Final topsoil and seeding is anticipated to take place in mid-July.
- Project ST-002-2022: Overlays and ADA Improvements – Musch Concrete is expected to begin curb and pedestrian ramp replacements during the week of July 5<sup>th</sup> with milling to occur shortly afterwards.
- Project ST-003: South 1<sup>st</sup>, Greely, and Williams Street reconstruction – Temporary water has been set up on the project and underground work is anticipated to begin in early July.
- Project ST-004: Halbur Road reconstruction – Duinick will be completing the storm sewer construction during the week of July 5<sup>th</sup> which will complete much of the underground utility work. They are anticipated to continue to road base construction shortly following.
- Project ST-005: Rose Parking Lot Reconstruction – This project is complete and staff intends to bring a Final CO and Pay Request to the 7/12 Council meeting for consideration.
- Project ST-006: SRTS School Pedestrian Crossing Improvements – Staff is coordinating with Duinick to determine a construction schedule.
- Project ST-007: UCAP Bus Shelter Installations – Project plans are complete. Staff is waiting on final contract requirements from UCAP for their MnDOT grant. Once received, staff will recommend advertisement.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction – Staff met with the MDBA on July 6<sup>th</sup> to discuss the project development so far. Staff and Bolton & Menk will be hosting a stakeholder engagement meeting with the MDBA, presenting street layout and streetscaping concepts and collecting comments and input on the morning of July 13<sup>th</sup>.
- Project ST-023: W. Lyon St. (College to 1<sup>st</sup>) Reconstruction – R&G is beginning underground utility construction during the week of July 5<sup>th</sup>.
- Project ST-024: Baldwin Parking Lot Reconstruction – Bids were received for this project and the low bid will be presented for Council consideration for award at the 7/12 Council meeting.
- Project SWM-002: Legion Field Stormwater Project – Phase II (Parkway Basin) – Staff is working with BNSF to obtain permitting for this project. Project plans are at the 99% stage currently.
- Project SWM-007: Independence Park Pond Forebay Expansion – Towne & Country Excavating has completed construction on this project. Staff intends to present a Final CO and Pay Request to the 7/12 Council meeting for consideration.

### **Building Maintenance**

- No report

### **Street Department**

- No report

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

- No report

### **Wastewater**

- Staff has completed 302 preventative maintenance work orders in the last 30 days.
- Staff is replacing corroded parts in our old long-term storage tanks.
- Staff is doing maintenance work on our sodium hydroxide system.
- Reaching out to residents in the areas that we observed high sanitary flows during and immediately after the May 11<sup>th</sup> flooding event. 200 letters have been sent so far, 300 left to send.
- Water softener optimization/rebate program started on 7/5/22.
- Yard work & exterior building maintenance at the wastewater facility.
- Working on our NPDES permit reissuance.
- Talking with our Significant Industrial Users about future chloride, sulfate, & TDS limits.
- Various sanitary Manhole repairs.
- Collection system preventive maintenance on lift stations. Completed for the year  
Tiger Lake storm water intake grate maintenance and repairs.  
Halbur RD televising near completion of new sanitary and stormwater lines.  
Continuing with summer jetting of sanitary lines.

## **PUBLIC SAFETY DIVISION**

### **FIRE DEPARTMENT**

- The Fire Department responded to twenty-four (17) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (5)
  - Fire; Structure (7)
  - Medical Assist (1)
  - Vehicle Accident (3)
  - Other (1)

The Southwest Chemical Assessment Team was called to a business within the city limits. The execution of the team and coordinated effort between the fire department and CAT personnel worked well. Both teams worked together to identify and evacuate the area that was impacted.

### **POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 770 calls for the month of June. Sixty-seven (67) criminal offenses were reported with a total number of twenty-five (25) adults arrested.

### **OFFICER'S REPORT**

- Alarms (27)
- Accidents (31)
- Alcohol involved incidents (2)
- Assaults (5)

- Domestic Assaults (11)
- Burglaries (0)
- Criminal Sexual Conduct (2)
- Damage to Property (3)
- Keys Locked in Vehicles (23)
- Loud Party (9)/ Public Disturbances (13)
- Thefts (19)
- Traffic Related Complaints (111)
- Vandalism (5)
- Warrant Pickups (12)

Officer Connor Roth began the city's field training program with the police department. His anticipated completion date of the FTO program will be in September. Efforts to create an updated eligibility roster have started for both part-time and full-time officers.

### **DETECTIVE REPORT**

- Four cases of criminal sexual conduct are under investigation.
- Three separate cases of catalytic converter thefts from vehicles are under investigation. It appears that specific models of vehicles were targeted.
- A 25-year-old Marshall man was charged with a predatory offender registration violation at the completion of an investigation.
- A threat of violence case was investigated and forwarded to the Lyon County Attorney's Office for consideration of charges.
- A theft by swindle case involving an e-mail impersonation scam is under investigation.
- A case of financial transaction card fraud is under investigation.
- A case involving the electronic solicitation of a minor is under investigation.
- Nine cases of theft were investigated during the month of June.
- Seventeen child protection reports and five reports from the Minnesota Adult Abuse Reporting Center were investigated jointly with Southwest Health and Human Services.

### **MERIT CENTER**

- The Department of Public safety continues to utilize the driving track and skills pad for CDL exam testing. There were 23 exams completed on the track in June.
- In June, MN West conducted an OSHA Safety course, Motorcycle safety course, industrial safety course, and CDL training at the MERIT Center.
- On June 2 MERIT hosted a Preliminary Damage Assessment meeting for Lyon/Lincoln County conducted by FEMA. 16 people attended this meeting.
- The Marshall Fire Department continues to utilize the Rescue Tower to conduct Technical Rope Rescue training.
- June 6-9 Hibbing Community College brought their law enforcement students to utilize the driving track for the EVOC course. 24 students attended this course.
- On June 14 the Toward Zero Death (TZD) Regional committee conducted their meeting at the MERIT Center with a presentation and a tour of the MERIT Center. 27 people attended this meeting/tour.
- The Marshall Chamber hosted a legislative meet and greet at the MERIT Center on June 15<sup>th</sup>. 41 people attended.
- The Southwest MN Healthcare Preparedness Coalition conducted their Advisory Board meeting at the MERIT Center on June 24<sup>th</sup> with 14 people in attendance.
- The Marshall Radio club utilized the Rescue Tower on June 15<sup>th</sup> for their Radio Field Day.
- The Marshall Police Department utilized the driving track and skid pad for EVOC certifications.

- On June 28<sup>th</sup> Region 5 held regional Emergency Operation Center training. 21 people attended this event.
- The MERIT Center was utilized 23 out of 30 days in June with 327 participants attending these events/trainings.



**BUILDING PERMIT LIST**  
**July 12, 2022**

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
HARTS HEATING & REFRIGERATION	809 VIKING DR	HVAC	4,100.00
ACE HOME & HARDWARE	1411 COLLEGE DR E	EXTERIOR REMODEL	60,000.00
JAMES LOZINSKI CONSTRUCTION INC.	303 MINNESOTA ST N	DOORS	1,500.00
GLIDDEN, BETHANY M	805 COLOMBINE DR	RE-SIDING	15,000.00
JESSICA ELIZABETH KOPPIEN-FOX, MICHAEL J	1203 MORNINGSIDE CIR	Windows	6,500.00
GESKE HOME IMPROVEMENT CO.	202 DONITA AVE	Windows	1,400.00
AMERICAN WATERWORKS	1102 BRUCE CIR	INTERIOR REMODEL	13,253.00

# 2022 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

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## January

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

## February

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

## March

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

## April

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

## May

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

## June

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

## July

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

## August

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

## September

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

## October

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

## November

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

## December

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

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## 2022 Uniform Election Dates

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

### 204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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



## Upcoming Meetings

### July

- 07/06 Diversity, Equity and Inclusion Commission
  - 07/12 Board and Commission Interviews
    - Police Advisory Board, 4:30 PM
    - Diversity, Equity and Inclusion Commission, 4:45 PM
    - Planning Commission, 5:00 PM
  - 07/12 Regular Meeting, 5:30 PM, City Hall
  - 07/26 Work Session, 4:00 PM, City Hall
    - 2023 Budget-Community Organization Requests
  - 7/26 Regular Meeting, 5:30 PM, City Hall
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### August

- 08/03 Diversity, Equity and Inclusion Commission
  - 08/08 Regular Meeting
    - Moved from 08/09 for Primary Election
  - 08/23 Work Session, 3:00 PM, City Hall
    - Capital Requests
    - Operating Budget
    - Presentation on preliminary tax base changes
- 

### September

- 09/13 Regular Meeting
- 09/27 Regular Meeting, 5:30 PM, City Hall