



CITY OF MARSHALL
City Council Meeting
Agenda

Tuesday, November 28, 2023 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 Special Meetings and Regular Meeting on November 14th

PUBLIC HEARING

2. Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - 1) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Preparation of Plans
3. Adoption of Ordinance – Amending Section 86-106 I-1 Limited Industrial District

CONSENT AGENDA

4. Consider Resolution Accepting Jonathan Monterroso as a Member of the PERA Public Employees Police and Fire Plan
5. Consider Approval of the Joint Powers Agreement for the Drug Task Force
6. Consider Approval of a Liquor License Annual Renewal for El Rancho and Brau Brothers
7. Consider Approval of an Off-Sale 3.2% Malt Liquor License for Family Dollar
8. Consider Authorization to Declare Vehicle as Surplus Property for the Marshall Police Department
9. Consider Approval of the Bills/Project Payments

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

10. Call for a Public Hearing Regarding Proposed Property Tax Abatement for Rebound Partners
11. Adoption of Ordinance – Rezone property at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District
12. Project ST-008 / SAP No. 139-121-004: Channel Parkway Pavement Replacement Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 2)
13. Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road – Consider Resolution of Support for LRIP Grant Application
14. Consider a Resolution to Accept the Results of the Special Election Held on November 7, 2023
15. Adoption of Ordinance Amending the City’s Existing Ordinance No. 667, Second Series to Provide for Extension of the Sales Tax
16. Agreement to Grant the City a License to Use the Parking Facility for Public Parking and Access to the Future Marshall Aquatic Center

COUNCIL REPORTS

17. Commission/Board Liaison Reports
18. Councilmember Individual Items

STAFF REPORTS

19. City Administrator
20. Director of Public Works/City Engineer
21. City Attorney

INFORMATION ONLY

22. Public Housing Commission Minutes from September
23. Cash and Investments
24. Building Permits

MEETINGS

25. Upcoming Meetings

ADJOURN

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



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, November 28, 2023
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from the Special Meetings and Regular Meeting on November 14th
Background Information:	Enclosed are the minutes from the previous meetings.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meetings held on November 14th be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
SPECIAL MEETING
M I N U T E S
Tuesday, November 14, 2023**

The special meeting of the Common Council of the City of Marshall was held November 14, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 4:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. Absent: None. Staff present included: Sharon Hanson, City Administrator and Steven Anderson, City Clerk.

Canvass Special Election Results from November 7, 2023

City Clerk Anderson explained that as part of the special election process the city council must form a canvassing board to formally accept the results from the special election that was held on November 7th for the Aquatic Center sales tax extension. The single question on the ballot that was posed to the citizens of Marshall was:

**CITY BALLOT QUESTION
ADDITIONAL USE AND EXTENSION OF SALES AND USE TAX**

Shall the City of Marshall be authorized to (a) extend a sales and use tax of one-half of one percent (0.50%) for the purpose of paying the costs of collecting and administering the tax and paying for the construction of a new municipal aquatic center in the City, plus associated bonding costs, including interest on any bonds, and (b) issue its general obligation bonds in an aggregate principal amount not to exceed \$18,370,000, plus the cost of issuing the bonds, including interest on the bonds, to finance the construction of a new municipal aquatic center in the City?

Anderson went into detail with the following information:

Number of persons registered as of 7 a.m.	7269
Number of persons registered on Election Day	64
Number of accepted regular, military, and overseas absentee ballots and mail ballots	171
Total number of persons voting	2190

<u>Precinct</u>	<u>Yes</u>	<u>No</u>
MARSHALL W-1	443	210
MARSHALL W-2	596	307
MARSHALL W-3	416	218

1,455 voted in the affirmative and 735 voters against the referendum to extend the sales tax that was established in 2012.

Motion made by Councilmember Meister, seconded by Councilmember Schroeder to accept the results of the November 7, 2023 special election of 1,455 voters approving the additional use and extension of sales and use tax and 735 voters against. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, and Councilmember Lozinski.

The motion **Carried. 7-0.**

Adjourn

At 4:40 PM Mayor Byrnes adjourned the special meeting.

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

**CITY OF MARSHALL
SPECIAL MEETING
M I N U T E S
Tuesday, November 14, 2023**

The special meeting of the Common Council of the City of Marshall was held November 14, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 4:45 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. Absent: None. Staff present included: Sharon Hanson, City Administrator; Sheila Dubs, Human Resource Manager; Pamela Whitmore, City Attorney and Ryne Myhrberg, Media Production Technician.

Consider a Motion to Go into Closed Session Pursuant to Minn. Stat. Section 13D.05 subd 3(a) for the City Administrator’s Performance Evaluation

Mayor Byrnes described that the purpose of this meeting is to review the performance of the City Administrator. In accordance with Minnesota statute, the Council may close the meeting to discuss the evaluation.

Motion by Councilmember Schafer, seconded by Councilmember Lozinski to go into closed session. No discussion. All voted in favor 7-0.

Adjourn

At 5:05 PM Motion by Councilmember Meister, seconded by Councilmember Schroeder to adjourn. No discussion. All voted in favor 7-0.

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, November 14, 2023**

The regular meeting of the Common Council of the City of Marshall was held November 14, 2023, 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, Amanda Schroeder, John Alcorn, See Moua-Leske, James Lozinski and Steve Meister. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; E.J. Moberg, Director of Administrative Services; Sheila Dubs, Human Resource Manager; Preston Stensrud, Park and Rec Supervisor; Ilya Gutman, Plans Examiner; Lauren Deutz, Economic Development Director; and Steven Anderson, City Clerk.

Consider Approval of the Minutes from October 24th

There were no amendments to the minutes.

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

86-247 Landscaping, 86-1 Definitions, 82-1 Grass and Weeds On Private Property – Adoption of Ordinance

Ilya Gutman explained that the changes added a concept of pollinator gardens that has been approved by the Council earlier in 2023. To be consistent with the general structure of the Zoning Ordinance, the pollinator garden definition was added to Section 86-1 Definitions of the Zoning Ordinance. The proposed Ordinance treats vegetable, flower, and pollinator gardens in a similar manner, removing practically all limitations on their placements. To help alleviate neighbors' concerns, a 5-ft. setback from property lines will be required for all gardens. Changes to Section 82-1 were proposed as necessary to coordinate with other pollinator garden related sections. The changes were presented to the Legislative and Ordinance Committee on 9/19/23 and were recommended for approval. The changes were also presented at the Planning Commission regular meeting on 10/11/23. Planning Commission members had some concerns about the upkeep of the gardens, the type of flowers and vegetables that would be planted, and gardens invading additional areas. The Planning Commission recommended limiting gardens in the front yard to 25 percent of the front yard area. Councilmember Lozinski spoke on behalf of the L&O Committee that a number of citizens already had more than 25 percent of their front yard as a garden. Attorney Whitmore mentioned that the ordinance change was initiated because of a legislative law change that pollinators gardens couldn't be completely prohibited. Councilmember Schroeder asked for clarification on a grievance from neighbors. Gutman verified it would be complaint driven much like other ordinances before city staff would investigate.

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

Motion made by Councilmember Lozinski, Seconded by Councilmember Meister to adopt Ordinance 23-022 but to eliminate the wording under Section 86-247 *"...and shall not occupy more than 25 percent of the front yard."* Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Schroeder. The motion **Carried. 6-1.**

86-248 Outside Storage – Adoption of Ordinance

Gutman described that Section 86-248 Outside Storage had been amended multiple times in the past to allow shipping containers in a general business district with an interim use permit. Each iteration of the amendments made the ordinance less restrictive. At an August council meeting staff asked for confirmation to continue to enforce the shipping container ordinance as some of the businesses with interim use permits were not in compliance with the ordinance. The city council directed staff to review the ordinance again and has since been amended to allow a single shipping container unit, through an interim use permit, without a fence provided the shipping container is

painted to match the main building. Councilmember Lozinski on behalf of the Legislative and Ordinance Committee commented that this was a further loosening of the ordinance and hopes that no further amendments would be needed. Councilmember Schroeder stated that the Planning Commission did not have any concerns with the amendments.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Ordinance 23-023 amending Section 86-248 Outside Storage. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

66-33 Process, 66-55 Procedures, and 86-30 Amendments – Adoption of Ordinance

Gutman presented the amendments to sections 66-33, 66-55 and 86-30 as a method to make common procedures that involve the Planning Commission more consistent for staff and citizens. Before the suggested amendments rezoning, variances, and conditional use permits went to the Planning Commission for public hearings and platting and zoning ordinances went to city council for public hearings. The proposed amendments would move the platting and zoning public hearings to the Planning Commission. The city council still retains authority to hold a public hearing for any of the processes if they still wished. Attorney Whitmore clarified that state statute only required that a public hearing be held and didn't specify which authority needed to hold the hearing.

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

Motion made by Councilmember Schafer, Seconded by Councilmember Schroeder to adopt Ordinance 23-024 amending sections 66-33 Process, 66-55 Procedures, and 86-30 Amendments. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

Approval of the Consent Agenda

There were no requests to remove any items from the consent agenda for additional discussion.

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

- Consider Approval to Allow Alcoholic Beverages at the Red Baron Arena for the Fairbank Ice Dogs on December 1st & 2nd
- Consider Approval for a Temporary Liquor License for the Friends of the Orchestra
- Consider Approval for a Temporary Liquor License for the Marshall Area Chamber of Commerce
- Consider Approval of the 2024-2025 Health Care Savings Plan Memorandums of Understanding
- Consider Approval of the Annual Renewal of Tobacco Licenses for 2024
- Consider Approval of Annual Renewal of Liquor Licenses for 2024
- Consider Approval of Taxicab License Renewal
- Introduction of Ordinance – Rezone property at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District

- Introduction of Ordinance – Amending Section 86-106 I-1 Limited Industrial District and Call for Public Hearing
- Consider Approval for an Outdoor Public Fireworks Display for Prairie Home Hospice
- Consider Approval to Move the December 26th Meeting to December 19th, 2023
- Consider Approval of the Bills/Project Payments

Consider a Predevelopment Agreement with the Southwest West Central Service Cooperative

Lauren Deutz introduced the agreement and the Southwest West Central Service Cooperative plan. Economic Development and Administration had been working with the Southwest West Central Service Cooperative (SWWC) to determine a new location for the agency’s administrative offices. The SWWC was located in the former Market Street Mall and had explored several relocation and redevelopment opportunities. It was determined that a new facility would best meet the needs of the organization, including the addition of training facilities for staff and the community. SWWC’s proposal includes the construction of a 16,000 sq ft facility on city owned property located in the Parkway Addition at the corner of London Road and Channel Parkway. The EDA is recommending that the city provide SWWC with 5 acres of land for \$1 in support of the project. Per recommendation from our Municipal Advisor at Baker Tilley, staff is also recommending the use of Conduit Bonding to support the project financially. SWWC employs 459 people with 52 staff on-site in Marshall within an 18-county service area. Clif Carmody, Executive Director for SWWC, presented a short walkthrough of the proposed facility. Councilmember Schafer inquired if SWWC was classified as a school district. Carmody explained that the Minnesota Department of Education classified SWWC as a school district, but Minnesota Management and Budget does not. Therefore, SWWC has no taxing authority and operating revenue is derived from membership fees and grants. With SWWC being classified as a school district the new building would be considered tax-exempt and not add to the general levy of Marshall. Hanson pointed out that even though no taxes would be generated, development and growth in Marshall would be welcome. Councilmember Lozinski commented that SWWC hosts many events and meetings that would pull people into Marshall from SWWCs 18-county service area.

Motion made by Councilmember Meister, Seconded by Councilmember Lozinski to approve the predevelopment agreement with Southwest West Central Service Cooperative. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Consider the Request for a Variance Adjustment Permit – 304 East Marshall Street

Gutman presented the request for a garage addition that would be located three feet from the side property line at 304 East Marshall Street. Building and zoning required five feet from a side yard property line. Granting of a variance may be permitted only if the request met the “practical difficulties” test, which required that the proposed use be reasonable, that the problem be caused by conditions that are unique to the specific property, and that granting the variance will not change the character of the area. After review, city staff believed that the argument could be made that the proposal generally met the first and third parts of the test. There were numerous structures in the block that did not meet minimum setbacks, which makes the request both reasonable and did not change the character of the area. However, staff believed that there was nothing unique about the property that would pass the second test. At the Planning Commission meeting, the applicant made a presentation that the uniqueness of the property was that the house was built in the late 1930’s as the first house on the block. During that time the house was centered on the lot with no consideration for an adequate size attached garage or expansion. Councilmember Schroeder mentioned that the Planning Commission understood and accepted the uniqueness of the property after the homeowner’s presentation.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the request for a variance adjustment permit for 304 East Marshall Street. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Proposed Aquatic Center Action Next Steps Following November 7, 2023, Referendum Approval

The City of Marshall received special legislation to pursue the continuation of an existing sales tax to construct an Aquatic Center. The City Council had approved an initial resolution regarding the tax, which was then authorized by the Minnesota Legislature, and the City Council affirmed by resolution and directed placement on the ballot for public to approve. On November 7, 2023, the public approved the referendum, and the City Council met as the canvassing board certifying the results on November 14, 2023. Minnesota Statutes and regulations set forth the process for cities to follow in establishing the continuing of a local sales tax. As part of that process, staff offered the next following steps for Council:

1. The City Council re-approved, by Resolution, the previously motion-approved purchase agreement.
2. Introduction of the Ordinance to amend the current Ordinance and continue the sales tax occurs, with consideration of adoption of the ordinance at the next regular Council meeting.
3. Jon Brown from Stockwell to present an updated schedule for the proposed construction.
4. The City Council shall direct the City Attorney and staff to conduct title work, platting, and deed documents to fully execute the previously approved purchase agreement of proposed aquatic center land.
5. Staff begins gathering necessary information to send to the Secretary of State after final approval of the Ordinance and collaborates with the City Attorney on the Notice Letter for the Secretary of State.
6. Council commits to providing representation from Council on the Aquatic Center Construction Committee once the design process begins.

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve Resolution 23-070 approving the purchase agreement for the purchase of property from Schwan’s Shared Services, LLC. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Introduction of Ordinance Amending the City’s existing Ordinance No. 667, Second Series to Provide for Extension of the Sales Tax

Whitmore informed council that Minnesota Statutes Section 297A.99 specifically outlines the process for approving a sales tax, which included the city conducting a referendum during a general election within two years of receiving legislative authority for the local sales tax. The referendum must include separate questions for each project, and the ballot questions approved by voters may be funded by the sales tax. On November 7, 2023, the voters approved by 66.44% the ballot question authorizing the City of Marshall to (a) extend the sales and use tax of one-half of one percent (.50%) for the purpose of paying the costs of collecting and administering the tax and paying for the construction of a new municipal aquatic center in the City, plus associated bonding costs, including interest on any bonds; and (b) issue its general obligation bonds in an aggregate principal amount not to exceed \$18,370,000, plus the cost of issuing the bonds, including interest on the bonds to finance the construction of the aquatic center. The next step under the statutes required the city to pass an ordinance imposing the tax, after which the city will notify the Commissioner of Revenue of the tax.

Jon Brown with Stockwell Engineers provided an updated timeline for the Aquatic Center project:

- Begin Design Development Plans: January 15, 2024
- Submit 60% Design Development Plans: March 11 – 15
- 60% Review Meeting: March 25 – 29
- Submit 95% Construction Documents: June 24 – 28

- 95% Review Meeting: July 8 – 12
- Submit Council Request to Advertise: July 23
- Advertise to Bid: Aug. 8 & 15
- Open Bids: Aug. 29
- City Council Bid Award: Sept. 10
- Pre-Construction Meeting: Oct. 7 – 11
- Start Construction: October 2024
- Construction Substantial Completion Date: Jan. 9, 2026
- Construction Final Completion Date: April 17
- Open New Aquatics Center: May 25, 2026

Hanson mentioned that Assistance Engineer Eric Hanson would represent the city during design reviews. Hanson also talked about the potential for donations to add alternative pool options that were desirable to citizens.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to introduce the ordinance amending the city's existing ordinance No.667, Second Series to Provide for Extension of the Sales Tax. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - Consider Resolution Receiving Feasibility Report and Calling Hearing on Improvement

Jason Anderson detailed the project which consisted of reconstruction of the sidewalk, roadways, and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities would be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in the project are pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work. The Feasibility Report, as authorized by the City Council, covered the proposed improvements including scope, background/existing conditions, proposed improvements, probable costs, proposed assessments, feasibility, and proposed project schedule. The proposed improvements in the report are necessary, cost-effective, and feasible from an engineering standpoint. The engineer's estimate for the construction portion of the project is \$2,071,000.00. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$2,403,000.00. All improvements would be assessed according to the Special Assessment Policy, including, but not limited to, participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to adopt Resolution 23-069 Receiving the Feasibility Report and Calling for a Hearing on the Improvement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske. Voting Abstaining: Councilmember Lozinski. The motion **Carried. 6-0-1.**

Statement of Annual Performance Evaluation for Sharon Hanson, City Administrator, and Consider Approval of a Step Increase

Mayor Byrnes explained that prior to the regular council meeting a closed session under Minnesota Statute 13D.05 subd 3(a) had been held for the annual performance evaluation for Sharon Hanson. Mayor Byrnes provided a summary of conclusions from the closed session.

- Job Knowledge and Professional Skills: 4.57
- Relations with Election Members of the City Council: 4.57
- Policy Execution: 4.54
- Strategic Vision: 4.54

- Fiscal Management: 4.49
- Intergovernmental Affairs: 4.74
- Reporting and Communication: 4.43
- Citizen / Community Relations: 4.53
- Staffing: 4.54
- Supervision: 4.26

Overall performance evaluation for all criteria from City Council members and Mayor is 4.52, which indicates a high level of performance, highly effective leadership and performance often exceeding the challenging performance expectations established for the position.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to accept the performance evaluation of Administrator Hanson. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Motion made by Councilmember Lozinski, Seconded by Councilmember Moua-Leske to approve a salary increase for Administrator Hanson to Step J at \$173,014.40 annually. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Commission/Board Liaison Reports

Brynes	No report.
Schafer	No report.
Meister	No report.
Schroeder	Public Housing was in the interview process of replacing a maintenance worker. EDA mostly reviewed the Solugen Bioforge 2 project that would be a 500,000 sq ft. facility.
Alcorn	No report.
Moua-Leske	DEI was in the process of forming a Juneteenth commission.
Lozinski	No report.

Councilmember Individual Items

Councilmember Lozinski commented on the debt of the city and how much it has actually come down over the years. Lozinski also mentioned that the intersection of County Road 33 and State Highway 23 are not within city limits and concerns with the safety of the intersection should be taken up with County Commissioners and MNDOT.

Councilmember Moua-Leske invited the citizens of Marshall to celebrate the Hmong New Year on November 18 at the SMSU RA Facility.

Councilmember Schafer also commented on the debt of the city and that a large amount of the debt was tied up in infrastructure.

Mayor Byrnes pointed out that the district engineer for MNDOT would be meeting with the Marshall Area Transportation Group to discuss the County Road 33/Highway 23 intersection as well as the intersection between Tiger Drive and State Drive that connects the High School and College in early January 2024.

City Administrator

The Minnesota Department of Revenue on November 16th would be releasing a report on the preliminary levies for municipalities across the state. Hanson also gave her accolades to the Marshall Independent for their involvement in the Aquatic Center process and asking tough questions and reporting on both sides of the project.

Director of Public Works/City Engineer

The airport commission mainly focused on the Snow Removal Equipment building and what changes needed to be made to bring about better bids.

City Attorney

No report.

Administrative Brief

There were no questions on the Administrative Brief.

Information Only

There were no questions on the Information Only items.

Upcoming Meetings

There were no questions on the Upcoming Meetings.

Adjourn

At 6:42 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Alcorn to adjourn the meeting. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. The motion **Carried. 7-0.**

Attest:

Steven Anderson, City Clerk

Robert Byrnes, Mayor

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave) - 1) Improvement Hearing; 2) Consider Resolution Ordering Improvement & Preparation of Plans
Background Information:	<p>Property owners affected by the above-referenced project have been notified, according to law, that a hearing would be held on November 28, 2023. A public presentation will be made followed by any discussion.</p> <p>This project consists of: reconstruction of the sidewalk, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities will be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work.</p> <p>This reconstruction project has been discussed at multiple meetings of the PI/T Committee. In addition, City staff invited all property owners in the project area to a project informational meeting that was held on November 9, 2023 in the City Council Chambers.</p> <p>If the City Council decides to proceed, the attached resolution has been prepared ordering the improvement and the preparation of project plans. At a future City Council meeting, the City Council will be asked to pass a resolution that approves construction plans and specifications and authorizes staff to advertise for bids.</p> <p>To proceed with this project, adoption of the resolution ordering improvement requires a “super-majority” vote, meaning the Council can only adopt the resolution by a four-fifths vote of all members of the Council.</p>
Fiscal Impact:	<p>The engineer’s estimate for the construction portion of the project is \$2,071,000.00. The total estimated project cost, including 10% allowance for contingencies and 16% for engineering and administrative costs is \$2,403,000.00.</p> <p>All improvements will be assessed according to the current Special Assessment Policy, including, but not limited to, participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of each project must include determination of funding sources.</p>
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	<p>Recommendation No. 1: that the Council close the public hearing on improvement for Project ST-012-2024: South Whitney Street Reconstruction Project (E College Dr to Jean Ave).</p> <p>Recommendation No. 2: that the Council adopt RESOLUTION NUMBER 23-071, which is the “Resolution Ordering Improvement and Preparation of Plans” for the above-referenced project.</p>

RESOLUTION NO. 23-071

**RESOLUTION ORDERING IMPROVEMENT
AND PREPARATION OF PLANS**

WHEREAS, a resolution of the City Council adopted the 14th day of November, 2023, fixed a date for a Council hearing for proposed improvements under the following project:

PROJECT ST-012-2024: SOUTH WHITNEY STREET RECONSTRUCTION PROJECT (E COLLEGE DR TO JEAN AVE) -- This project consists of: reconstruction of the sidewalk, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities will be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in this project are pavement removal, aggregate base, bituminous surfacing, sidewalks, curb and gutter, and other minor work.

AND WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 28th day of November 2023, at which all persons desiring to be heard were given an opportunity to be heard thereon.

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Such improvement is hereby ordered as proposed in the Council resolution receiving the Feasibility Report adopted the 14th day of November, 2023.
3. Jason R. Anderson, P.E. is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.

Passed and adopted by the Council this 28th day of November 2023.

Mayor

ATTEST:

City Clerk

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



MARSHALL
CULTIVATING THE BEST IN US

FEASIBILITY REPORT

PROJECT ST-012-2024

**SOUTH WHITNEY STREET
RECONSTRUCTION PROJECT
FROM EAST COLLEGE DRIVE TO JEAN AVENUE**

NOVEMBER 14, 2023



Table of Contents

FEASIBILITY REPORT	2
1.0 SCOPE.....	2
2.0 BACKGROUND / EXISTING CONDITIONS.....	2
3.0 PROPOSED IMPROVEMENTS	3
4.0 STATEMENT OF PROBABLE COST.....	4
5.0 PROPOSED ASSESSMENTS.....	4
6.0 FEASIBILITY/CONDITIONS/QUALIFICATIONS.....	5
7.0 PROPOSED PROJECT SCHEDULE.....	5
APPENDIX	6
PROJECT LAYOUTS	7

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

By: 
Jason R. Anderson, P.E.
Registration No. 53322

FEASIBILITY REPORT

SOUTH WHITNEY STREET RECONSTRUCTION PROJECT FROM EAST COLLEGE DRIVE TO JEAN AVENUE CITY OF MARSHALL, MINNESOTA

1.0 SCOPE

This Feasibility Report as authorized by the City Council, covers the following proposed improvements: Reconstruction of the sidewalk, roadways and utility replacement on South Whitney Street from East College Drive to Jean Avenue. All public utilities will be replaced, including watermain, sanitary sewer, and storm sewer on South Whitney Street. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work.

2.0 BACKGROUND / EXISTING CONDITIONS

Street

City records show this area was platted between 1938 and 1939 with 80-foot right-of-way. The earliest city records show the streets with 1.5 inch of paving in 1957. The original pavement section does not meet the City's current standards for thickness and load rating. The existing pavement surface is beginning to show its age with considerable cracking. There are numerous patches due to pavement degradation.

The existing street width in this project is 60-foot back of curb to back of curb. This area of Marshall has a unique layout for the streets that include a 20-foot (back of curb to back of curb) lane, a 20-foot grass median with trees and a 20-foot (back of curb to back of curb) lane. Currently the existing 20-foot surfaces include a 12-foot travel lane and an eight-foot parallel parking lane. The grass median does stop about 150-foot north of the northern curb line of Jean Avenue.

The sidewalk within the limits of the project is five feet wide and at the back of the curb. The sidewalk has exhibited signs of issues with cracking and buckling observed. This sidewalk does not meet the current requirements of ADA accessibility due to several areas of cracking and faulting. Several of the existing pedestrian ramps are not ADA compliant.

Utilities

The existing watermain in South Whitney Street is four-inch ductile iron pipe (DIP) between East College Drive and 150 feet north of the north curb line on Jean Avenue the final 150 feet is six-inch DIP. The homes on the east side of the street between E College Drive and Charles Avenue are served by a two-inch copper line in the alley. When the intersection of South Whitney Street and Marshall Street was reconstructed, a new six-inch PVC crossing was installed so we will be able to connect to each end with minimal interruption to service. All the DIP in this project area is in poor condition, undersized, and does not provide sufficient fire hydrant pressures for today's standards.

The existing sanitary sewer in South Whitney Street flows from south to north in an 18-inch vitrified clay pipe (VCP) between East College Drive and Marshall Street. When the intersection of South Whitney Street and Marshall Street was reconstructed, a new sanitary sewer was stubbed out in each direction so this project will be able to connect to the pipes. The existing sanitary sewer south of Marshall Street to Jean Avenue is a 12-inch VCP pipe. Our records show that the sewers were constructed in 1939 as a WPA project, this puts their age at approximately 84 years old. During review of the project the sewer system was televised and evaluated. The age and condition of the sewer within the limits of the project make the sewer a good candidate for replacement with this project.

There is a limited existing drainage system within the project area. At the intersection of South Whitney Street and Charles Avenue there is a single intake in the northeast quadrant that has a 12-inch Reinforced Concrete Pipe (RPC) system heading south. This pipe increases to a 24-inch RCP after it connects to the two intakes at the alley and then connects into Marshall Street. When the intersection of South Whitney Street and Marshall Street was reconstructed, new storm sewer pipes were installed both north and south of the intersection. Based on an analysis of the existing drainage area and the downstream storm sewer main, the storm sewer system is undersized under current standards. There are insufficient catch basins to provide adequate surface drainage and downstream storm sewer main within the project area and further are not large enough to provide sufficient capacity for the drainage areas. This insufficiency in the existing system leaves the risk of street flooding during heavy rain events.

3.0 PROPOSED IMPROVEMENTS

Street

A bituminous pavement section will be proposed and discussed in this feasibility report. Staff is proposing a street section comprised of four-inch of bituminous surfacing and 12-inch of Class 5 aggregate base. A geotextile fabric will be placed on the subgrade prior to the placement of the aggregate base. A four-inch perforated drain tile shall be installed at the back of the curb below the aggregate base to provide subsurface drainage for the street section.

The proposed roadway starting 70 feet south of College Drive down to 150 feet north of Jean Avenue will be two 20-foot (as measured back of curb to back of curb) lanes separated with an 18-foot island. Each of the proposed lanes has a 12-foot travel lane and an 8-foot parking lane. The 18-foot island will continue to have trees in it. The southern 150 feet of the project will generally maintain the curb lines, and this roadway sections will be 58 feet back of curb to back of curb. The City may consider adjusting the east curb line to make room for a widened sidewalk that leads from the bike trail north of Holy Redeemer school down to the bus drop area for Holy Redeemer school. Further, the City may consider adjusting the west curb line near the Jean Avenue intersection to reduce the width of the sidewalk crossing of South Whitney Street in this location. The project layout that is included with this report reflects these possible changes.

The project is proposing to install a 6-foot sidewalk adjacent to the back of curb on the outside of each 20' lanes. The median will not have any parallel sidewalk installed. The pedestrian ramps will be reconstructed to bring them into compliance with ADA standards.

Utilities

The proposed utility improvements include replacing the existing VCP sanitary sewer, existing DIP watermain, and existing storm sewer.

The proposed watermain improvements will consist of replacing all DIP watermain with Polyvinyl Chloride (PVC) watermain pipe. Watermain improvements are planned in close coordination with MMU staff input. The existing 4" and 6" DIP in the project will be replaced with 6" PVC pipe. All water services will be replaced with new PVC and curb stops at the right-of-way.

The sanitary sewer system improvements will include replacing all manholes, sewer main, and sewer services along South Whitney Street. Generally, the VCP main will be replaced with an 18-inch PVC main between East College Drive and Marshall Avenue and a 12-inch main between Marshall Street and Jean Avenue. All sewer services will be replaced to the right-of-way (ROW) with a minimum 4" pipe size.

The storm sewer system improvements will include replacing all manholes, intakes, and piping along the limits of the project. The existing storm sewer pipe along South Whitney Street will be replaced with new reinforced concrete pipes. Additional catch basins would be installed on South Whitney Street at the intersection of Charles Avenue and the next alley south. The work in this area will also include replacing all catch basin leads and existing manholes.

4.0 STATEMENT OF PROBABLE COST

The estimated costs to complete the proposed improvements are shown below. The estimated construction costs include a 10% allowance for contingencies and a 16% allowance for administrative and engineering costs rounded up to the nearest thousand dollars. The unit prices for each item of work used in determining the estimated cost of construction is based on previous projects similar in nature and is subject to change.

<i>Street and Curb and Gutter</i>	<i>\$941,000.00</i>
<i>Watermain Replacement</i>	<i>\$286,000.00</i>
<i>Sanitary Sewer Replacement</i>	<i>\$392,000.00</i>
<i>Storm Sewer Replacement</i>	<u><i>\$263,000.00</i></u>
<i>Subtotal Estimated Construction Cost</i>	<i>\$1,882,000.00</i>
<i>Contingencies (10%)</i>	<u><i>\$189,000.00</i></u>
<i>Total Estimated Construction Cost</i>	<i>\$2,071,000.00</i>
<i>Estimated Engineering, & Administration (16%)</i>	<u><i>\$332,000.00</i></u>
<i>Total Estimated Project Cost</i>	<u><i>\$2,403,000.00</i></u>

5.0 PROPOSED ASSESSMENTS

The adjacent properties will not be assessed for the watermain improvements. All costs for watermain and related work will be paid by MMU.

The adjacent properties will not be assessed for sanitary sewer main improvements. All costs for sanitary sewer main will be paid by the City of Marshall Wastewater Department. Sanitary sewer

service lines and connection points to the main will be assessed to the adjacent property owners according to current sanitary sewer assessment procedures.

Costs for the street replacements will be partially assessed to the adjacent property owners in accordance with the most recent Special Assessment Policy and partially funded by the Wastewater Department, MMU, and Surface Water Management Utility fund.

A preliminary assessment roll showing the estimated assessments for each benefiting parcel, City Participation, and utility participation will be prepared at a later date for consideration by the City Council in accordance with the most recent Special Assessment Policy.

6.0 FEASIBILITY/CONDITIONS/QUALIFICATIONS

The proposed improvements as described in this report are necessary, cost-effective, and feasible from an engineering standpoint. The feasibility of this project is contingent upon the findings of the City Council pertaining to project financing and public input.

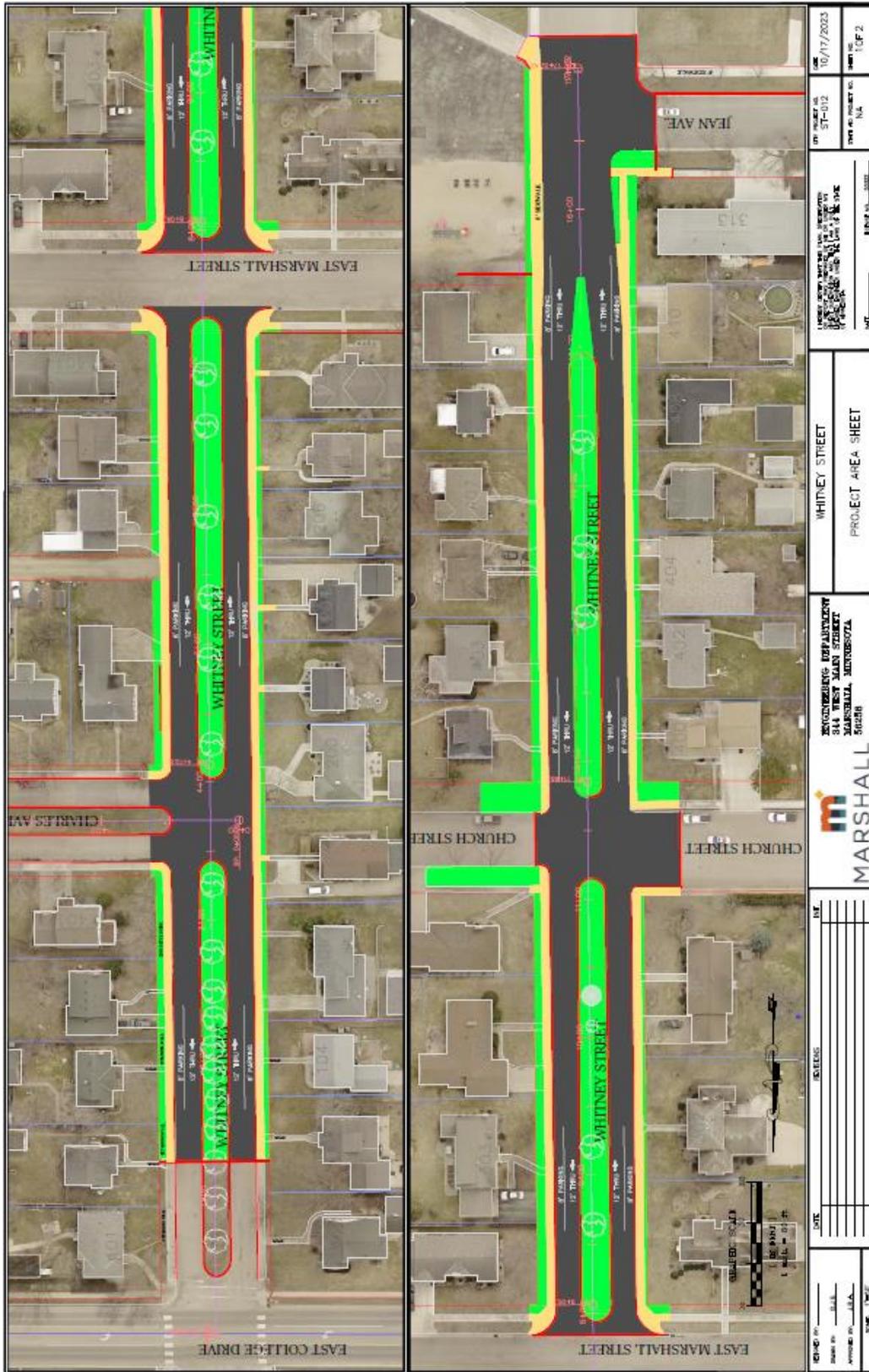
7.0 PROPOSED PROJECT SCHEDULE

The following is the anticipated schedule for the project, assuming the City Council elects to proceed with the proposed improvements.

October 24, 2023	Ordering Preparation of Report on Improvements
November 14, 2023	Receiving Report & Calling Hearing on Improvements
November 28, 2023	Public Hearing on Improvement/Order Plans & Specs
January 23, 2024.....	Approve Plans & Specs/Authorize Call for Bids
January 26-February 20, 2024.....	Advertise for Bids
February 20, 2024.....	Bid Opening Date
February 27, 2024.....	Award Contract
March 2024.....	Notice to Proceed
April 2024	Begin Construction
October 2024.....	End Construction
November 2024	Public Hearing on Assessment/Adopt Assessment

APPENDIX

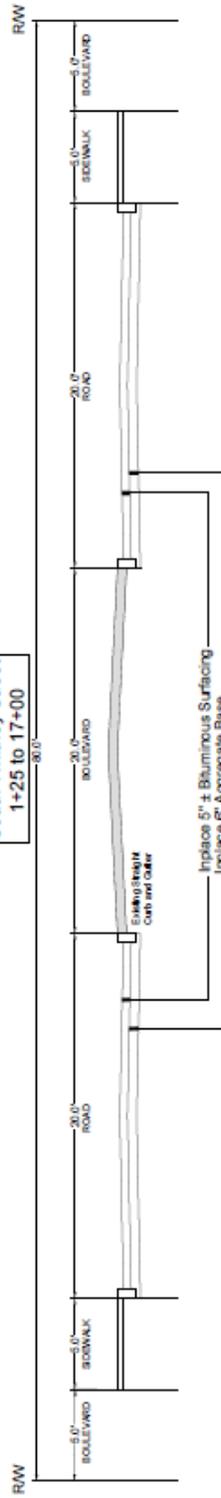
PROJECT LAYOUT



DRAWN BY: _____ CHECKED BY: _____ DATE: _____	DATE: _____ SYSTEMS: _____ DATE: _____	MARSHALL ENGINEERING DEPARTMENT 344 WEST MAIN STREET MARSHALL, MISSISSIPPI 39068	PROJECT AREA SHEET WHITNEY STREET	DATE: 10/17/2023 DRAWING NO: ST-012 SHEET NO: 1 OF 2
---	--	---	--------------------------------------	--

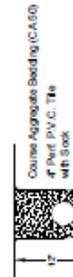
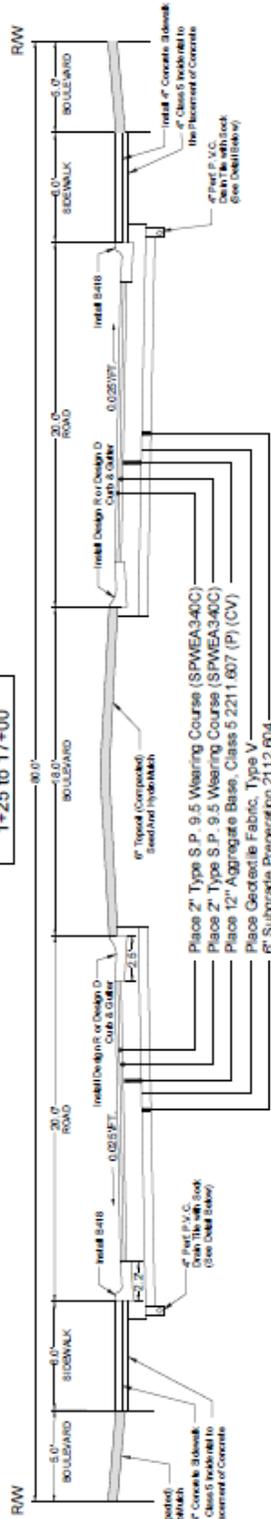
Existing Typical Section

South Whitney Street
1+25 to 17+00



Proposed Typical Section

South Whitney Street
1+25 to 17+00



4" DRAIN DETAIL
Not to Scale

DATE: _____	SCALE: _____	PROJECT NO.: 16040029
DRAWN BY: _____	DATE: _____	PROJECT TITLE: SOUTH WHITNEY RECONSTRUCTION
CHECKED BY: _____	DATE: _____	SECTION: EXISTING & PROPOSED TYPICAL SECTIONS
APPROVED BY: _____	DATE: _____	DESIGNER: MARSHALL JENKINS/DA
DATE: _____	SCALE: _____	PROJECT NO.: 16040029
		SECTION: 2 OF 2



MARSHALL

PUBLIC WORKS DIVISION

344 West Main Street | Marshall, MN
507-537-6773
www.ci.marshall.mn.us

SPECIAL ASSESSMENTS

The following is a brief description of the general City special assessment procedures:

1. Water main and water service line replacements (up to and including the curb stops) are paid for by MMU.
2. Sanitary sewer main replacements are paid for by the Wastewater Fund.
3. Storm sewer main and catch basin replacements are paid for by the Surface Water Management Utility Fund.
4. Street replacement costs associated with the replacement of the water, sewer, and storm sewer mains are paid for by the respective utilities.
5. The remaining street replacement costs, including public sidewalks, are split between the property owners and the City.
6. The private sanitary sewer connections including the wye and the service line to the property line are the responsibility of each property owner attached to the sewer main.
7. The City will pay 100% for the first 12-FT of width of individual driveways. The removal and/or replacement of additional area for the individual driveways are the responsibility of the property owner as each driveway is different in size and serves only the property involved.
8. The removal and/or replacement of private sidewalks from the curb to the property (walk-ups) are the responsibility of the property owner.
9. The maximum street assessment for residential properties was \$5,850 for assessments certified in 2023. This maximum does NOT include the individual improvements for the sanitary sewer service line, removal and replacement of private driveways, sidewalk walk-ups, or new, additional driveway improvements within City rights-of-way.
10. Assessment Terms:
 - a. Equal Annual Principal Payments
 - b. Term of 8 years (typically)
 - c. Interest: To be determined (estimated 6-7%)
 - d. Payments will be collected by Lyon County with semi-annual property tax collection.
 - e. Payoff or additional principal payments can be made to the City of Marshall's Finance Office throughout the year.
11. Any private utility/landscaping (i.e. sprinkler, landscape block, plantings) shall be the responsibility of the property owner to remove and or replace during the project. The City does not accept responsibility for any private utility/landscaping within the City right-of-way.



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 11/28/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance – Amending Section 86-106 I-1 Limited Industrial District
Background Information:	<p>The new Comprehensive Plan has introduced a new land use: Commercial/Industrial Mix use, with the intent to allow both commercial and light industrial uses. This mixed-use district ordinance with associated requirements has not been developed yet. However, the current I-1 Limited industrial district description will serve as the basis for the new district requirements.</p> <p>Based on potential economic development in an area marked as Commercial/industrial use on the Land use map, a rezoning has become necessary, and the most reasonable way for the time being is to rezone this area to an I-1 limited industrial district, while also adding an office use to this district, in line with the future Commercial/Industrial zoning district.</p> <p>At the meeting on October 31, 2023, L&O Committee voted to recommend to council the approval of revisions to Section 86-106 I-1 Limited Industrial District.</p> <p>At the November 8, 2023, regular Planning Commission meeting, Doom made a motion, seconded by Deutz to recommend to City Council an approval as recommend by staff. All voted in favor of the motion.</p> <p>The Ordinance Amending Section 86-106 Limited Industrial districts was introduced at the October 24, 2023, City Council meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	None.
Recommendations:	<p>Staff and Planning Commission recommend that the Council close the public hearing on the Ordinance Amending Section 86-106 I-1 Limited Industrial District.</p> <p>Staff and Planning Commission recommend that the Council adopt Ordinance 23-027, which is the Ordinance Section 86-106 I-1 Limited Industrial District.</p>

**CITY OF MARSHALL
ORDINANCE 23-027**

**AN ORDINANCE AMENDING CHAPTER 86 OF THE CITY CODE RELATING TO
ZONING**

NOW THEREFORE, the Common Council of the City of Marshall do ordain:

SECTION 1:AMENDMENT “Section 86-106 I-1 Limited Industrial District” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 86-106 I-1 Limited Industrial District

- (a) *Intent; scope.* This section applies to the I-1 limited industrial district. This I-1 district provides a location for nonnuisance type manufacturing and/or less intensive commercial uses such as wholesale activities, with only incidental outside storage.
- (b) *Permitted uses.* The following uses shall be permitted in the I-1 industrial district:
 - (1) Ambulance and taxi service, bus, and rail stations or terminals.
 - (2) Animal hospitals.
 - (3) Auto parts and accessories sales.
 - (4) Automobile garages and repair shops, with no long-term outside storage of vehicles or equipment.
 - (5) Automobile parking lots and garages.
 - (6) Building materials sales and storage and lumberyards.
 - (7) Business or professional offices.
 - (8) Camera and photographic supplies manufacture.
 - (9) Carpenter and cabinet shops, plumbing and heating shops, and janitorial services.
 - (10) Cartage and express facilities.
 - (11) Cartography, bookbinding, engraving, publishing, job printing, lithographing and copying.
 - (12) Commercial greenhouses, nurseries or tree farms.
 - (13) Contractor's offices shops and yards for plumbing, heating, glazing, painting, paper hanging, roofing, ventilating, air conditioning, masonry and electrical and refrigeration supplies and other
 - (14) construction related trades when completely enclosed within a building.
 - (15) Electrical and electronic products manufacture.
 - (16) Electrical service shops.
 - (17) Fallout shelter.
 - (18) Farm equipment sales and service.
 - (19) Farm, feed and seed supply stores.

- (20) Garage and storage of motor vehicles.
 - (21) Governmental service buildings.
 - (22) Household goods repair and service shops.
 - (23) Ice plant.
 - (24) Industrial truck and equipment sales and service shops.
 - (25) Jewelry manufacture.
 - (26) Kennels.
 - (27) Leather goods.
 - (28) Medical, dental and optical equipment manufacture.
 - (29) Mobile home and camping trailer sales.
 - (30) Musical instruments manufacture.
 - (31) Railroad rights-of-way.
 - (32) Rentals of industrial type equipment.
 - (33) Research, experimental or testing stations.
 - (34) Self-storage warehouse.
 - (35) Soft drink and bottling establishments (enclosed).
 - (36) Storage or warehousing, when completely enclosed within a building.
 - (37) Telephone exchange.
 - (38) Trade schools.
 - (39) Transformer and booster stations, transmitters and other utility stations.
 - (40) Trophy and award manufacturing or assembling.
 - (41) Water supply buildings, reservoirs, wells, elevated tanks and similar essential public utility structures.
 - (42) Wholesale business and office establishments.
- (c) *Permitted accessory uses.* The following uses shall be permitted accessory uses in the I-1 industry district:
- (1) All uses customarily incidental to the uses permitted in subsections (a) and (b) of this section.
 - (2) Off-street parking and loading as regulated by article VI of this chapter.
 - (3) Signs, as regulated by article VI of this chapter.
 - (4) Solar energy collectors and systems.
- (d) *Conditional uses.* All conditional use permits for the I-1 district may only be issued if the proposed use meets the specific requirements of this section and also meets the general regulations as outlined in article VI and meets the eligibility for conditional use permits as specified in article II, division 2. The following uses may be allowed in the I-1 industrial district by conditional use permit:
- (1) Automobile and truck sales or used car lots.
 - (2) Billboards.
 - (3) Brewpubs and microbreweries.
 - (4) Day care facility serving any number of individuals.
 - (5) Heliport.
 - (6) Meat and butcher shops and cold storage lockers, with limited slaughtering.
 - (7) Municipal or other governmental administration buildings, police and fire stations, community centers, public libraries, museums, art galleries and post office stations.

- (8) Other industrial uses of the same general character as listed in subsection (b).
- (9) Overnight campgrounds.
- (10) Parks and recreational areas owned or operated by governmental agencies.
- (11) Public, parochial or other private elementary, middle, junior high or senior high schools offering a curriculum equivalent to the public school system, and not operated for profit.
- (12) Recyclable materials processing when completely enclosed within a building.

Utility stations and structures.

- (e) *Height, yard, area, lot width and lot coverage regulations.* Height, yard, area, lot width and lot coverage regulations for the I-1 district are as follows:
 - (1) *Height regulations.* No building shall hereafter be erected to exceed 75 feet in height.
 - (2) *Front yard regulations.*
 - a. There shall be a front yard having a depth of not less than 25 feet except as otherwise provided in this section.
 - b. There shall be a front yard having a depth of 35 feet on a lot or plot that abuts a thoroughfare as shown on the adopted city thoroughfares plan, except that an 80-foot setback shall be required when the council determines that a service road is necessary.
 - c. No front yard shall be required in the downtown district.
 - (3) *Side yard regulations.*
 - a. There shall be two side yards, one on each side of a building, each having a width of not less than ten feet.
 - b. No building shall be located within 20 feet of any rear lot line abutting a lot in any of the classes of residence districts.
 - c. No side yard shall be required in the downtown district.
 - (4) *Rear yard regulations.*
 - a. There shall be a rear yard having a depth of not less than 25 percent of the lot depth or a maximum required rear yard of 25 feet.
 - b. No rear yard shall be required in the downtown district.
 - (5) *Lot coverage regulations.* Not more than 50 percent of the total area of a lot shall be covered by buildings. No lot coverage restrictions apply in the downtown district.
- (f) *General regulations.* Additional regulations in the I-1 limited industrial business district are set forth in article VI of this chapter.

(Code 1976, § 11.16; Ord. No. 401 2nd series, § 1, 10-19-1998; Ord. No. 410 2nd series, § 3, 2-16-1999; Ord. No. 443, § 3, 11-6-2000; Ord. No. 590 2nd series, § 1, 2-19-2008; Ord. No. 606 2nd series, § 1, 3-10-2009; Ord. No. 650 2nd series, § 1, 3-27-2012; Ord. No. 655 2nd series, § 1, 5-22-2012; Ord. No. 694 2nd series, § 1, 5-12-2015; Ord. No. 719 2nd series, § 2, 5-9-2017; Ord. No. 753 2nd series, § 1, 7-28-2020)

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

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

SUMMARY ORDINANCE NO. 23-027

AN ORDINANCE AMENDING CHAPTER 86 OF THE CITY CODE RELATING TO ZONING

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

Section 1: City Code of Ordinances, Chapter 86, Section 86-106 I-1 Limited Industrial District is hereby amended in summary as follows:

(b) *Permitted uses.* The following uses shall be permitted in the I-1 industrial district:
Business or professional offices.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-027.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-027 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

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

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

Passed and adopted by the Common Council this 28th day of November 2023.

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

ATTEST:
Steven Anderson
City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Sheila Dubs
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider resolution accepting Jonathan Monterroso as a member of the PERA Public Employees Police and Fire Plan
Background Information:	The Public Employees Retirement Association (PERA) requires a resolution be adopted by the Council for a part-time Police Officer to be included as a member of the Public Employees Police and Fire Plan. The attached resolution language was provided by PERA for this purpose. Our part-time police officers meet the statutory requirements for inclusion into the plan; therefore, staff are requesting that the resolution be approved for our newly hired part-time police officer. A copy of the resolution will be filed with PERA upon approval.
Fiscal Impact:	
Alternative/ Variations:	None recommended
Recommendations:	To approve a resolution accepting Jonathan Monterroso as a member of the PERA Public Employees Police and Fire Plan

RESOLUTION NUMBER 23-072
City of Marshall, Minnesota

WHEREAS: the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS: Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire Plan for eligible employees of police or sheriff departments whose position duties meet the requirements stated therein and listed below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA, hereby declares that the position of Police Officer, currently held by Jonathan Monterroso, meets all of the following Police and Fire Plan membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;
2. Said position's primary (over 50%) duty is to enforce the general criminal laws of the state;
3. Said position charges this employee with the prevention and detection of crime;
4. Said position gives this employee the full power of arrest, and
5. Said position is assigned to a designated police or sheriff's department.

RESOLVED BY THE CITY COUNCIL OF MARSHALL, MINNESOTA, that this governing body hereby requests that the named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the governmental subdivision.

Adopted by the City Council this 28th day of November 2023.

Robert J. Byrnes, Mayor

STATE OF MINNESOTA
COUNTY OF LYON

I, Steven Anderson, Clerk of the City of Marshall, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 28 day of November, 2023; the original of which is on file in this office. I further certify that ____ members voted in favor of this resolution and that ____ members were present and voting.

ATTEST

Steven Anderson, City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jim Marshall
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the Joint Powers Agreement for the Drug Task Force
Background Information:	<p>This Joint Powers Agreement is between the Counties of Brown, Lyon, Redwood, Renville and the cities of New Ulm, Redwood Falls, Marshall, and the Lower Sioux Tribal Council. The purpose of this agreement is to create a cooperative law enforcement effort that involves participation from all the communities listed to develop a system of sharing intelligence among participating agencies.</p> <p>This agreement allows for the City of Marshall to have a dedicated full-time peace officer who is responsible for all controlled substance investigations and who works closely with participating members on multi-jurisdictional cases.</p> <p>This Joint Powers Agreement is similar to the JPA signed in 2016. This JPA has been reviewed by Brown County Assistant County Attorney Paul Gunderson who is currently providing legal services to the Drug Task Force.</p>
Fiscal Impact:	\$25,990.80 – (Included in operating budget of the police department)
Alternative/ Variations:	
Recommendations:	Consider approval of the Drug Task Force Joint Powers Agreement

**BROWN-LYON-REDWOOD-RENVILLE DRUG TASK FORCE
JOINT POWERS AGREEMENT**

This Agreement is entered into between the counties of Brown, Lyon, Redwood, and Renville by and through their respective County Board and Sheriff, the cities of New Ulm, Redwood Falls, and Marshall, by and through their respective City Council and Police Chief, and the Lower Sioux Police Department by and through its Tribal Council and Police Chief (hereinafter collectively referred to as the "Parties").

WHEREAS, the Parties are each respectively charged with the enforcement of the laws of the State of Minnesota in their respective jurisdictions; and

WHEREAS, the Parties desire to promote the effective enforcement of such laws, particularly as they relate to laws concerning controlled substances; and

WHEREAS, the nature of illegal controlled substance activity is such that coordinated, multi-jurisdictional efforts are needed for effective enforcement; and

WHEREAS, the purpose of this Agreement is to create a cooperative law enforcement effort that involves at least one dedicated full-time licensed peace officer who is responsible for all controlled substance investigations and for the development of a system of sharing intelligence information among participating agencies; and

WHEREAS, multi-jurisdictional drug task forces must have a governing board comprised of representatives from each participating agency that meets regularly and an interagency agreement addressing staffing, supervision, program income and equipment; and

WHEREAS, all drug task forces must have a viable infrastructure to prepare grant proposals, maintain statistics on operations, account for grant expenditures, track program income, and manage confidential funds in accordance with statewide policy.

NOW, THEREFORE, pursuant to Minnesota Statute § 471.59, the Joint Exercise of Powers, the Parties agree as follows:

1. TERM

The term of this Agreement shall commence on July 1, 2016, and shall continue in full force and effect until terminated by the Parties pursuant to Section 4 of this Agreement.

2. GOVERNING BOARD

2.1. The powers, duties, and purpose of the Brown-Lyon-Redwood-Renville Drug Task Force shall be carried out through a governing board. Members of this board shall be known as "Directors." The Board shall consist of the Sheriff or Chief of Police of each participating governmental unit, or his/her designee. Each board member shall have one vote. The Directors of the participating governmental units shall appoint a prosecuting attorney from one of their jurisdictions to also serve as its legal counsel. The prosecuting attorney is a member of the Board but shall not have a vote on any matter before the Board. The prosecuting attorney shall provide legal advice and guidance to the Board as requested.

2.2. The Board shall elect a Chairperson to serve for one year. The Chairperson will preside at meetings. The Board shall also elect a Vice-Chair who shall assume the powers and duties of the Chairperson during a period of absence or incapacity and shall perform such additional duties and functions as the Board may direct. The Chair and Vice-Chair shall be elected at the first meeting of the year.

2.3. A majority of Directors of the Board are required to constitute a quorum. A simple majority vote of the Directors present at a meeting with a valid quorum is required for the Board to take action.

2.4. Other entities may become a Party to this agreement upon approval of two-thirds (2/3) of the then existing Board. Upon such approval, the number of members on the Board shall be increased by one for each new Party. The new Party's Sheriff or Chief of Police, or his/her designee shall serve as a Director on the Board and shall have one vote.

2.5. The time and place of regular and special meetings shall be established by the Board. Special meetings may be called by the Chairperson or upon the request of at least two Directors on the Board. Notice of meetings shall be mailed or otherwise delivered as approved by the Board to each Director at least three days before regular meetings of the Board. Notices shall include an agenda containing those items to be considered at the meeting.

3. **BOARD OF DIRECTORS' POWERS AND DUTIES**

The Board of Directors shall possess all the powers and duties to:

3.1. Contribute financially to the establishment and the continued operation of the task force through the commitment of time and resources, as approved by each party's respective County Board, City Council, or Tribal Council.

3.2. Direct the ongoing management and operation of the task force including the establishment of funds and accounts necessary for the task force to comply with state and/or federal guidelines. The Board shall select a Fiscal Agent to be responsible for the accounting and financial obligations of the drug task force operations to provide for the proper receipts and disbursement of funds, and to perform all other duties normally assigned to the Treasurer of a deliberative body.

3.3. Adopt internal written policies and cooperative procedures for the operation of the task force, in order to implement this Agreement to the maximum extent possible.

3.4. Jointly plan and provide information, access to training opportunities and technical assistance for the staff members of the individual Parties to facilitate the purpose of the task force, when feasible.

3.5. Elect general legal counsel to provide legal assistance and recommendations relative to the general operations, duties, and functions of the task force members and its Board. That legal counsel shall receive notice for and attend Board of Director meetings, as available.

3.6. Comply with the Minnesota Government Data Practices Act and other applicable rules and procedures that relate to the use, security, dissemination, retention and destruction of records, and maintain confidentiality of information that is not otherwise exempt as provided by law.

3.7. Apply for the use of any state or federal funds or new federal reimbursements to task force programs resulting from federal revenue enhancement to expand expenditures for task force goals.

3.8. Provide an annual report on the progress of the task force to all Parties. This report shall include, but not be limited to, finance, governance, and information management updates.

3.9. Contribute to the collection of data required to complete the task force's evaluation plan and the state annual progress report.

3.10. Adopt by-laws as necessary to conduct Board business.

3.11. Set the financial contribution required from all Parties on an annual basis, as approved by each Party's respective County Board, City Council, or Tribal Council.

3.12. Procure and maintain property, casualty, and professional liability insurance as required by law or as deemed appropriate and prudent by the Parties.

3.13. Elect a person to assist in keeping a record of all proceedings of the Board of Directors and to perform all other duties normally assigned to the Secretary of a deliberative body.

3.14. The Board of Directors may constitute and convene such committees as it deems necessary and appropriate. The Board shall determine respective membership, duration, structure, if any, designation and the election of officers and operating procedures of any committee. The Chairperson, with the approval of the Board, shall appoint the members and the Chairperson of each committee.

3.15. The Board of Directors shall have the authority to utilize funds received under this Agreement for any of the purposes outlined herein.

4. TERMINATION

Any Party shall have the right to withdraw from this Agreement or a Party may be terminated from this Agreement as set forth below.

4.1. The Party withdrawing shall pass a resolution declaring its intent to withdraw effective on December 31st of the calendar year of withdrawal from this Agreement. The withdrawing Party shall send a copy of such resolution to the Chairperson of the Board of Directors no later than September 30th of the calendar year of withdrawal from this agreement.

4.2. Upon receipt of the resolution to a withdrawal, the Chairperson of the Board of Directors shall send a copy of said resolution to each Party within five (5) working days.

4.3. When a Party exercises its option to withdraw under the terms of this Agreement, no fiscal liability shall accrue for the subsequent year.

4.4. The withdrawing Party shall not be entitled to a refund of monies contributed to the task force prior to the effective date of the withdrawal. The Fiscal Host will provide a fiscal accounting to the withdrawing party of funds within sixty (60) days of the effective date of the withdrawal.

4.5. Failure to comply with the terms of this Agreement by any individual Party may result in termination of membership to this Agreement. A Party's termination shall be by a majority vote of the full Board of Directors following consideration of the nature and extent of the violation(s). A terminated Party shall not be entitled to a refund of any contributed monies or property given to the drug task force unless approved by a majority vote of the full Board of Directors.

4.6. Notwithstanding any Party's decision to withdraw from this Agreement, or in the case of a Party's termination of membership to this Agreement, this Agreement and the remaining Board of Directors created herein shall continue in force until and unless all remaining Parties mutually agree to terminate the Agreement by joint resolution, or when membership on the Board of Directors is reduced to less than two Parties.

4.7. In the case of the Parties' mutual agreement to terminate this Agreement, the Board of Directors shall continue to exist for the limited purpose of discharging the Board of Directors' debts and liabilities, settling its affairs, and disposing of its property.

4.8. In the event that the Fiscal Host exercises its option to withdraw under the terms of this Agreement, the Board of Directors shall solicit a Party to volunteer as the new Fiscal Host. The new Fiscal Host shall become effective upon the effective date of the prior Fiscal Host's withdrawal. If no new Fiscal Host volunteers, this Agreement shall be terminated, notwithstanding any provision of this Agreement to the contrary.

5. **DISPOSAL OF SURPLUS FUNDS AND PROPERTY UPON TERMINATION**

All property, real and personal, held by the drug task force at the time of termination shall be distributed by resolution of the Board of Directors as allowed by law and in a manner to best accommodate its task force efforts.

6. **INDEBTEDNESS**

The Fiscal Agent shall sign all warrants or other evidence of indebtedness at any time issued by the Brown-Lyon-Redwood-Renville Drug Task Force no larger than \$15,000 per claim. If a claim against the Task Force is higher than \$15,000 it will require prior approval by the Task Force Advisory Board or written approval by the Board Chair.

7. **REVENUE**

All revenues of the task force, and the earnings those revenues generate, shall remain property of the task force. The Fiscal Agent shall deposit all monies received on behalf of the Task Force in the bank or depository designated by the fiscal agent. All monies shall be deposited in the name of the Brown-Lyon-Redwood-Renville Drug Task Force.

8. **CONTRIBUTIONS**

Each Party to this Agreement that is a police department or sheriff's department shall contribute cash, personnel, and in-kind resources to the task force. Each Party shall assign such licensed peace officers

and unlicensed personnel as that party deems appropriate to assist and participate in the Brown-Lyon-Redwood-Renville Drug Task Force. Each Party shall designate and advise all other Parties of the name or names of such person or persons who shall have authority to assign personnel to operate the provisions of this Agreement.

9. MEMBER RESPONSIBILITIES

9.1. Calls for Assistance. Whenever an officer of a Party believes that assistance is needed from one or more of the other Parties in the enforcement of controlled substance laws, the Party desiring assistance shall make an oral or written request for assistance to another Party or Parties. Upon receipt of a request for assistance, the responding Party or Parties may assign and direct such personnel as that Party deems fit to provide assistance in the nature and to the extent it deems fit. A Party which is requested to provide assistance shall make a good faith effort to provide the assistance requested, but no guarantee is made that the requested assistance will be provided, and each Party expressly agrees that failure to provide requested assistance will not result in any liability claim by the requesting Party against the other Party. Whenever a Party provides mutual assistance to another Party under this Agreement, those Parties shall remain an employee and agent of the agency providing assistance. The Party providing the assistance shall remain under the ultimate direction and control of the agency by which they are employed, and all acts and coverages shall be the same as if they were acting in the course and scope of the employment of that Party.

9.2. Officer Authority. Licensed peace officers and licensed part-time peace officers who act under the terms of this agreement shall be granted peace officer authority to the full extent authorized by Minnesota Statutes, including, but not limited to Minn. Stat §§ 629.34 and 629.40. To the extent necessary, the Parties agree that each may grant peace officer authority to licensed peace officers and licensed part-time peace officers already employed in that capacity by another Party. In such cases, the officer so appointed shall for all purposes other than peace officer authority, remain an employee of the initial appointing party for Purposes of this Agreement herein.

9.3 Coordinating Authority. The Task Force Commander shall be responsible for the day-to-day operations of the task force including supervision of staff, intelligence sharing, management of confidential funds and coordination with other agencies. The Task Force Commander shall make sure that task force policies and procedures are followed.

9.4 Fiscal Agency. The City of New Ulm shall be responsible for fiscal management of the task force grant and other resources such as cash contributions, program income (forfeiture proceeds, restitution and fines) and oversight of confidential funds. The Fiscal Agent shall present the Drug Task Force Advisory Board with a report monthly or as otherwise directed by the Task Force Advisory Board, setting forth in detail all monies received and paid out on behalf of the Drug Task Force since the last report. At the end of each fiscal year a similar report shall be presented to the Drug Task Force Advisory Board showing all receipts and disbursements of the Drug Task Force for the fiscal year ending. The Fiscal Agent shall complete an audit of all financial resources of the Brown-Lyon-Redwood-Renville Drug Task Force at least annually and shall make such reports available to all Parties. All said reports shall be in such form as may be prescribed by the Task Force Advisory Board. Buy funds shall be reconciled at least quarterly and reports shall be distributed to the representative of each Party at the Advisory Board meeting. Any Party to this Agreement may request and obtain access to any and all financial records pertaining to the fiscal management of the Task Force. The Board of Directors may, in its discretion and at any time, request an independent audit of the Brown-Lyon-Redwood-Renville Drug Task Force's finances.

9.5 Restitution and Forfeitures. Any assets or property subject to legal forfeiture as a result of enforcement or obtained under any criminal restitution received under this Agreement shall be used and/or distributed to the Parties as follows:

- a. With the approval of the Board of Directors, the assets or proceeds may be reinvested in the task force in accordance with applicable federal and state law.
- b. The property may, if practicable, be split equally among the Parties to this joint powers agreement and the State of Minnesota in accordance with federal and state law.
- c. In cases subject to federal forfeiture proceedings, distribution of forfeited assets shall be in equal shares among the parties to these joint powers agreement with the federal government receiving either an equal share or its share as governed by federal statutes or regulations.
- d. All seized, held and/or forfeitable property shall be documented and safeguarded in accordance with the procedures set forth in the Brown-Lyon-Redwood-Renville Drug Task Force Policies and Procedures Manual, and applicable state and federal law.

The Parties agree that in any cases in which the Brown-Lyon-Redwood-Renville Drug Task Force cooperates with another jurisdiction (e.g., another task force or a local, state or federal agency) that the supervising investigators on the scene of any arrest will negotiate a split based upon the amount of effort expended in the investigation and document said agreement.

9.6 Policy Manual. The Parties agree to abide by the Brown-Lyon-Redwood-Renville Drug Task Force Policies and Procedures Manual.

10. INSURANCE AND INDEMNIFICATION

10.1. Parties to this Agreement shall maintain workers compensation insurance, automobile insurance including general liability insurance for bodily injury, personal injury insurance, and property damage insurance for their officials and employees in the performance of duties arising from this Agreement and provide certification and evidence of such coverage to the other Parties within ten (10) days of signing this Agreement.

10.2. Each Party to this Agreement agrees to defend the action of its own officers and agrees to hold harmless, indemnify, and defend the other parties, its commissioners, officers, employees, and agents against any and all claims, losses, damages or lawsuits for damages, including payment of reasonable attorney's fees, arising from, allegedly arising from or related to the acts of its own officers in the performance of duties contemplated by this Agreement.

10.3. The Parties do not waive the limits of liability and immunity as governed by the provisions of the Municipal Tort Claims Act, Minnesota Statutes Chapter 466, and other applicable laws.

10.4. Each Party shall be responsible and liable for its own personnel, equipment, and supplies and shall have sole title and interest in the equipment and supplies it utilizes as part of this Agreement unless some alternative arrangement is provided for in writing.

11. MODIFICATION

Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid once they have been reduced to writing and signed by the authorized representatives from each of the Parties.

12. SEVERABILITY

The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to any party.

13. FEDERAL / STATE FUNDING

In the event that the Brown-Lyon-Redwood-Renville Drug Task Force becomes ineligible for State, Federal or local financial participation, the parties agree to review the Agreement within thirty (30) days of the determination of the ineligibility. Notwithstanding any provision of this Agreement to the contrary, any party may withdraw from this Agreement after the thirty-day review of the Agreement following determination of ineligibility under this paragraph upon thirty (30) days written notice.

14. COUNTERPARTS

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which constitute one and the same instrument. Counterparts shall be delivered to the Brown-Lyon-Renville Drug Task Force Legal Counsel who will make each a part of this Agreement by attaching each hereto.

15. MERGER

This Agreement is the final expression of the agreement of the Parties and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings or agreements.

IN WITNESS WHEREOF:

Brown County

Lyon County

Chair, Brown County Board of Commissioners
Dated: _____

Chair, Lyon County Board of Commissioners
Dated: _____

Attested to:

Attested to:

Brown County Administrator

Lyon County Administrator

Redwood County

Chair, Redwood County Board of Commissioners
Dated: _____

Attested to:

Redwood County Administrator

City of Marshall

Mayor, Marshall City Council
Dated: _____

Attested to:

Marshall City Administrator/Clerk

City of Redwood Falls

Mayor, Redwood Falls City Council
Dated: _____

Attested to:

Redwood Falls City Administrator

Renville County

Chair, Renville County Board of Commissioners
Dated: _____

Attested to:

Renville County Administrator

City of New Ulm

Mayor, New Ulm City Council
Dated: _____

Attested to:

New Ulm City Administrator

Lower Sioux Indian Community

Chair, Lower Sioux Tribal Council
Dated: _____

Attested to:

Lower Sioux Tribal Council Clerk

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of a Liquor License Annual Renewal for El Rancho and Brau Brothers
Background Information:	<p>Under Minnesota Statute 340A Liquor, Wine, Club and 3.2% licenses are issued by local municipalities but still require MN DPS Alcohol & Gambling Enforcement Division approval. Attached is the license being requested for renewal by El Rancho.</p> <p>All forms and documents have been reviewed and found to be in good standing.</p> <p>Licenses cover a period from January 1 – December 31, 2024.</p>
Fiscal Impact:	\$3,200.00 for on-sale and \$500 for taproom/growler
Alternative/ Variations:	
Recommendations:	To approve the annual license renewals for 2024.

City of Marshall, Minnesota

Combined On-Sale & Sunday Liquor

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Maria E. Leon dba
El Rancho #2,

For an **Combined On-Sale & Sunday Liquor License** at **1419 E. College Dr.**
from **January 1, 2024 - December 31, 2024**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **November 28, 2023**

Mayor

Attest:

City Clerk

(Seal)

City of Marshall, Minnesota

Brewer Off-Sale and Taproom

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO
Brau Brothers Brewing Company, LLC dba
Brau Brothers Brewery,

For an **Brewer Off-Sale and Taproom License** at **1010 E. Southview Dr.**
from **January 1, 2024 - December 31, 2024**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **November 28, 2023**

Mayor

Attest:

City Clerk

(Seal)

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of an Off-Sale 3.2% Malt Liquor License for Family Dollar
Background Information:	<p>Family Dollar Stores of Minnesota has applied for a 3.2% Off-Sale Malt Liquor License. The new business will be located at 801 East College Drive. All documentation have been reviewed and looks to be in good standing.</p> <p>All liquor license approvals still require final approve from the Minnesota Alcohol and Gambling Enforcement Agency.</p>
Fiscal Impact:	\$90.00
Alternative/ Variations:	
Recommendations:	To approve the Off-Sale 3.2% Malt Liquor License for Family Dollar located at 801 East College Drive.

City of Marshall, Minnesota

3.2% Off-Sale

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Family Dollar Stores of Minnesota, LLC #33578

dba

Family Dollar,

For a **3.2% Off-Sale License** at **801 E. College Dr.**
from **January 1, 2024 - December 31, 2024**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **November 28, 2023**

Mayor

Attest:

City Clerk

(Seal)

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jim Marshall
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider authorization to declare vehicle as surplus property for the Marshall Police Department.
Background Information:	This vehicle has been abandoned or seized by the Marshall Police Department and has gone through the notification processes and required periods for disposal.
Fiscal Impact:	This vehicle will be auctioned on-line at the state site, sold, or will be taken to Alters for disposal.
Alternative/ Variations:	
Recommendations:	That this vehicle be declared as surplus property by the City of Marshall.

22-13750	05 Pont Grand Prix	EKP 963	2GWS522X51177428
----------	--------------------	---------	------------------

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, November 28, 2023
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourage the City Council Members to contact staff in advance of the meeting regarding these items if there are questions. Construction contract questions are encouraged to be directed to Director of Public Works, Jason Anderson at 537-6051 or Finance Director, Karla Drown at 537-6764
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	The following bills and project payments be authorized for payment.



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 11/17/2023 - 11/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	11/17/2023	EFT	0.00	2,421.15	14785
7411	ADELMANN, MARK	11/24/2023	Regular	0.00	5,275.00	123625
6631	AED PROFESSIONALS	11/17/2023	EFT	0.00	190.00	14786
6631	AED PROFESSIONALS	11/24/2023	EFT	0.00	14.95	14842
6412	AG PLUS COOPERATIVE	11/24/2023	EFT	0.00	16.42	14843
0578	AMAZON CAPITAL SERVICES	11/17/2023	EFT	0.00	212.33	14787
0578	AMAZON CAPITAL SERVICES	11/24/2023	EFT	0.00	1,062.07	14844
7117	ANDERSON, STEVEN	11/24/2023	EFT	0.00	208.47	14845
0658	AP DESIGN, INC. / NICHOLAS J SCHWARZ OR JILI	11/24/2023	EFT	0.00	25.00	14846
0630	ARCTIC GLACIER	11/17/2023	Regular	0.00	218.93	123596
6883	AT&T MOBILITY II LLC	11/24/2023	Regular	0.00	38.23	123626
0656	AVERA MARSHALL	11/24/2023	Regular	0.00	27.03	123627
0656	AVERA MARSHALL	11/24/2023	Regular	0.00	9.01	123628
7256	BALDWIN SUPPLY COMPANY	11/17/2023	Regular	0.00	925.16	123597
7256	BALDWIN SUPPLY COMPANY	11/24/2023	Regular	0.00	1,199.59	123629
7414	BALLMAN ROOFING	11/24/2023	Regular	0.00	448.20	123630
0682	BEACON ATHLETICS LLC	11/24/2023	EFT	0.00	22,560.00	14847
0688	BELLBOY CORPORATION	11/17/2023	EFT	0.00	4,008.81	14788
0689	BEND RITE CUSTOM FABRICATION, INC.	11/17/2023	Regular	0.00	2,147.54	123598
0689	BEND RITE CUSTOM FABRICATION, INC.	11/24/2023	Regular	0.00	1,070.00	123631
6339	BESSE, NATHAN	11/17/2023	EFT	0.00	500.00	14789
0699	BEVERAGE WHOLESALERS, INC.	11/17/2023	Regular	0.00	33,151.68	123599
0699	BEVERAGE WHOLESALERS, INC.	11/24/2023	Regular	0.00	30,465.00	123632
6219	BLACKSTRAP, INC.	11/24/2023	EFT	0.00	9,579.88	14848
0724	BOLTON & MENK INC	11/17/2023	EFT	0.00	832.00	14790
0724	BOLTON & MENK INC	11/24/2023	EFT	0.00	3,428.00	14849
0726	BORCH'S SPORTING GOODS, INC.	11/24/2023	EFT	0.00	200.00	14850
0018	BORDER STATES INDUSTRIES, INC.	11/17/2023	EFT	0.00	33.59	14791
0018	BORDER STATES INDUSTRIES, INC.	11/24/2023	EFT	0.00	173.48	14851
3829	BRAU BROTHERS	11/17/2023	EFT	0.00	40.50	14792
3829	BRAU BROTHERS	11/24/2023	EFT	0.00	264.00	14852
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	11/17/2023	Regular	0.00	11,582.63	123600
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SF	11/24/2023	Regular	0.00	9,650.30	123634
0740	BREMER BANK NATIONAL ASSOCIATION	11/17/2023	Bank Draft	0.00	22,436.25	DFT0003430
5696	BROTHERS FIRE PROTECTION	11/17/2023	EFT	0.00	738.00	14793
7401	BUCHHOLZ, CYNTHIA RUTH	11/24/2023	Regular	0.00	157.50	123635
0728	BUFFALO RIDGE CONCRETE INC	11/24/2023	EFT	0.00	29.98	14853
7020	BUILDING SPRINKLER, INC.	11/24/2023	EFT	0.00	875.00	14854
0380	CALLENS, DAVID	11/24/2023	EFT	0.00	100.00	14855
6791	CAPITAL ONE	11/17/2023	Regular	0.00	156.51	123602
6791	CAPITAL ONE	11/24/2023	Regular	0.00	69.17	123636
0799	CARLOS CREEK WINERY, INC	11/17/2023	Regular	0.00	2,601.00	123603
0802	CARLSON & STEWART REFRIGERATION, INC.	11/17/2023	EFT	0.00	1,097.45	14794
0815	CATTOOR OIL COMPANY, INC	11/17/2023	EFT	0.00	1,569.76	14795
0815	CATTOOR OIL COMPANY, INC	11/24/2023	EFT	0.00	1,937.50	14856
6679	CENTRAL LAKES COLLEGE	11/24/2023	Regular	0.00	5,063.00	123637
6823	CHARTER COMMUNICATIONS HOLDINGS, LLC	11/24/2023	Regular	0.00	50.00	123638
0836	CHARTER COMMUNICATIONS, LLC	11/17/2023	EFT	0.00	104.20	14796
0836	CHARTER COMMUNICATIONS, LLC	11/17/2023	EFT	0.00	44.99	14797
5733	CLARITY TELECOM, LLC	11/17/2023	EFT	0.00	2,637.61	14798
5733	CLARITY TELECOM, LLC	11/24/2023	EFT	0.00	573.66	14857
6862	DAHL, DANIEL	11/24/2023	EFT	0.00	362.70	14858
7102	DAHLHEIMER BEVERAGE	11/17/2023	EFT	0.00	2,617.82	14799
5031	DASH MEDICAL GLOVES, LLC	11/24/2023	EFT	0.00	130.00	14859

Council Check Report

Date Range: 11/17/2023 - 11/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
7406	DECOMM VENTURES, LP	11/24/2023	Regular	0.00	2,100.00	123639
2129	DEPOVER, PERRY	11/24/2023	EFT	0.00	175.00	14860
6205	DESMET, JASMINE	11/17/2023	EFT	0.00	108.00	14800
5994	DISTRIBUTED WEBSITE CORP	11/24/2023	EFT	0.00	4,599.49	14861
5731	DOLL DISTRIBUTING LLC	11/17/2023	EFT	0.00	11,197.81	14801
5731	DOLL DISTRIBUTING LLC	11/24/2023	EFT	0.00	14,981.61	14862
7415	E & K CONSTRUCTION, INC.	11/24/2023	Regular	0.00	68,055.00	123640
1061	EMERGENCY APPARATUS MAINTENANCE INC	11/24/2023	EFT	0.00	1,612.81	14863
7181	ENTERPRISE FLEET MANAGEMENT TRUST	11/20/2023	Bank Draft	0.00	14,531.56	DFT0003429
5972	ENVIRONMENTAL CONSULTING & TESTING INC	11/24/2023	EFT	0.00	300.00	14864
1090	FASTENAL COMPANY	11/17/2023	EFT	0.00	322.42	14802
1090	FASTENAL COMPANY	11/24/2023	EFT	0.00	379.35	14865
7073	FIXEN CHIROPRACTIC	11/17/2023	EFT	0.00	100.00	14803
7073	FIXEN CHIROPRACTIC	11/24/2023	EFT	0.00	56.03	14866
1158	GALLS INC	11/17/2023	EFT	0.00	52.41	14804
1158	GALLS INC	11/24/2023	EFT	0.00	161.70	14867
2857	GEIHL CONSTRUCTION	11/24/2023	Regular	0.00	300.00	123641
5944	GOERGEN, JOSH	11/17/2023	EFT	0.00	632.73	14805
6478	GOPHER STATE ONE CALL	11/17/2023	EFT	0.00	218.70	14806
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	11/17/2023	EFT	0.00	1,141.02	14807
7408	GROW, BRUCE	11/24/2023	Regular	0.00	1,000.00	123642
3760	GROWMARK INC.	11/17/2023	EFT	0.00	569.10	14808
7409	HANSON, RANDY	11/24/2023	Regular	0.00	500.00	123643
6269	HANSON, SHARON	11/17/2023	EFT	0.00	16.68	14809
6269	HANSON, SHARON	11/24/2023	EFT	0.00	313.42	14868
6707	HARRIS, DARREN	11/24/2023	EFT	0.00	169.00	14869
1247	HARTS HEATING & REFRIGERATION INC	11/17/2023	Regular	0.00	1,188.00	123604
1256	HAWKINS INC	11/24/2023	EFT	0.00	13,280.25	14870
1267	HEIMAN INC.	11/24/2023	EFT	0.00	37.00	14871
7402	HESS, JOHN	11/17/2023	Regular	0.00	500.00	123605
6324	HOOK, MATT	11/24/2023	EFT	0.00	50.00	14872
1311	HYVEE FOOD STORES INC	11/17/2023	Regular	0.00	320.08	123606
1311	HYVEE FOOD STORES INC	11/24/2023	Regular	0.00	50.97	123644
1325	ICMA RETIREMENT TRUST #300877	11/24/2023	EFT	0.00	50.00	14873
1358	INTERNAL REVENUE SERVICE	11/24/2023	Bank Draft	0.00	19.68	DFT0003424
1358	INTERNAL REVENUE SERVICE	11/24/2023	Bank Draft	0.00	656.98	DFT0003425
1358	INTERNAL REVENUE SERVICE	11/24/2023	Bank Draft	0.00	4.62	DFT0003426
6808	JM DEVELOPMENT	11/24/2023	Regular	0.00	300.00	123645
1399	JOHNSON BROTHERS LIQUOR COMPANY	11/17/2023	EFT	0.00	7,098.32	14812
1399	JOHNSON BROTHERS LIQUOR COMPANY	11/24/2023	EFT	0.00	16,322.54	14875
2036	JOHNSON BROTHERS LIQUOR COMPANY	11/17/2023	EFT	0.00	5,720.08	14810
2036	JOHNSON BROTHERS LIQUOR COMPANY	11/24/2023	EFT	0.00	20,283.06	14874
2605	JOHNSON BROTHERS LIQUOR COMPANY	11/24/2023	EFT	0.00	4,375.65	14876
5447	JOHNSON BROTHERS LIQUOR COMPANY	11/17/2023	EFT	0.00	1,146.40	14811
5447	JOHNSON BROTHERS LIQUOR COMPANY	11/24/2023	EFT	0.00	1,387.67	14877
3998	JT SERVICES	11/24/2023	EFT	0.00	2,150.00	14878
3564	KESTELOOT ENTERPRISES, INC	11/24/2023	EFT	0.00	802.79	14879
5095	KIBBLE EQUIPMENT LLC	11/17/2023	EFT	0.00	4.84	14813
7393	KINNEY CREEK BREWERY	11/24/2023	Regular	0.00	321.00	123646
3409	KLEIN, EILEEN	11/24/2023	EFT	0.00	142.00	14880
7407	KONIETZKO, TODD	11/24/2023	Regular	0.00	500.00	123647
6629	KURITA AMERICA INC	11/17/2023	EFT	0.00	6,660.00	14814
5138	L & A SYSTEMS, LLC	11/24/2023	EFT	0.00	465.36	14881
3653	LANGUAGE LINE SERVICES	11/17/2023	EFT	0.00	1,352.82	14815
7405	LARSEN, DANA	11/24/2023	Regular	0.00	700.00	123648
1531	LYON COUNTY AUDITOR-TREASURER	11/24/2023	EFT	0.00	25,613.27	14882
1545	LYON COUNTY HIGHWAY DEPARTMENT	11/17/2023	EFT	0.00	12,072.72	14816
1548	LYON COUNTY LANDFILL	11/17/2023	EFT	0.00	199.02	14817
1548	LYON COUNTY LANDFILL	11/24/2023	EFT	0.00	6.00	14883
1565	MACQUEEN EQUIPMENT INC.	11/17/2023	EFT	0.00	1,127.84	14818
1604	MARSHALL AREA CHAMBER OF COMMERCE	11/17/2023	EFT	0.00	200.00	14819

Council Check Report

Date Range: 11/17/2023 - 11/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1623	MARSHALL INDEPENDENT, INC	11/24/2023	Regular	0.00	1,253.80	123649
5813	MARSHALL LUMBER CO	11/17/2023	EFT	0.00	11.12	14820
5813	MARSHALL LUMBER CO	11/24/2023	EFT	0.00	425.61	14884
1633	MARSHALL MUNICIPAL UTILITIES	11/17/2023	EFT	0.00	9,539.92	14821
1633	MARSHALL MUNICIPAL UTILITIES	11/24/2023	EFT	0.00	861.41	14885
3545	MARSHALL RADIO	11/17/2023	EFT	0.00	650.00	14822
1649	MARSHALL TRUCK SALVAGE INC.	11/17/2023	Regular	0.00	73.06	123607
6733	MARTI, GEORGE & PAULA	11/24/2023	Regular	0.00	339.60	123651
5139	MATHESON TRI-GAS INC	11/24/2023	Regular	0.00	324.06	123652
7352	M-B COMPANIES, INC	11/24/2023	EFT	0.00	140.71	14886
4980	MENARDS INC	11/17/2023	EFT	0.00	205.21	14823
4980	MENARDS INC	11/24/2023	EFT	0.00	1,838.03	14887
7413	MIDWEST AG AERIAL LLC	11/24/2023	Regular	0.00	3,462.50	123653
1818	MINNESOTA DEPARTMENT OF REVENUE	11/20/2023	Bank Draft	0.00	58,356.00	DFT0003421
1818	MINNESOTA DEPARTMENT OF REVENUE	11/24/2023	Bank Draft	0.00	410.21	DFT0003427
3555	MINNESOTA DEPARTMENT OF TRANSPORTATIC	11/17/2023	Regular	0.00	6,394.96	123608
3555	MINNESOTA DEPARTMENT OF TRANSPORTATIC	11/24/2023	Regular	0.00	2,986.69	123654
3555	MINNESOTA DEPARTMENT OF TRANSPORTATIC	11/24/2023	Regular	0.00	4,320.00	123655
1839	MINNESOTA VALLEY TESTING LABS INC	11/24/2023	EFT	0.00	842.20	14888
1774	MN DEPT OF LABOR AND INDUSTRY FINANCIAL	11/17/2023	Regular	0.00	100.00	123609
1813	MN POLLUTION CONTROL AGENCY	11/17/2023	Regular	0.00	68.50	123610
6422	MN STATE LOTTERY	11/23/2023	Bank Draft	0.00	558.62	DFT0003428
1864	MONTES ELECTRIC INC	11/17/2023	Regular	0.00	1,526.29	123611
1864	MONTES ELECTRIC INC	11/24/2023	Regular	0.00	1,131.14	123656
2512	NATIONWIDE RETIREMENT	11/24/2023	Bank Draft	0.00	325.00	DFT0003422
2512	NATIONWIDE RETIREMENT	11/24/2023	Bank Draft	0.00	2,026.79	DFT0003423
6344	NEOGOVS	11/17/2023	Regular	0.00	4,713.66	123612
1945	NORM'S GTC	11/17/2023	Regular	0.00	190.68	123613
1945	NORM'S GTC	11/24/2023	Regular	0.00	18.98	123657
1946	NORTH CENTRAL LABS	11/17/2023	EFT	0.00	959.87	14824
7404	NORTH STAR TRAINING & CONSULTING	11/24/2023	Regular	0.00	6,200.00	123658
7230	NORTHERN STATES SUPPLY, INC	11/24/2023	EFT	0.00	158.56	14889
6780	NORTHERN STEEL TANKS	11/17/2023	Regular	0.00	15,200.00	123614
4566	NSI SOLUTIONS, LLC	11/24/2023	EFT	0.00	93.00	14890
7325	NUTRITION EXCELLENCE LLC	11/17/2023	Regular	0.00	1,150.00	123615
6463	OFFICE OF MNIT SERVICES	11/17/2023	Regular	0.00	709.62	123616
5891	ONE OFFICE SOLUTION	11/17/2023	EFT	0.00	38.99	14825
5891	ONE OFFICE SOLUTION	11/24/2023	EFT	0.00	29.99	14891
3809	O'REILLY AUTOMOTIVE STORES, INC	11/24/2023	EFT	0.00	140.38	14892
1243	PATZERS INC	11/24/2023	EFT	0.00	5.98	14893
2019	PAUSTIS WINE COMPANY	11/24/2023	EFT	0.00	4,553.25	14894
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	11/17/2023	EFT	0.00	40.50	14826
2064	POWERPLAN	11/17/2023	Regular	0.00	91.74	123617
6166	PULVER MOTOR SVC, LLC	11/17/2023	EFT	0.00	80.00	14827
6166	PULVER MOTOR SVC, LLC	11/24/2023	EFT	0.00	160.00	14895
7322	QUADIANT FINANCE USA, INC	11/17/2023	Regular	0.00	350.00	123618
2112	R AND G CONSTRUCTION COMPANY	11/17/2023	EFT	0.00	76,224.44	14828
2112	R AND G CONSTRUCTION COMPANY	11/24/2023	EFT	0.00	300.00	14896
5006	RAFF, ED	11/17/2023	EFT	0.00	200.00	14829
7410	REDMAN, MICHELLE	11/24/2023	Regular	0.00	500.00	123659
5964	RM COTTON COMPANY	11/24/2023	Regular	0.00	1,260.36	123660
0707	ROADSIDE DEVELOPERS INC	11/17/2023	Regular	0.00	312.00	123619
5867	ROUND LAKE VINEYARDS & WINERY	11/24/2023	EFT	0.00	250.00	14897
2201	RUNNING SUPPLY, INC	11/24/2023	EFT	0.00	292.47	14898
7125	SAVANNAH COMMERCIAL PROPERTIES LLC	11/24/2023	Regular	0.00	64.85	123661
6881	SHI INTERNATIONAL CORP.	11/24/2023	EFT	0.00	4,023.13	14899
6251	SHRED RIGHT	11/17/2023	EFT	0.00	40.00	14830
7400	SOUTH DAKOTA STATE UNIVERSITY	11/17/2023	Regular	0.00	73.50	123620
4855	SOUTHERN GLAZER'S	11/17/2023	EFT	0.00	23,729.23	14831
4855	SOUTHERN GLAZER'S	11/24/2023	EFT	0.00	10,724.57	14900
5922	SRF CONSULTING GROUP, INC.	11/24/2023	EFT	0.00	10,018.32	14901

Council Check Report

Date Range: 11/17/2023 - 11/28/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
6252	STANDARD SIGNS, INC.	11/17/2023	Regular	0.00	2,456.22	123621
7403	STEINBRONN, MATTHEW	11/17/2023	EFT	0.00	231.60	14833
6427	SWALBOSKI, BRIAN	11/17/2023	EFT	0.00	7,248.28	14834
6884	TACTICAL POLICE GEAR LLC	11/17/2023	Regular	0.00	1,899.00	123622
6277	TALKING WATERS BREWING CO, LLC	11/24/2023	EFT	0.00	870.00	14902
6890	THE CINCINNATI INSURANCE COMPANY	11/17/2023	Regular	0.00	3,688.00	123623
0875	THE COMPUTER MAN INC	11/17/2023	EFT	0.00	7,230.85	14835
0875	THE COMPUTER MAN INC	11/24/2023	EFT	0.00	4,662.78	14903
6709	THERMO KING OF SIOUX FALLS INC	11/17/2023	EFT	0.00	854.91	14836
7044	TIMECLOCK PLUS LLC	11/17/2023	EFT	0.00	6,744.00	14837
6389	TOWNE & COUNTRY EXCAVATING LLC	11/24/2023	EFT	0.00	300.00	14904
6156	TRUE BRANDS	11/24/2023	EFT	0.00	525.60	14905
3347	TUTT CONSTRUCTION	11/24/2023	Regular	0.00	300.00	123662
6901	VAN METER INC	11/17/2023	EFT	3.82	378.24	14838
4489	VERIZON WIRELESS	11/24/2023	EFT	0.00	440.11	14906
4489	VERIZON WIRELESS	11/24/2023	EFT	0.00	39.02	14907
4489	VERIZON WIRELESS	11/24/2023	EFT	0.00	1,454.07	14908
2538	VIKING COCA COLA BOTTLING CO.	11/17/2023	EFT	0.00	255.80	14839
2538	VIKING COCA COLA BOTTLING CO.	11/24/2023	EFT	0.00	318.90	14909
4594	VINOCOPIA INC	11/17/2023	EFT	0.00	318.50	14840
5983	WENDORFF, MATT	11/24/2023	Regular	0.00	500.00	123663
2632	ZIEGLER INC	11/17/2023	EFT	0.00	278.35	14841
2632	ZIEGLER INC	11/24/2023	EFT	0.00	146.70	14910

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	99	64	0.00	241,799.74
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	10	10	0.00	99,325.71
EFT's	265	125	3.82	395,118.83
	374	199	3.82	736,244.28

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	99	64	0.00	241,799.74
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	10	10	0.00	99,325.71
EFT's	265	125	3.82	395,118.83
	374	199	3.82	736,244.28

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	11/2023	736,244.28
			736,244.28

CITY OF MARSHALL, MINNESOTA
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
 11/28/2023

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	2023 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE	
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00	3,039,722.04	2,661,221.96	66,794.00		11,822.00	-	100.00%	
ST-004	480-43300-55170	2/22/2022	Haibur Road Reconstruction	Duininck, Inc	1,142,009.72	(19,302.51)	1,122,707.21			1,068,756.85	53,950.36	-	-	100.00%	
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35	15,028.32	495,278.67			376,682.76	118,595.91	-	-	100.00%	
ST-001	101-43300-53425	2/28/2023	Chip Seals	Allied Blacktop Company	165,497.40	2,520.60	168,018.00				168,018.00	-	-	100.00%	
ST-002	495-43300-55170	3/14/2023	Bituminous Overlay on Various City Streets	Duininck, Inc	887,990.20	(252,845.61)	635,144.59				635,144.59	-	-	100.00%	
ST-008	401-43300-55170	3/14/2023	Channel Parkway Pavement Replacement	Duininck, Inc	1,374,151.96		1,374,151.96			1,264,350.49		66,544.76	43,256.71	96.85%	
ST-009	481-43300-55170	3/14/2023	W. Lyon Street/N. 3rd Street Reconstruction	R & G Construction Co.	3,845,497.31	47,098.13	3,892,595.44			3,259,457.78	76,224.44	175,562.22	381,351.00	90.20%	
SWM-002	630-49600-55170	3/14/2023	Legion Field Road Stormwater Study: Phase 2	Towne & Country Excavating LLC	703,749.60	10,774.88	714,524.48			553,545.41		29,133.97	131,845.10	81.55%	
PK-092	481-45200-55120	4/11/2023	Amateur Sports Center Shelter & Storage-Ball Field	Doom & Cuyper's Construction, Inc.	171,642.00	5,308.00	176,950.00				121,467.95	6,393.05	49,089.00	72.26%	
AP-007	480-43400-55170	2022	Crack Filling w/Sealcoat	City Staff - Street/Airport	75,000.00		75,000.00			51,540.63			23,459.37	68.72%	
ST-032	481-43300-53425	7/11/2023	L2,BLK1, Schwans Corp I Addition Prkg Lot Improv	D & G Excavating, Inc.	221,243.20	6,568.56	227,811.76				227,811.76	-	-	100.00%	
							<u>14,097,231.74</u>	<u>564,510.37</u>	<u>14,661,742.11</u>	<u>3,039,722.04</u>	<u>2,661,221.96</u>	<u>1,563,774.24</u>	<u>76,224.44</u>	<u>289,456.00</u>	<u>629,001.18</u>

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Call for a Public Hearing Regarding Proposed Property Tax Abatement for Rebound Partners
Background Information:	<p>Rebound Partners are requesting a commercial tax abatement to build a Hampton Inn at 1610 Commencement Blvd which is adjacent to the Red Baron Arena and Expo Center. Rebound Partners is a Northfield MN based developer who recently renovated the historic Grain and Lumber Exchange Building in Winona and restored the McNally School of Music building into the Celeste Hotel and Bar in St. Paul. The hotel project is estimated to be a four-story structure with 84 rooms with an indoor pool area and a total of 91 parking stalls.</p> <p>The public hearing will be scheduled for Tuesday, December 19 at or 5:30 PM.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Call for Public Hearing on Commercial Tax Abatement Request

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

Property Information:

Location: 1610 Commencement Blvd Access Road: Tiger/Commencement
Section: 2 Township: 111 Range: 41 Property Identification Number: 27-865001-0
Legal Description: TIGER PARK SIXTH ADDITION 12292014
(attach if needed)
Parcel Width: _____ (feet) Length: _____ (feet) Acres: 2.57

Applicant Information:

Applicant Name: Marshall Community RE Fund Phone: [redacted] (h) _____ (w)
Mailing Address: 527 Professional Drive
Applicant Signature: [Signature]

Owner Information:

Owner Name: Brett Reese Phone: [redacted]
Mailing Address: 527 Professional Drive Northfield MN 55057
Owner Signature: [Signature]
Contractors or Contract for Deed Holders – owner must sign the application.

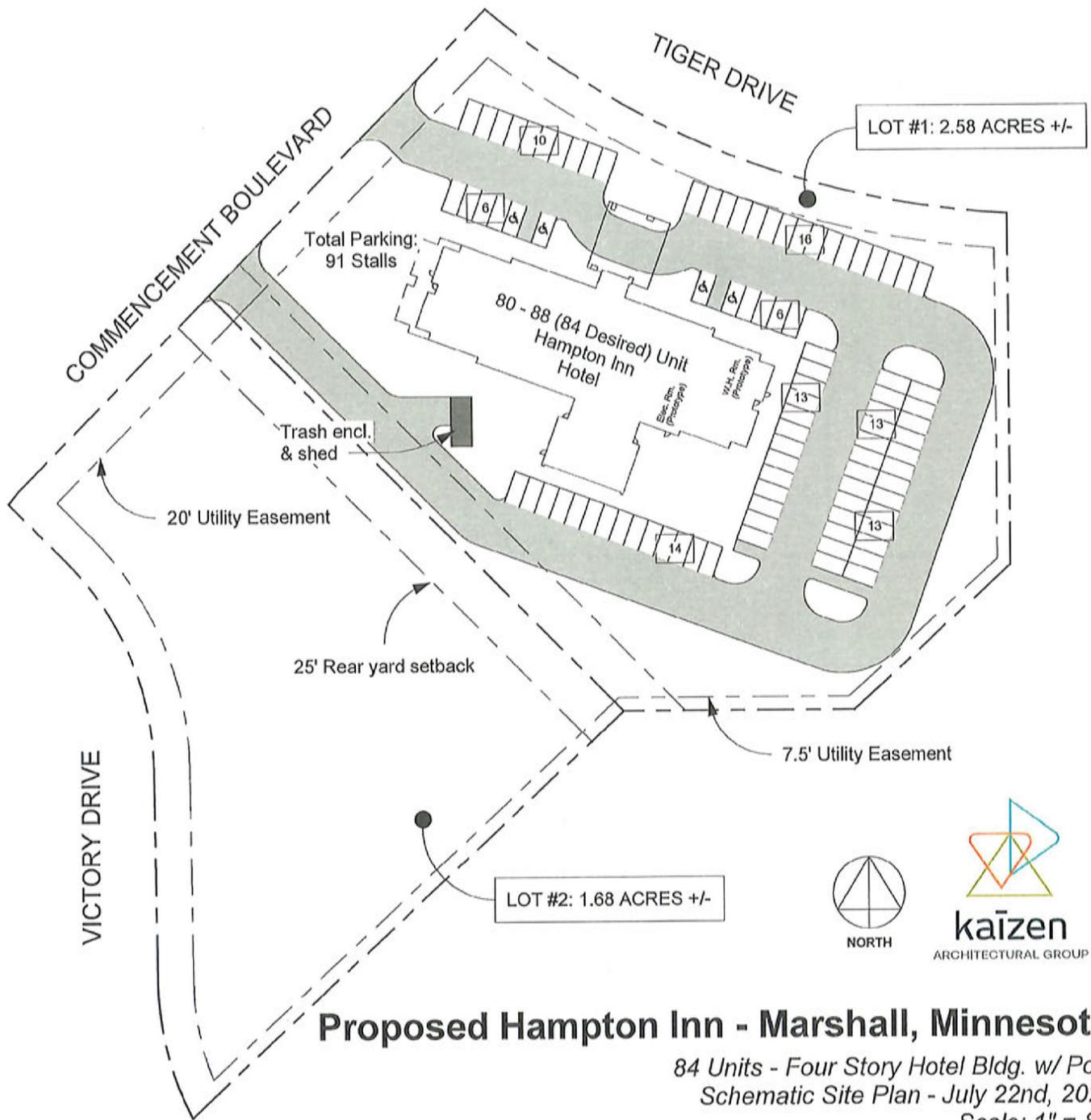
Company Information:

Owner Name: Rebound Partners Phone: [redacted] Fax: _____
Location: 527 Professional Drive Northfield MN 55057
Type of Company: RE Development Service Provided: RE Development

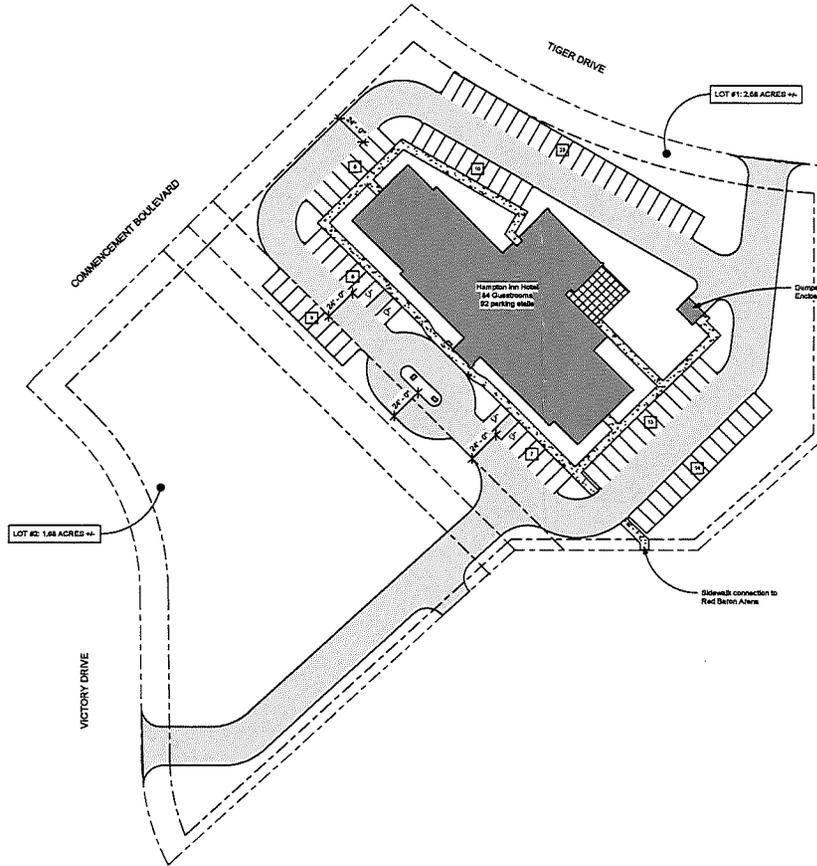
Please attach the following documentation:

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

Return Completed Applications to:
City Clerk
City of Marshall
344 West Main St.
Marshall, MN 56258



Preliminary



General Notes

1. Refer to Civil Drawings for all grading, drainage, and retention area design.
2. Refer to and verify all Civil drawings for all site features and lot line dimensions.
3. Refer to Electrical drawings for site lighting, power/service & Electric Vehicle site design specifics.
4. Refer to Landscape planting plan for local landscape and planting percentage requirements.
5. Fire Department access & water supply requirements shall be in place prior to combustible materials being brought to the site.
6. See Civil and Plumbing plans for roof drain and stormwater connections.
7. Sign, installation, area requirements & setbacks are to conform to applicable codes as determined by local jurisdiction.
8. Provide fire access and as req'd by applicable Codes as determined by local jurisdiction.
9. Provide appropriate number of curb cuts and driveway access widths to site as required by applicable Codes as determined by local jurisdiction.
10. Typical parking spaces shall be req'd by applicable Codes as determined by local jurisdiction, 9' x 18' min.
11. Coordinate lighting locations with landscape planting.
12. Refer to General Schedule for additional information and precise signage requirements.
13. Irrigate all landscaped areas with automatic underground sprinkler system, except those immediately adjacent to exterior wall of the hotel.
14. All areas not within planting beds to receive sod or other approved ground cover.
15. All equipment must be screened with landscaping or other means.
16. All site dimensions are minimum requirements.
17. Provide fence line around main building perimeter and at dumpster enclosure.
18. Provide an accessible means of travel to site property line that meets all accessibility requirements.
19. Catch basins are to be placed so as not to interfere with designated accessible routes, their clearances and flow, slopes.
20. Parking lot stripes must be white, except where other colors are required for Fire Lane and no parking zones.

1 Architectural Site Plan
1" = 40'-0"



**Hampton Inn
by Hilton**
 Hotel - 84 Guestrooms
 Marshall, MN 56204

Project Number: 23512
 Issued for Permit: TBD

Architectural Site Plan
AS100
 11/12/2023 8:22:11 AM
 Sheet Issue:



**CITY OF MARSHALL
AGENDA ITEM REPORT
COUNCIL 11/28/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance – Rezone property at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District
Background Information:	<p>This is a request by City of Marshall, Marshall, MN to rezone area at 100 through 120 London Road and as shown on attached map from R-1 One Family Residence District to I-1 Limited Industrial District for potential future development of a commercial building. The new Comprehensive Plan shows this entire area as a Commercial/Industrial Mix use with intent to allow for both commercial and light industrial uses. This mixed-use district ordinance with associated requirements has not been developed yet, but the current I-1 Limited industrial district will serve as the basis for the new district, making it an appropriate zoning district for this area.</p> <p>Rezoning procedures are described in Section 86-30 Amendments. A rezoning map and aerial photo are attached.</p> <p>At the November 8, 2023, Planning Commission meeting, a public hearing was held, and a motion was made by Pieper, seconded by Deutz to rezone the area from R-1 One Family Residence District to I-1 Limited Industrial District. All voted in favor.</p> <p>This rezoning was introduced at the November 14, 2023, Council meeting.</p>
Fiscal Impact:	N/A
Alternative/ Variations:	None recommended
Recommendations:	Planning Commission and staff recommend that the Council adopts the attached ordinance to rezone area as shown on the map at 100 through 120 London Road from R-1 One Family Residence District to I-1 Limited Industrial District.

FINDINGS OF FACT AND RECOMMENDATION

**RECOMMENDATION OF APPROVAL OF A
REZONING REQUEST
WITHIN THE CITY OF MARSHALL, MINNESOTA**

WHEREAS, an application has been submitted by the City of Marshall ("Applicant") to the City Council requesting approval of a rezoning under the Zoning Code, Article 86-IV, Section 86-30, in the City of Marshall for the following location:

LOCATION: 100-120 London Road.

LEGAL DESCRIPTION: See attached map.

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Rezoning from an R-1 One family residence zoning district to an **1-1** Limited industrial district of the properties shown on attached map, and

WHEREAS, Comprehensive Plan views economic development as a major goal for the City and its government, and

WHEREAS, this rezoning from R-1 is consistent with the City's zoning plan and furthers the intent of the future plan for commercial/industrial mixed use as shown on the Future Land Use map, and

WHEREAS, the mixed-use district ordinance with associated requirements has not been developed yet, but the current 1-1 Limited industrial district will serve as the basis for the new district, and

WHEREAS, the area being rezoned from R-1 to 1-1 provide appropriate transition from residential to industrial areas, promotes general welfare, and is not for the sole benefit of any private interest, but rather benefits the public at large, and

WHEREAS, staff presented the Planning Commission with information that the proposed rezoning will facilitate further economic development in the area based on expressed interest from a developer, and

WHEREAS, notice required pursuant to Minnesota Statutes Section 462.357 including the time, place and purpose of the hearing was published in the official newspaper at least ten days prior to the day of the hearing; and

WHEREAS, notice was mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates, and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on November 8, 2023, and

NOW THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Marshall that the City Council should rezone the property requested by the Applicant from R-1 to I-1 based on the following findings:

1. The proposed rezoning is consistent with the intent of the current Comprehensive Plan.
2. The proposed rezoning will further the City development.

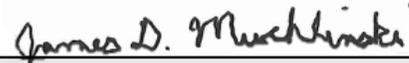
BE IT FURTHER RESOLVED that this recommendation be communicated to the Marshall City Council.

The foregoing recommendation, arising out of the motion offered by Pieper and seconded by Deutz, was declared carried on the following vote:

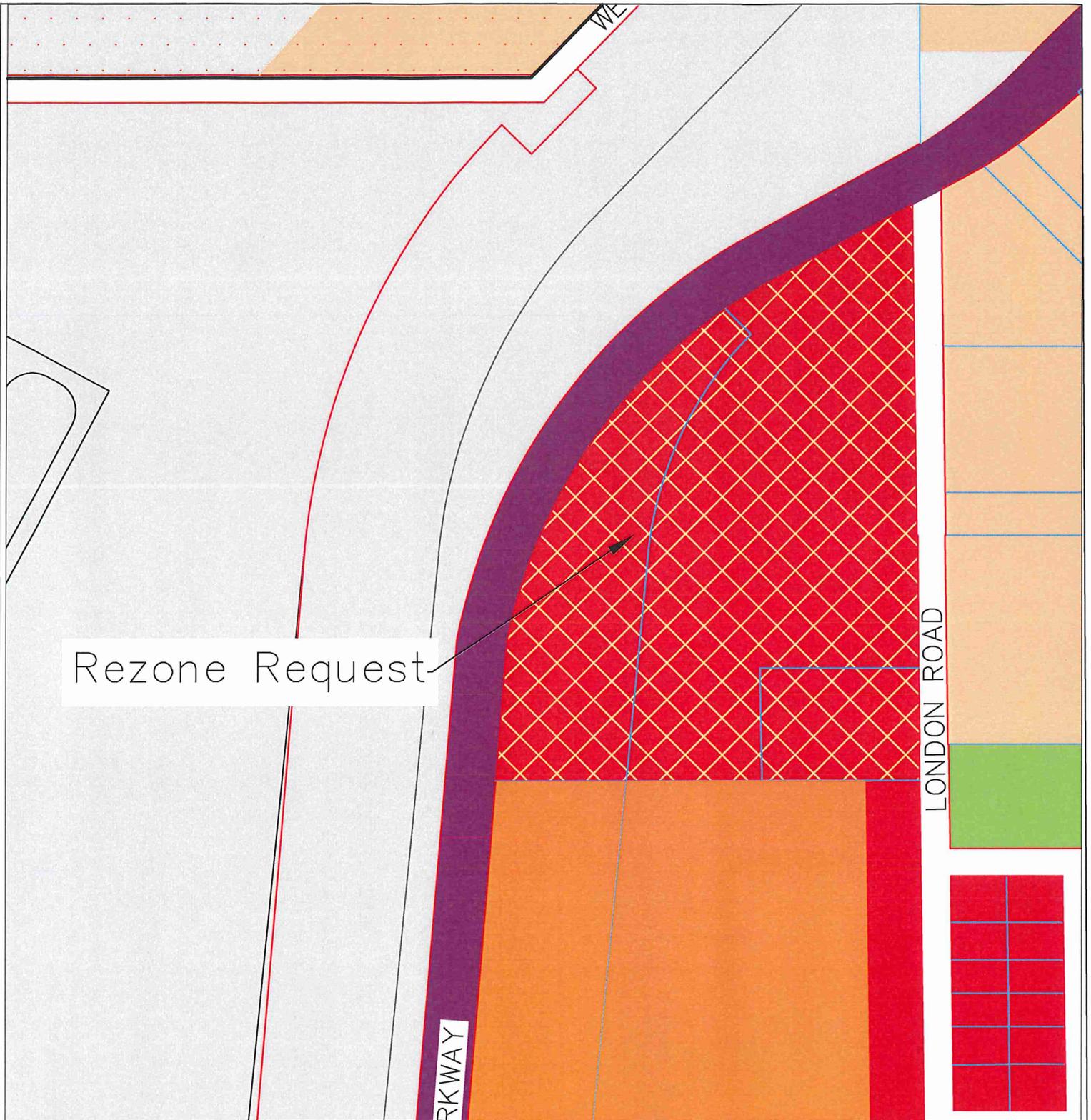
4 Ayes:

0 Nays:

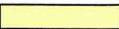
Passed:Y



Vice-Chairperson, Planning Commission



Rezone Request

A		AGRICULTURAL	R-4		HIGHER DENSITY - MULTIPLE FAMILY RESIDENCE	B-3		GENERAL BUSINESS
R-1		ONE FAMILY RESIDENCE	R-5		MANUFACTURED HOME PARK	B-4		SHOPPING CENTER BUSINESS
R-2		ONE TO FOUR FAMILY RESIDENCE	B-1		LIMITED BUSINESS	I-1		LIMITED INDUSTRIAL
R-3		LOW TO MEDIUM DENSITY - MULTIPLE FAMILY RESIDENCE	B-2		CENTRAL BUSINESS	I-2		GENERAL INDUSTRIAL

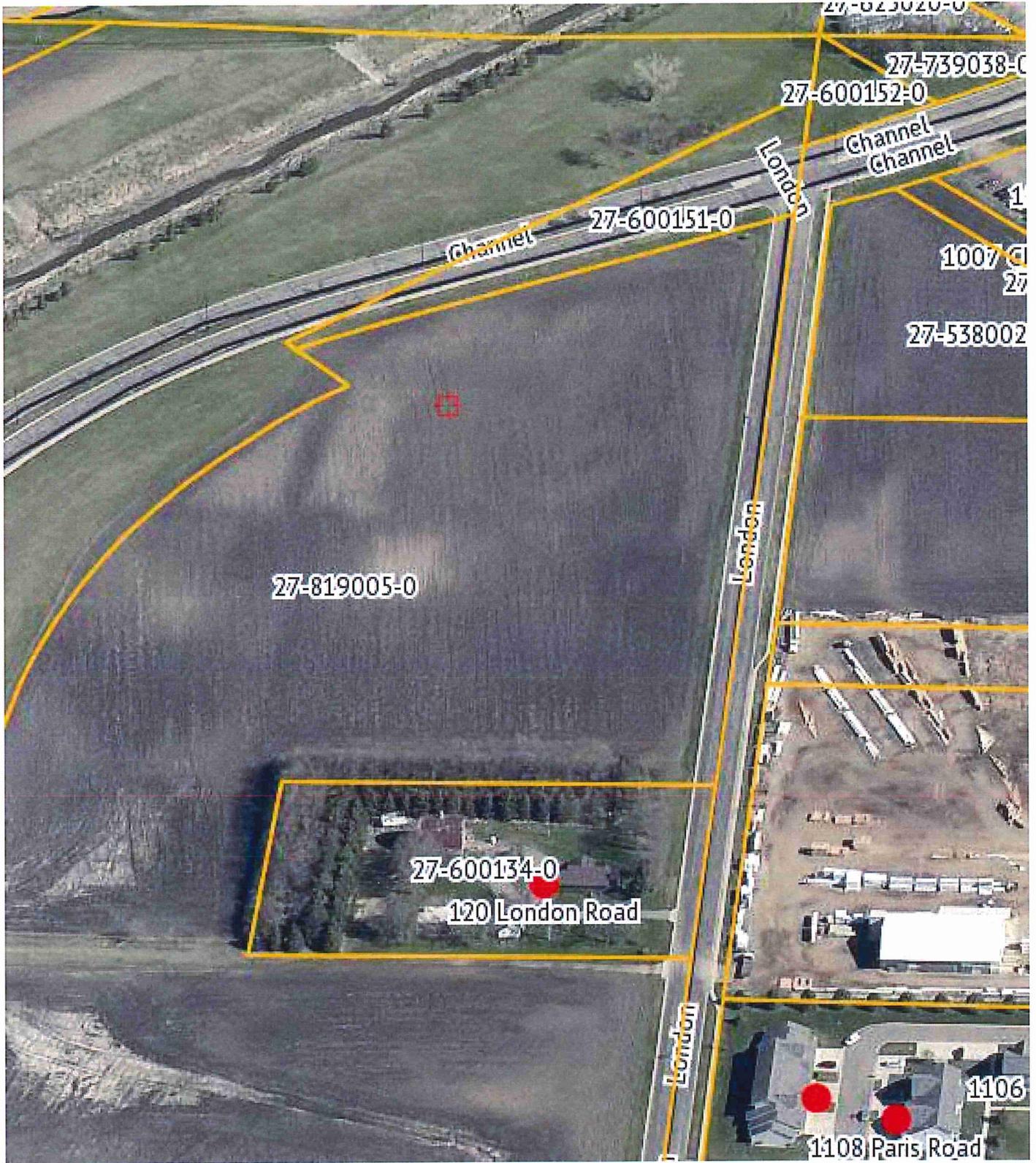


COMMUNITY PLANNING DEPT.
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

Exhibit A

NOV. 2, 2023

EXISTING ZONING MAP W/ PROPOSED
 REZONE AREA FROM R-1 TO I-1



ORDINANCE NUMBER 23-026

**ORDINANCE AMENDING CHAPTER 86
OF THE CITY CODE RELATING TO ZONING**

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

Section 1. Chapter 86 of the City Code and the City of Marshall Zoning Map referred to in Section 86-72, are hereby further amended as follows, to- wit:

**City of Marshall, County of Lyon, State of Minnesota
100 – 120 London Road
Exhibit A**

is hereby rezoned from R-1 One Family Residence District to I-1 Limited Industrial District.

Section 2. Within thirty (30) days after official publication of the Ordinance, the Zoning Administrator of said City is directed to record on the City of Marshall Zoning Map, the changes in zoning resulting from the passage of this ordinance.

Section 3. Except as amended herein, said Chapter 86, as heretofore amended, shall remain in full force and effect.

Section 4. This Ordinance shall take effect from and after its passage and publication. Passed and adopted by the Common Council this 28th day of November 2023.

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

ATTEST:
Steven Anderson
City Clerk

Presenter:	Jason Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project ST-008 / SAP No. 139-121-004: Channel Parkway Pavement Replacement Project - Consider Change Order No. 2 (Final) and Acknowledgement of Final Pay Request (No. 2)
Background Information:	<p>This project consisted of: 3" mill of existing bituminous pavement and replacement with 3" new bituminous pavement, spot replacement of curb and gutter, and ADA pedestrian ramps along Channel Parkway.</p> <p>The items on Change Order No. 2 (Final Reconciling Change Order) for the above project are the result of final measurements and changes in item quantities during construction.</p> <p>All work has been completed in accordance with the specifications. Attached is a copy of Final Pay Request (No. 2) in the amount of \$133,743.89.</p>
Fiscal Impact:	<p>Change Order No. 2 (Final) results in a contract increase in the amount of \$31,087.75. The final contract amount was \$1,398,094.38. The original contract amount was \$1,374,151.96. The final calculations result in a total contract net increase of \$23,942.42 or 1.74%.</p> <p>This project was financed in part by a \$1,250,000 State Local Road Improvement Program (LRIP) grant, with the remaining costs being paid by Municipal State Aid funds.</p>
Alternative/ Variations:	No alternative recommended.
Recommendations:	that the Council approve Change Order No. 2 (Final), resulting in a contract increase in the amount of \$31,087.75 and acknowledge Final Pay Request (No. 2) in the amount of \$133,743.89 for the above-referenced project to Duinick, Inc. of Prinsburg, Minnesota, contingent upon receipt of all final closeout documents from the contractor.



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)	SAP 139-121-004	MN Project No.:	N/A	Change Order No.	2
-----------	-----------------	-----------------	-----	------------------	---

Project Location	Channel Parkway from West College Drive (MN Highway 19) to US Highway 59				
Local Agency	City of Marshall Public Works	Local Project No.	ST-008		
Contractor	Duininck, Inc.	Contract No.	ST-008 2023 Bit Overlay		
Address/City/State/Zip	408 6th Street P.O. Box 208 / Prinsburg / MN / 56281				
Total Change Order Amount \$	\$31,087.75				

Final Reconciling Change Order

Estimate Of Cost: <i>(Include any increases or decreases in contract items, any negotiated or force account items.)</i>					
Item No.	Description	Unit	Unit Price	+ or - Quantity	+ or - Amount \$
2104.50 3/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$5.53	4	\$22.12
2104.50 3/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$1.86	573	\$1,065.78
2104.50 3/00315	REMOVE CURB & GUTTER	L F	\$2.67	356	\$950.52
2104.50 4/00090	REMOVE CONCRETE PAVEMENT	S Y	\$11.31	4	\$45.24
2104.50 4/00130	REMOVE BITUMINOUS SURFACING	S Y	\$4.48	29	\$129.92
2104.51 8/00080	REMOVE SIDEWALK	S F	\$0.98	126	\$123.48
2106.60 7	COMMON EXCAVATION (P)	CU YD	\$20.07	-268	(\$5,378.76)
2211.60 7	AGGREGATE BASE (CV) CLASS 5	CU YD	\$32.95	-199	(\$6,557.05)
2232.50 4	MILL BITUMINOUS SURFACE (3.0")	S Y	\$2.11	-183	(\$386.13)
2357.50 6	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$3.14	-104	(\$326.56)
2360.50 4	TYPE SP 12.5 NON WR CRS MIX(SPNWA430B	S Y	\$23.10	39	\$900.90
2360.50 4	TYPE SP 9.5 WEARING COURSE MIX(SPWEA440C) 1.5"	S Y	\$8.29	-322	(\$2,669.38)
2360.61 8	BITUMINOUS PAVEMENT PATCH	S F	\$8.15	3454	\$28,150.10
2506.50 2	ADJUST FRAME & RING CASTING	EAC H	\$759.22	8	\$6,073.76



STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. February 2018

SP/SAP(s)	SAP 139-121-004	MN Project No.:	N/A	Change Order No.	2
-----------	-----------------	-----------------	-----	------------------	---

2521.51 8/00040	4" CONCRETE WALK	S F	\$9.03	-48	(\$433.44)
2521.51 8/00060	6" CONCRETE WALK	S F	\$12.56	239	\$3,001.84
2531.50 3/02315	CONCRETE CURB & GUTTER DESIGN B618	L F	\$49.17	190	\$9,342.30
2531.60 4/60106	7" CONCRETE VALLEY GUTTER	SQ YD	\$82.54	55	\$4,539.70
2574.50 7/00104	BOULEVARD TOPSOIL BORROW	C Y	\$67.21	-100	(\$6,721.00)
2575.62 3	RAPID STABILIZATION METHOD 3	MGA L	\$251.28	-3	(\$753.84)
2582.50 3	4" SOLID LINE PAINT	L F	\$0.60	-7	(\$4.20)
2582.50 3	24" SOLID LINE PAINT	L F	\$10.55	-5	(\$52.75)
2582.50 3	4" BROKEN LINE PAINT	L F	\$0.60	42	\$25.20
Net Change this Change Order					\$31,087.75

Due to this change, the contract time: *(check one)*

Is NOT changed May be revised as provided in MnDOT Specification 1806

Number of Working Days Affected by this Contract Change:	Number of Calendar Days Affected by this Contract Change:
--	---

Approved by Project Engineer: Eric Hanson Date: 11/13/2023
 Print Name: Eric Hanson Phone: 507-537-6774

Approved by Contractor: Kristopher Duinick Date: Nov 14, 2023
 Print Name: Kristopher Duinick, Vice President

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for:
 _____ Federal Funding
 _____ State Aid Funding
 _____ Local/Other Funds

District State Aid Engineer: _____ Date: _____
 Print Name: _____

Contract Number: ST-008 2023
Bit Overlay
Pay Request Number: 2

Project Number	Project Description
Local #ST-008, SAP #139-121-004	Channel Parkway Resurfacing

Contractor: Duinick, Inc. 408 6th Street Prinsburg, MN 56281	Vendor Number: 01-1020 Up To Date: 11/13/2023
---	--

Contract Amount		Funds Encumbered	
Original Contract	\$1,374,151.96	Original	\$1,374,151.96
Contract Changes	\$23,942.42	Additional	\$23,942.42
Revised Contract	\$1,398,094.38	Total	\$1,398,094.38

Work Certified To Date	
Base Bid Items	\$1,405,239.71
Contract Changes	(\$7,145.33)
Material On Hand	\$0.00
Total	\$1,398,094.38

Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
\$67,199.13	\$1,398,094.38	\$0.00	\$1,264,350.49	\$133,743.89	\$1,398,094.38
Percent: Retained: 0%			Percent Complete: 100%		

This is to certify that the items of work shown in this certificate of Pay Estimate have been actually furnished for the work comprising the above-mentioned projects in accordance with the plans and specifications heretofore approved.

Approved By
Eric Hanson
County/City/Project Engineer
11/13/2023
Date

Approved By Duinick, Inc.
Kristopher Duinick / Kristopher Duinick, Vice President
Kristopher Duinick (Nov 14, 2023 09:06:55)
Signature / Printed Name
Nov 14, 2023
Date

Payment Summary				
No.	Up To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	2023-09-19	\$1,330,895.25	\$66,544.76	\$1,264,350.49
2	2023-11-13	\$67,199.13	(\$66,544.76)	\$133,743.89

Funding Category Name	Funding Category Number	Work Certified to Date	Less Amount Retained	Less Previous Payments	Amount Paid this Request	Total Amount Paid to Date
Street		\$1,398,094.38	\$0.00	\$1,264,350.49	\$133,743.89	\$1,398,094.38

Accounting Number	Funding Source	Amount Paid this Request	Revised Contract Amount	Funds Encumbered to Date	Paid Contractor to Date
401	Local Agency Bonds Applied	\$133,743.89	\$1,398,094.38	\$1,398,094.38	\$1,398,094.38

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	1	2021.501/00010	MOBILIZATION	LS	\$45,535.00	1	0	\$0.00	1	\$45,535.00
Base Bid	2	2104.502	REMOVE CATCH BASIN	EACH	\$501.75	2	0	\$0.00	2	\$1,003.50
Base Bid	3	2104.503/00195	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	\$5.53	37	7	\$38.71	37	\$204.61
Base Bid	4	2104.503/00205	SAWING BIT PAVEMENT (FULL DEPTH)	L F	\$1.86	2755	755	\$1,404.30	2755	\$5,124.30
Base Bid	5	2104.503/00315	REMOVE CURB & GUTTER	L F	\$2.67	2012	512	\$1,367.04	2012	\$5,372.04
Base Bid	6	2104.504/00090	REMOVE CONCRETE PAVEMENT	S Y	\$11.31	59	9	\$101.79	59	\$667.29
Base Bid	7	2104.504/00130	REMOVE BITUMINOUS SURFACING	S Y	\$4.48	1437	237	\$1,061.76	1437	\$6,437.76
Base Bid	8	2104.518/00080	REMOVE SIDEWALK	S F	\$0.98	5257	257	\$251.86	5257	\$5,151.86
Base Bid	9	2106.607	COMMON EXCAVATION (P)	CU YD	\$20.07	0	0	\$0.00	0	\$0.00
Base Bid	10	2211.607	AGGREGATE BASE (CV) CLASS 5	CU YD	\$32.95	69	69	\$2,273.55	69	\$2,273.55
Base Bid	11	2232.504	MILL BITUMINOUS SURFACE (3.0")	S Y	\$2.11	50716	0	\$0.00	50716	\$107,010.76
Base Bid	12	2357.506	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$3.14	8150	150	\$471.00	8150	\$25,591.00
Base Bid	13	2360.504	TYPE SP 9.5 WEARING COURSE MIX(SPWEA440C) 1.5"	S Y	\$8.29	103032	0	\$0.00	103032	\$854,135.28

Contract Item Status										
Base/Alt	Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Base Bid	14	2360.504	TYPE SP 12.5 NON WR CRS MIX(SPNWA430B	S Y	\$23.10	1481	0	\$0.00	1481	\$34,211.10
Base Bid	15	2360.618	BITUMINOUS PAVEMENT PATCH	S F	\$8.15	5227	3727	\$30,375.05	5227	\$42,600.05
Base Bid	16	2503.603	18" RC PIPE SEWER CLASS III	L F	\$115.02	20	0	\$0.00	20	\$2,300.40
Base Bid	17	2506.502	CONST DRAINAGE STRUCTURE DESIGN A	EACH	\$5,577.77	2	0	\$0.00	2	\$11,155.54
Base Bid	18	2506.502	CASTING ASSEMBLY	EACH	\$1,523.90	4	0	\$0.00	4	\$6,095.60
Base Bid	19	2506.502	ADJUST FRAME & RING CASTING	EACH	\$759.22	17	0	\$0.00	17	\$12,906.74
Base Bid	20	2521.518/0040	4" CONCRETE WALK	S F	\$9.03	2400	0	\$0.00	2400	\$21,672.00
Base Bid	21	2521.518/0060	6" CONCRETE WALK	S F	\$12.56	2417	417	\$5,237.52	2417	\$30,357.52
Base Bid	22	2531.503/02315	CONCRETE CURB & GUTTER DESIGN B618	L F	\$49.17	1503	303	\$14,898.51	1503	\$73,902.51
Base Bid	23	2531.604/60106	7" CONCRETE VALLEY GUTTER	SQ YD	\$82.54	903	103	\$8,501.62	903	\$74,533.62
Base Bid	24	2531.618/00010	TRUNCATED DOMES	S F	\$65.33	198	0	\$0.00	198	\$12,935.34
Base Bid	25	2563.601	ACCESS MANAGEMENT	L S	\$1,005.11	1	0	\$0.00	1	\$1,005.11
Base Bid	26	2563.601/00010	TRAFFIC CONTROL	LS	\$6,935.24	1	0	\$0.00	1	\$6,935.24
Base Bid	27	2573.502/00110	STORM DRAIN INLET PROTECTION	EACH	\$90.46	44	0	\$0.00	44	\$3,980.24
Base Bid	28	2574.507/00104	BOULEVARD TOPSOIL BORROW	C Y	\$67.21	0	0	\$0.00	0	\$0.00
Base Bid	29	2575.501/00020	TURF ESTABLISHMENT	LS	\$5,718.05	1	1	\$5,718.05	1	\$5,718.05
Base Bid	30	2575.623	RAPID STABILIZATION METHOD 3	MGAL	\$251.28	0	0	\$0.00	0	\$0.00
Base Bid	31	2582.503	4" SOLID LINE PAINT	L F	\$0.60	3078	0	\$0.00	3078	\$1,846.80
Base Bid	32	2582.503	24" SOLID LINE PAINT	L F	\$10.55	182	182	\$1,920.10	182	\$1,920.10
Base Bid	33	2582.503	4" BROKEN LINE PAINT	L F	\$0.60	3222	0	\$0.00	3222	\$1,933.20
Base Bid	34	2582.518	PAVT MSSG PAINT	S F	\$8.04	90	90	\$723.60	90	\$723.60
Base Bid Totals:								\$74,344.46		\$1,405,239.71

Project Category Totals			
Project	Category	Amount This Request	Amount To Date
Local #ST-008, SAP #139-121-004		\$74,344.46	\$1,405,239.71

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Local #ST-008, SAP #139-121-004	CO1	35	2360.601/000101 BITUMINOUS PAVEMENT DISINCENTIVE (LUMP SUM)	(\$2,345.33)	1	(\$2,345.33)	ITM	\$1.00	(\$2,345.33)	1	(\$2,345.33)
Local #ST-008, SAP #139-121-004	CO1	36	00001 LIQUIDATED DAMAGES (DAY)	(\$1,200.00)	4	(\$4,800.00)	ITM	\$4.00	(\$4,800.00)	4	(\$4,800.00)
Local #ST-008, SAP #139-121-004	CO2	3	2104.503/00195 SAWING CONCRETE PAVEMENT (FULL DEPTH) (L F)	\$5.53	4	\$22.12	ADJ				
Local #ST-008, SAP #139-121-004	CO2	4	2104.503/00205 SAWING BIT PAVEMENT (FULL DEPTH) (L F)	\$1.86	573	\$1,065.78	ADJ				
Local #ST-008, SAP #139-121-004	CO2	5	2104.503/00315 REMOVE CURB & GUTTER (L F)	\$2.67	356	\$950.52	ADJ				
Local #ST-008, SAP #139-121-004	CO2	6	2104.504/00090 REMOVE CONCRETE PAVEMENT (S Y)	\$11.31	4	\$45.24	ADJ				
Local #ST-008, SAP #139-121-004	CO2	7	2104.504/00130 REMOVE BITUMINOUS SURFACING (S Y)	\$4.48	29	\$129.92	ADJ				
Local #ST-008, SAP #139-121-004	CO2	8	2104.518/00080 REMOVE SIDEWALK (S F)	\$0.98	126	\$123.48	ADJ				
Local #ST-008, SAP #139-121-004	CO2	9	2106.607 COMMON EXCAVATION (P) (CU YD)	\$20.07	-268	(\$5,378.76)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	10	2211.607 AGGREGATE BASE (CV) CLASS 5 (CU YD)	\$32.95	-199	(\$6,557.05)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	11	2232.504 MILL BITUMINOUS SURFACE (3.0") (S Y)	\$2.11	-183	(\$386.13)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	12	2357.506 BITUMINOUS MATERIAL FOR TACK COAT (GAL)	\$3.14	-104	(\$326.56)	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
#139-121-004											
Local #ST-008, SAP #139-121-004	CO2	13	2360.504 TYPE SP 9.5 WEARING COURSE MIX(SPWEA440C) 1.5" (S Y)	\$8.29	-322	(\$2,669.38)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	14	2360.504 TYPE SP 12.5 NON WR CRS MIX(SPNWA430B (S Y)	\$23.10	39	\$900.90	ADJ				
Local #ST-008, SAP #139-121-004	CO2	15	2360.618 BITUMINOUS PAVEMENT PATCH (S F)	\$8.15	3454	\$28,150.10	ADJ				
Local #ST-008, SAP #139-121-004	CO2	19	2506.502 ADJUST FRAME & RING CASTING (EACH)	\$759.22	8	\$6,073.76	ADJ				
Local #ST-008, SAP #139-121-004	CO2	20	2521.518/00040 4" CONCRETE WALK (S F)	\$9.03	-48	(\$433.44)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	21	2521.518/00060 6" CONCRETE WALK (S F)	\$12.56	239	\$3,001.84	ADJ				
Local #ST-008, SAP #139-121-004	CO2	22	2531.503/02315 CONCRETE CURB & GUTTER DESIGN B618 (L F)	\$49.17	190	\$9,342.30	ADJ				
Local #ST-008, SAP #139-121-004	CO2	23	2531.604/60106 7" CONCRETE VALLEY GUTTER (SQ YD)	\$82.54	55	\$4,539.70	ADJ				
Local #ST-008, SAP #139-121-004	CO2	28	2574.507/00104 BOULEVARD TOPSOIL BORROW (C Y)	\$67.21	-100	(\$6,721.00)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	30	2575.623 RAPID STABILIZATION METHOD 3 (MGAL)	\$251.28	-3	(\$753.84)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	31	2582.503 4" SOLID LINE PAINT (L F)	\$0.60	-7	(\$4.20)	ADJ				
Local #ST-008, SAP #139-121-004	CO2	32	2582.503 24" SOLID LINE PAINT (L F)	\$10.55	-5	(\$52.75)	ADJ				

Contract Change Item Status											
Project	CC	Line	Item	Unit Price	Contract Quantity	Contract Amount	New Item or Adj to Existing	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
Local #ST-008, SAP #139-121-004	CO2	33	2582.503 4" BROKEN LINE PAINT (L F)	\$0.60	42	\$25.20	ADJ				
Contract Change Totals:									(\$7,145.33)		(\$7,145.33)

Contract Change Totals			
Number	Description	Effective Date	Amount
1	<p>Change Order 1 includes two items:</p> <ol style="list-style-type: none"> Disincentive for the pavement core densities. Liquidated damages for the project. <p>Item #1 - Core 13 had low density (90.7), according to Table 2360.5-4 in the project manual, the pay factor will be 0.95. Based on this information the total price adjustment of -\$2,345.33 will added to the project.</p> <p>Item #2 - As outlined in the Project Manual section S-22.2 all work was to be completed before September 15, 2023. The roadway was considered substantially complete and opened to traffic at the end of the day on September 19th, 2023. As outlined in S-23 liquidated damages of \$1,200 per day are being deducted from the contract for 4 days. The total deduct for the liquidated damages are calculated to be \$4,800 (4 days x \$1,200/day).</p>	09/20/2023	(\$7,145.33)
2	Final Reconciling Change Order	11/09/2023	\$31,087.75

Material On Hand Additions					
Line	Item	Description	Date	Added	Comments

Material On Hand Balance						
Line	Item	Description	Date	Added	Used	Remaining

Contract Total	\$1,398,094.38
-----------------------	-----------------------

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Project ST-034: Intersection Control Evaluation (ICE) for Intersection of Susan Drive and US 59 Frontage Road – Consider Resolution of Support for LRIP Grant Application
Background Information:	<p>The intersection of Susan Drive just east of US 59/Main Street is an important and busy intersection in our community. The intersection is quite wide and there are numerous travel lanes designated on each leg of the intersection. The intersection is further troubled by the “free” movements into the intersection coming off Main Street.</p> <p>At the September 26th meeting, the City Council authorized city staff to work with Bolton & Menk to offer the City design options for geometric improvement at this intersection to help ensure good traffic flow, while also considering safety for all users of the intersection. As part of the study, Bolton & Menk conducted a traffic analysis that included the usage of video cameras and traffic movement counts in this area. Included in the packet is an exhibit for a proposed intersection design that City and Bolton & Menk staff believe will improve safety for all users at this intersection.</p> <p>Notable alterations:</p> <ul style="list-style-type: none"> - Adjustment of geometry to make Susan Drive, a city municipal state aid route, the primary street in this area, with no stop control prior to arrival at the traffic signal. - Closure of access to “old Shopko building” property at this intersection. This reduces the size of the intersection and eliminates added conflicts at the intersection. Two other accesses to this business area are located a short distance away. - Realignment of Walmart entrance road to near 90 degree intersection with the new Susan Drive alignment. - Reduce from three lanes on Walmart access road to two lanes by having one lane in each direction. - Narrowing of paved area at the intersection of Susan Drive/Walmart access road to help simplify driver decision-making. - Narrowing of paved area at the intersection of Susan Drive/US 59 to make pedestrian crossing shorter. Reduced from five lanes to three lanes. - Note that the WB-62 truck tracking apron is likely to be removed from final draft. <p>City staff have attempted to reach the new owner of the former Shopko building to discuss this proposed project but have not made contact yet. City staff are also attempting to reach Walmart leadership to discuss the proposed changes but have not made contact yet. MnDOT will also need to approve changes at the intersection with US 59/Susan Drive, but City and Bolton & Menk staff do not anticipate concerns from MnDOT.</p>

	<p>Though the Intersection Control Evaluation (ICE) is not yet finalized, City staff is seeking City Council authorization to submit for Local Road Improvement Program (LRIP) grant funds to implement the changes as proposed in the exhibit. The LRIP grant is the same funding source that was used for the Channel Parkway project in 2023. City staff views this intersection as a good candidate for LRIP funds in this solicitation and would like to get an application submitted prior to the December 10, 2023 deadline.</p> <p>This item was presented to the PI/T Committee at their November 28, 2023 meeting.</p>
Fiscal Impact:	The preliminary cost estimate for this project is \$1,349,900 dollars. This cost includes engineering and project administration fees. The maximum LRIP award for this solicitation is \$1.5M. Any costs not covered by the grant, including engineering fees, would be State Aid eligible due to Susan Drive being a Municipal State Aid Street System (MSAS) route.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt RESOLUTION 23-074, which is the "Resolution of Support for LRIP Application", authorizing City staff to submit an LRIP grant application for the project.

RESOLUTION NUMBER 23-074

**RESOLUTION OF SUPPORT FOR
PROJECT ST-034
INTERSECTION OF SUSAN DRIVE AND US 59 FRONTAGE ROAD
LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) APPLICATION**

BE IT RESOLVED, a resolution of the City of Marshall agreeing to apply for financial assistance with the Minnesota Local Road Improvement Program (LRIP) to finance Project ST-034: Intersection of Susan Drive and US 59 Frontage Road Project.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the Director of Public Works to submit and sign an application to the State of Minnesota for financial aid for LRIP application purposes.

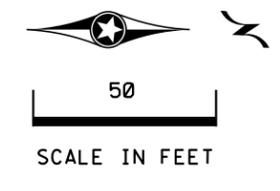
Passed and adopted by the City Council this 28th day of November, 2023.

ATTEST:

City Clerk

Mayor

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



RELOCATE LIGHT

WB-62 TRACKING
TRUCK APRON



Susan Drive Concepts T-Intersection Alternative



ENGINEER'S PRELIMINARY COST ESTIMATE

Susan Drive & US 59 Intersection Improvements

Concrete Pavement
Marshall, Minnesota

11/13/2023

Item	Item	Unit	Unit Price	Estimated Quantity	Amount
1	MOBILIZATION	LS	\$100,000.00	1	\$100,000.00
2	TRAFFIC CONTROL	LS	\$20,000.00	1	\$20,000.00
3	REMOVE CURB & GUTTER	LF	\$5.00	1662	\$8,310.00
4	REMOVE SIDEWALK & DRIVEWAY	SF	\$4.00	3797	\$15,188.00
5	REMOVE PAVEMENT	SY	\$4.50	4430	\$19,935.00
6	COMMON EXCAVATION	CY	\$16.00	2008	\$32,128.00
7	SELECT GRANNULAR BORROW (CV) (P)	CY	\$26.00	1338	\$34,788.00
8	AGGREGATE BASE CLASS 5 (CV) (P)	CY	\$45.00	687	\$30,915.00
9	TYPE 9.5 WEARING COURSE MIX (TRAIL)	TON	\$165.00	36	\$5,940.00
10	CONCRETE CURB & GUTTER DESIGN B618	LF	\$30.00	1645	\$49,350.00
11	4" CONCRETE SIDEWALK	SF	\$9.00	1613	\$14,517.00
12	PEDESTRIAN RAMP	EACH	\$5,000.00	4	\$20,000.00
13	7" CONCRETE PAVEMENT	SY	\$90.00	3387	\$304,830.00
14	GEOTEXTILE FABRIC	SY	\$4.00	3189	\$12,756.00
15	PERFORATED DRAIN TILE	LF	\$15.00	1645	\$24,675.00
16	STORM SEWER PIPE	LF	\$100.00	500	\$50,000.00
17	STORM MANHOLE/CATCH BASIN	EACH	\$5,000.00	9	\$45,000.00
18	STORM CASTING	EACH	\$1,200.00	9	\$10,800.00
19	CONNECT TO EXISTING STORM SEWER	EACH	\$1,100.00	3	\$3,300.00
20	EROSION & SEDIMENT CONTROL	LS	\$25,000.00	1	\$25,000.00
21	TURF ESTABLISHMENT	LS	\$35,000.00	1	\$35,000.00
22	LIGHTING SYSTEM	LS	\$75,000.00	1	\$75,000.00
Subtotal					\$937,432.00
20% Contingency					\$187,490.00
Total Estimated Construction Cost					\$1,124,922.00
Design, Administration and Construction Engineering					\$224,980.00
Total Estimated Project Cost					\$1,349,902.00

Presenter:	Steven Anderson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider a Resolution to Accept the Results of the Special Election Held on November 7, 2023
Background Information:	<p>The next step of the process of implementing a General Local Tax is to notify the Minnesota Department of Revenue. As part of this notification process, the following items must be submitted:</p> <ol style="list-style-type: none"> 1. Resolution imposing the local tax. 2. Board meeting minutes approving the resolution. 3. Your ordinance for sales and use tax regulations. 4. The certificate of approval and the ordinance must be sent to the Minnesota Secretary of State. 5. Referendum questions and results. 6. Documentation of public informational meetings held prior to the referendum (if held). 7. Meeting minutes approving the project plan or capital improvement designated for the use of revenues collected. <p>This resolution will fulfill requirement #5 of the local sales tax extension implementation.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To adopt the resolution accepting the results of the Special Election held on November 7, 2023.

RESOLUTION 23-073
A RESOLUTION CERTIFYING RESULTS OF THE
NOVEMBER 7, 2023, SPECIAL ELECTION

WHEREAS, the City of Marshall held an election for a referendum question on the extension of the existing sales tax on Tuesday, November 7, 2023, during the General Election; and

WHEREAS, on the 14th day of November 2023, the City Council met to canvass said election results; and

WHEREAS, the City Ballot Question being canvassed was as follows;

Shall the City of Marshall be authorized to (a) extend a sales and use tax of one-half of one percent (0.50%) for the purpose of paying the costs of collecting and administering the tax and paying for the construction of a new municipal aquatic center in the City, plus associated bonding costs, including interest on any bonds, and (b) issue its general obligation bonds in an aggregate principal amount not to exceed \$18,370,000, plus the cost of issuing the bonds, including interest on the bonds, to finance the construction of a new municipal aquatic center in the City?

WHEREAS, the votes tabulated at said election were:

<u>Precinct:</u>	<u>Yes</u>	<u>No</u>
MARSHALL W-1	443	210
MARSHALL W-2	596	307
MARSHALL W-3	<u>416</u>	<u>218</u>
Total Votes	1455	735

NOW THEREFORE, BE IT RESOLVED by the Common Council of Marshall that the votes tabulated in the affirmative be entered as 1455 and the votes tabulated in the negative be entered as 735. With the affirmative votes being the majority, the sales tax extension city ballot question passed.

Passed and adopted this 28th day of November 2023.

Robert Byrnes, Mayor

ATTEST:

Steven Anderson, City Clerk

Abstract of Votes Cast
In the Precincts of the City of Marshall
State of Minnesota
At the SPECIAL ELECTION
Held Tuesday, November 07, 2023
As compiled from the official returns.

Summary of Totals
City of Marshall
Tuesday, November 07, 2023, SPECIAL ELECTION

Number of persons registered as of 7 a.m.	7269
Number of persons registered on Election Day	64
Number of accepted regular, military, and overseas absentee ballots and mail ballots	171
Number of federal office only absentee ballots	0
Number of presidential absentee ballots	0
Total number of persons voting	2190

Summary of Totals
City of Marshall
Tuesday, November 07, 2023, SPECIAL ELECTION

City Ballot Question

YES	NO
1455	735

We certify that we have herein specified the number of votes received by each precinct and have specified the number of votes cast for and against any question voted on, at the SPECIAL ELECTION held on Tuesday, November 07, 2023.

As appears by the returns of the election precincts voting in this election, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the City of Marshall Clerk. Witness our official signature at Marshall City Hall in Lyon County this 14th day of November 2023.

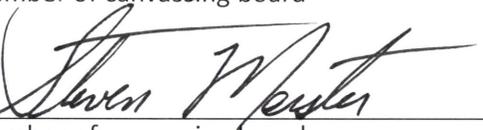

Member of canvassing board

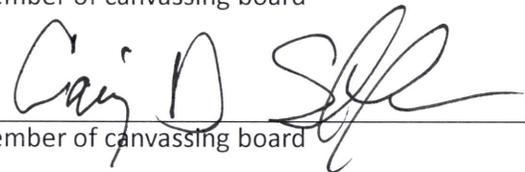

Member of canvassing board


Member of canvassing board


Member of canvassing board


Member of canvassing board


Member of canvassing board


Member of canvassing board

Detail of Election Results
 City of Marshall
 Tuesday, November 07, 2023, SPECIAL ELECTION

Precinct	Persons Registered As of 7 A.M.	Persons Registered on Election Day	Total Number of Persons Voting
MARSHALL W-1*	2031	19	653
MARSHALL W-2	2870	26	903
MARSHALL W-3	2368	19	634

*Absentee ballots of 171 voters were counted at this ward

Detail of Election Results
 City of Marshall
 Tuesday, November 07, 2023, SPECIAL ELECTION

Precinct	Yes	No
MARSHALL W-1*	443	210
MARSHALL W-2	596	307
MARSHALL W-3	416	218

*Absentee ballots of 171 voters were counted at this ward

State of Minnesota
City of Marshall

I, Steven Anderson, Clerk of the City of Marshall do hereby certify the within and foregoing five (5) pages to be a full and correct copy of the original abstract and return of the votes cast in the City of Marshall SPECIAL ELECTION held on Tuesday, November 07, 2023.

Witness my hand and official seal of office this 14th day of November 2023.



Steven Anderson, City Clerk



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Sharon Hanson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Adoption of Ordinance Amending the City’s Existing Ordinance No. 667, Second Series to Provide for Extension of the Sales Tax.
Background Information:	<p>Minnesota Statutes Section 297A.99 specifically outlines the process for approving a sales tax, which includes the city conducting a referendum during a general election within two years of receiving legislative authority for the local sales tax. The referendum must include separate questions for each project, and the ballot questions approved by voters may be funded by the sales tax.</p> <p>On November 7, 2023, the voters approved by 66.44% the ballot question authorizing the City of Marshall to (a) extend the sales and use tax of one-half of one percent (.50%) for the purpose of paying the costs of collecting and administering the tax and paying for the construction of a new municipal aquatic center in the City, plus associated bonding costs, including interest on any bonds; and (b) issue its general obligation bonds in an aggregate principal amount not to exceed \$18,370,000, plus the cost of issuing the bonds, including interest on the bonds to finance the construction of the aquatic center.</p> <p>Next steps under the statutes requires the city to pass an ordinance imposing the tax, after which the City will notify the Commissioner of Revenue of the tax.</p> <p>The Canvassing Board met on November 14, 2023, to certify the final results from the special election held on November 7, 2023.</p>
Fiscal Impact:	n/a
Alternative/ Variations:	None
Recommendations:	Approve the adoption of an ordinance amending the City’s existing Ordinance No. 667, Second Series to provide for extension of the sales tax.

**CITY OF MARSHALL
ORDINANCE 23-025**

**AN ORDINANCE AMENDING CHAPTER 70 TAXATION TO ALLOW THE
ADDITIONAL USE AND EXTENSION OF THE SALES TAX**

NOW THEREFORE, the Common Council of the City of Marshall do ordain:

SECTION 1: **AMENDMENT** “Section 70-50 Authority” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 70-50 Authority

The state legislature has, by Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 14, as amended by Minnesota Laws, 2023, Regular Session, Chapter 64, Article 10, Section 14, authorized the city to impose a one-half of one percent sales and use tax to ~~assist in funding~~ pay all or part of the costs of the new and existing facilities of the Minnesota Emergency Response and Industry Training Center and the new facilities of the Southwest Minnesota Regional Amateur Sports Center, and to extend such sales and use tax to pay the costs of collecting and administering the tax and paying for \$18,370,000 plus associated bonding costs for the construction of a new municipal aquatic center in the city, including securing and paying debt service on bonds issued to finance such project. The city approved the Act in accordance with applicable law.

(Ord. No. 667 2nd series, § 1, 12-18-2012)

SECTION 2: **AMENDMENT** “Section 70-51 Definitions” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 70-51 Definitions

The words, terms and phrases used in this article shall have the meaning ascribed to them in Minn. Stat. ch. 297A, except where the context clearly indicates otherwise. In addition, the following definitions shall apply:

Act means Laws of Minnesota 2011-~~Chapter 7~~, 1st Special Session, Chapter 7, Article 4, Section 14 as amended by Minnesota Laws, 2023, Regular Session, Chapter 64, Article 10, Section 14.

Applicant means an individual if the license is issued to or in the name of an individual or the corporation, partnership or other entity if the license is issued to or in the name of a corporation, partnership or other entity.

City means the City of Marshall, Minnesota.

Commissioner means the commissioner of revenue for the state acting under the authority of an agreement entered into between the city and the state pursuant to the Act, or such other person or entity designated to administer and collect the city sales and use tax.

Marshall sales and use tax means the sales and use tax imposed and collected pursuant to this article.

Ordinance means the ordinance or, collectively as the context may require, ordinances from which this article derives in its present form and as subsequently codified in the City Code.

Penalties and interest means penalties and interest due on taxes included in the definition of the Marshall sales and use tax.

Retailer or any like term means any retailer having or maintaining within the city, directly or by a subsidiary or an affiliate, an office, place of distribution, sales or sample room or place, warehouse or other place of business, or having any representative, including an affiliate, agent, sales person, canvasser or solicitor operating in the city under the authority of the retailer or its subsidiary, for any purpose, including the repairing, selling delivering, installation, or soliciting of order of the retailer's goods or services, or the leasing of tangible personal property located in the city, whether the place of business or agent, representative, affiliate, sales person, canvasser, or solicitor, is located in the city permanently or temporarily, or whether or not the retailer or subsidiary is authorized to do business within the city.

(Ord. No. 667 2nd series, § 1, 12-18-2012)

Cross reference(s)—Definitions generally, § 1-2.

SECTION 3: **AMENDMENT** “Section 70-59 Collection And Enforcement” of the Marshall Municipal Code is hereby *amended* as follows:

AMENDMENT

Section 70-59 Collection And Enforcement

The sales and use tax imposed by the city pursuant to this article shall be subject to the same interests, penalties, and other rules as are applicable to the state general sales tax imposed by Minn. Stat. chs. 289A and 297A. The sales and use tax imposed by the city pursuant to this article may be collected by the state on behalf of the city as provided by an appropriate agreement with the state commissioner of revenue. The tax imposed under section 70-52 for the purpose of paying all or part of the costs of the Minnesota Emergency Response and Industry Training Center and the Southwest Minnesota Regional Amateur Sports Center as provided under subdivision 2 of the Act expires at the earlier of (1) 15 years after the tax is first imposed, or (2) when the city council determines that the amount of revenues received from the tax to pay for the capital and administrative costs of the ~~facilities listed in section 70-50~~ Minnesota Emergency Response and Industry Training Center and the Southwest Minnesota Regional Amateur Sports Center first equals or exceeds the amount authorized to be spent for the facilities plus the additional amount needed to pay the costs related to issuance of the bonds authorized under ~~Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 14,~~ subdivision 4 of the Act, including interest on the bonds. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The tax imposed under section 70-52 for the purpose of paying the costs of collecting and administering the tax and paying for \$18,370,000 plus associated bonding costs for the construction of a new municipal aquatic center in the city, including securing and paying debt service on bonds issued to finance such project expires at the earlier of (1) 35 years after the tax under subdivision 2 of the Act is first imposed, or (2) when the city council determines that the amount of revenues received from the tax is sufficient to pay for the project costs of the new municipal aquatic center authorized under subdivision 3a of the Act, plus an amount sufficient to pay the costs related to issuance of the bonds under subdivision 4a of the Act, including interest on the bonds. Except as otherwise provided in Minnesota Statutes, section 297A.99, subdivision 3, paragraph (f), any funds remaining after payment of the allowed costs due to the timing of the termination of the tax under Minnesota Statutes, section 297A.99, subdivision 12, shall be placed in the general fund of the city. The tax imposed under section 70-52 may expire at an earlier time if the city so determines by ordinance.

(Ord. No. 667 2nd series, § 1, 12-18-2012)

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

SUMMARY ORDINANCE NO. 23-025

AN ORDINANCE AMENDING CHAPTER 70 TAXATION TO ALLOW THE ADDITIONAL USE AND EXTENSION OF THE SALES TAX

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

Section 1: City Code of Ordinances, Chapter 70, Section 70-50; Section 70-51; and Section 70-59 is hereby amended in summary as follows:

Section 70-50 Authority

The state legislature has, by Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 14, as amended by Minnesota Laws, 2023, Regular Session, Chapter 64, Article 10, Section 14, authorized the city to impose a one-half of one percent sales and use tax ~~to assist in funding~~ pay all or part of the costs of the new and existing facilities of the Minnesota Emergency Response and Industry Training Center and the new facilities of the Southwest Minnesota Regional Amateur Sports Center, and to extend such sales and use tax to pay the costs of collecting and administering the tax and paying for \$18,370,000 plus associated bonding costs for the construction of a new municipal aquatic center in the city, including securing and paying debt service on bonds issued to finance such project. The city approved the Act in accordance with applicable law.

Section 70-51 Definitions

Act means Laws of Minnesota 2011-~~Chapter 7~~, 1st Special Session, Chapter 7, Article 4, Section 14 as amended by Minnesota Laws, 2023, Regular Session, Chapter 64, Article 10, Section 14.

Ordinance means the ordinance or, collectively as the context may require, ordinances from which this article derives in its present form and as subsequently codified in the City Code.

Section 70-59 Collection And Enforcement

The tax imposed under section 70-52 for the purpose of paying all or part of the costs of the Minnesota Emergency Response and Industry Training Center and the Southwest Minnesota Regional Amateur Sports Center as provided under subdivision 2 of the Act expires at the earlier of (1) 15 years after the tax is first imposed, or (2) when the city council determines that the amount of revenues received from the tax to pay for the capital and administrative costs of the facilities listed in section 70-50 Minnesota Emergency Response and Industry Training Center and the Southwest Minnesota Regional Amateur Sports Center first equals or exceeds the amount authorized to be spent for the facilities plus the additional amount needed to pay the costs related to issuance of the bonds authorized under Laws of Minnesota 2011, 1st Special Session, Chapter 7, Article 4, Section 14, subdivision 4 of the Act, including interest on the bonds. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The tax imposed under section 70-52 for the purpose of paying the costs of collecting and administering the tax and paying for \$18,370,000 plus associated bonding costs for the construction of a new municipal aquatic center in the city, including securing and paying debt service on bonds issued to finance such project expires at the earlier of (1) 35 years after the tax under subdivision 2 of the Act is first imposed, or (2) when the city

council determines that the amount of revenues received from the tax is sufficient to pay for the project costs of the new municipal aquatic center authorized under subdivision 3a of the Act, plus an amount sufficient to pay the costs related to issuance of the bonds under subdivision 4a of the Act, including interest on the bonds. Except as otherwise provided in Minnesota Statutes, section 297A.99, subdivision 3, paragraph (f), any funds remaining after payment of the allowed costs due to the timing of the termination of the tax under Minnesota Statutes, section 297A.99, subdivision 12, shall be placed in the general fund of the city. The tax imposed under section 70-52 may expire at an earlier time if the city so determines by ordinance.

Section 2: It is hereby determined that publication of this Title and Summary Ordinance will clearly inform the public of the intent and effect of Ordinance No. 23-025.

It is hereby directed that only the above Title and Summary of Ordinance No. 23-025 be published conforming to Minnesota Statutes §331A.01 with the following:

NOTICE

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

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

Passed and adopted by the Common Council this 28th day of November 2023.

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

ATTEST:
Steven Anderson
City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Sharon Hanson
Meeting Date:	Tuesday, November 28, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Agreement to grant the City a license to use the Parking Facility for public parking and access to the future Marshall Aquatic Center.
Background Information:	<p>The City of Marshall and Schwan had previously discussed using Schwans owned parking lot for future Marshall Aquatic Center.</p> <p>This agreement grants to the City the non-exclusive use of the Parking Facility to provide for public parking and access to the future Marshall Aquatic Center, but for no other purpose, except with the express written consent of Schwan’s. Use of said parking facilities shall be permitted for all hours, including overnight, with occasional restrictions prohibiting parking for periods of time exceeding 24 consecutive hours. That said public purpose shall continue indefinitely into the future.</p> <p>This use license with respect to real estate upon which the Aquatic Center will be located, is a privilege to go with the Parking Facility, thus there is no cost to the City, excluding routine maintenance.</p>
Fiscal Impact:	None
Alternative/ Variations:	None
Recommendations:	Approve the agreement to grant the City a license to use the Parking Facility for public parking and access to the future Marshall Aquatic Center.

GRANT OF PUBLIC USE LICENSE

This Grant of Public Use License (this “License”) is made and entered into this day of November 1, 2023 (“Effective Date”), by and between the CITY OF MARSHALL, MINNESOTA, a municipal corporation under the laws of the State of Minnesota (“City”) and SCHWAN’S SHARED SERVICES, LLC, a limited liability company under the laws of the State of Delaware, or it assigns (“Schwan’s”).

WHEREAS, the City and Schwan’s have entered into a Real Estate Purchase Agreement (the “Agreement”), dated July 20, 2023; and

WHEREAS Schwan’s owns real property , which is presently used for Schwan’s private parking purposes, legally described on and depicted in Exhibit A (the “Parking Facility”); and

WHEREAS Schwan’s hereby agrees to grant the City a license to use the Parking Facility for public parking and access to the future Marshall Aquatic Center.

NOW, THEREFORE, in consideration thereof, the parties agree, for themselves, their successors and assigns as follows:

1. City Use. Schwan’s hereby grants to the City the non-exclusive use of the Parking Facility to provide for public parking and access to the future Marshall Aquatic Center, but for no other purpose, except with the express written consent of Schwan’s. Use of said parking facilities shall be permitted for all hours, including overnight, with occasional restrictions prohibiting parking for periods of time exceeding 24 consecutive hours. That said public purpose shall continue indefinitely into the future.
2. Schwan’s Use. Notwithstanding the rights granted to the City herein, Schwan’s, its affiliates, and its and their directors, managers, employees, agents, contractors and visitors maintain the right to use the Parking Facility for parking or other business purposes.
3. Terms of the Real Property License. This License with respect to real estate is a privilege to go with the Parking Facility for the specific and certain purposes outlined above. This license does not confer on or vest in any licensee with any title, interest or estate in such property.
4. Maintenance. The City assumes the responsibility for routine maintenance of the Parking Facility, including the parking lot, sidewalks, and surrounding landscaping, including without limitation, making repairs to (and painting of) the pavement, lawn care & snow removal, to ensure the safe condition of the Parking Facility (including the parking lot, sidewalks, and surrounding area). Routine Maintenance does not include public improvements to the Parking Facility that would require surface replacement or mill & overlay of the Parking Facility surface. Surface replacement or mill & overlay repair shall be the responsibility of Schwan’s.

Prior to commencement of this agreement and thenceforth annually and prior to May 15th, of each subsequent year, the City and Schwan's shall visually inspect the facilities to confirm the condition prior to use by the City for that subsequent year. The inspection shall be conducted to review the existing condition of the Parking Facility. Any damage outside of standard wear to the facilities caused by the snow maintenance by the City, shall be the sole responsibility of Schwan's.

5. Indemnification.

- a) City will defend, indemnify and hold harmless Schwan's and any parent, subsidiary or commonly-owned or controlled affiliate company of Schwan's, and each of those companies' shareholders, officers, directors, managers, employees, successors and assigns (each, a "Schwan's Indemnitee") from and against any and all demands, claims, actions, causes of action, proceedings, government investigations, hearings, citations, judgments, damages, losses, fines, penalties, and other reasonable costs and expenses (including reasonable attorneys' fees and costs) of any nature (collectively, "Claims") that are due to or arise from: (i) the breach or violation of any obligation contained in this License by City or any of its directors, officers, employees, agents, contractors, or subcontractors ("City Personnel"); (ii) the negligent or wrongful acts or negligent or wrongful failure to act of City or any City Personnel related to the duties of the City under this Agreement; (iii) the violation of any applicable code, statute, law, regulation, or ordinance by City or any City Personnel; or (iv) all Claims asserted against Schwan's and/or its affiliates by City Personnel arising out of the use of the Parking Facility. Notwithstanding any other provision of this License, in the event Schwan's or any Schwan's Indemnitee is ultimately found by a court of competent jurisdiction or through other final adjudication to be solely responsible for causing the Claim, then City will not owe the indemnification duties set forth herein and Schwan's will reimburse City for the documented costs City incurred in defending, indemnifying, and holding harmless Schwan's for such Claim. Nothing in this Agreement shall be construed as a waiver by the City of any immunity, defenses, or other limitations on liability to which the City is entitled by law.
- b) Schwan's shall indemnify, hold harmless and defend the City, and its officials, employees, contractors and agents, from and against any and all liability, loss, costs, damages, expenses, claims, actions or judgements, including reasonable attorneys' fees arising out of or by reason of any negligent or wrongful act or failure to act by Schwan's, its offices, employees, agents or contractors, pursuant to this agreement. Any and all claims that may arise against Schwan's related to establishment or use of public parking pursuant to this Agreement shall be Schwan's responsibility unless claimed to result from the City's sole negligence. Nothing in this Agreement shall be construed as a waiver by the City of any immunity, defenses, or other limitations on liability to which the City is entitled by law.
- c) City may defend any Claim relating to amounts which may come due pursuant to this Section. The Schwan's Indemnitee will promptly deliver notice in writing to City as soon as practicable after first notice of a

Claim. Any failure or delay by Schwan's in giving such notice will relieve City of its defense and indemnification obligations only if and to the extent City's defense of the indemnifiable Claim is materially prejudiced by such failure or delay. City will assume exclusive control of the defense or settlement of the Claim (subject to the immediately following sentence); provided, however, that the Schwan's Indemnitee: (i) will provide, at City's expense, all authority, information and assistance which City may reasonably request for purposes of such defense; and (ii) may participate in the defense of any Claim with counsel of its choice at its own cost and expense. Notwithstanding anything to the contrary in this Section, if City is unable or unwilling to undertake the defense of any Claim with qualified counsel that has substantial experience defending Claim of the same nature, the Schwan's Indemnitee may elect, in its sole discretion, to assume the defense of such Claim with qualified and experienced counsel, and City will reimburse the Schwan's Indemnitee for all reasonable costs and expenses (including reasonable attorneys' fees) incurred by the Schwan's Indemnitee in connection with such defense (in addition to other amounts owed with respect to the indemnifiable Claim).

- d) City may not, without the Schwan's Indemnitee's prior written consent, settle or compromise any Claim regarding which indemnification is being sought hereunder unless such settlement, compromise, or consent: (i) includes an unconditional release of the Schwan's Indemnitee from all liability arising out of such claim; (ii) does not contain any admission or statement suggesting any wrongdoing or liability on behalf of the Schwan's Indemnitee; and (iii) does not contain any equitable order, judgment, or term (other than the fact of payment or the amount of such payment) that in any manner affects, restrains, or interferes with the business of the Schwan's Indemnitee or its affiliates, or any of its or their shareholders, officers, directors, managers, employees, successors or assigns.

6. Insurance. City agrees to maintain the following insurance coverage as long as may be necessary to respond to claims arising out of this License: a) Commercial General Liability: (including but not limited to: premises liability, products and completed operations coverage) limits of liability of not less than \$1,000,000 each occurrence, \$2,000,000 aggregate (limits may be satisfied by primary and/or umbrella or excess insurance and will include a severability of interests provision and no cross suit exclusions); b) Commercial Auto Liability: limits of liability of not less than \$1,000,000 combined single limit bodily injury and property damage, including coverage for owned, non-owned and hired vehicles; c) Workers' Compensation: statutory limits; and d) Employer's Liability: limits of liability of not less than \$1,000,000 each accident by accident or disease. City will obtain an additional insured endorsement (on or before the Effective Date) that designates Schwan's, and all of its parent, subsidiary and commonly-owned-or-controlled affiliates" as an additional insured under the coverage described above (except for (c) and (d) above).

With respect to any coverage that is issued on a claims-made basis, the retroactive coverage date will be no later than the Effective Date. Further, such claims-made policies will be maintained or include extended claim reporting for a period of any applicable statute of limitation following the expiration or

termination of this License. Schwan's reserves the right to disallow and refuse carriers with a rating of less than A-VII by the A.M. Best Company, in which case City will promptly replace any such substandard carrier with a carrier that satisfies the A-VII rating. For claims arising out of allegations of the City breaching its duties under this agreement, the insurance described herein will be primary and *non-contributing* over any insurance maintained by Schwan's. City will provide Schwan's with a certificate evidencing the insurance coverage required herein within thirty days of the Effective Date and City will be responsible to provide at least thirty days' prior written notice to Schwan's if such insurance coverage is canceled or materially modified so as not to be in conformance with this Section. All certificates required hereunder will be sent to: Schwan's Attn: Insurance Services, 115 West College Drive, Marshall, Minnesota 56258. Approval of any of City's insurance policies by Schwan's will not relieve City of any obligations described in this License, and the policy limits described herein will not be deemed to be a limit or "cap" on City's liability to Schwan's for any breach of City's obligations or warranties described herein.

7. Counterparts. This License may be executed in one or more counterparts of a physical, digital or facsimile format; each of which shall take effect as an original, and all of which shall evidence one and the same agreement.
8. Assignment. The City shall not assign this License in any event and shall not and will not permit the use of the Parking Facility by anyone other than the City, without prior written approval of Schwan's.
9. Notice. Any notice to be given in connection with this License will be given by either U.S. certified mail (return receipt requested) or by delivery through a nationally-recognized express or "next-day" delivery service (e.g., DHL, Federal Express or United Parking Facility Service) and will be deemed delivered on the earlier of the date such notice is received by the addressee, the third day after such notice is deposited into the U.S. Mail, or the second day after such notice is provided to such delivery service, as evidenced by documentation of such receipt or delivery date from the courier, U.S. Postal Service or express delivery service. The proper address for the delivery of any such notice to City or Schwan's is as follows, except that either party may change its address for receiving notices by appropriate written notice to the other:

If to City:
City of Marshall
344 West Main Street
Marshall, MN 56258
Attn: City Administrator

If to Schwan's:
Schwan's Shared Services, LLC
115 West College Drive
Marshall, MN 56258
Attn: Jeff Thompson, Director of Real Estate

With a copy to:

Schwan's Shared Services, LLC
8500 Normandale Lake Blvd.
Suite 2000
Bloomington, MN 55437
Attn: Law Department

10. Governing Law, Severability. The laws of the State of Minnesota shall govern the validity, performance and enforcement of this License. If any provision of this License is construed to be illegal or invalid, it will not affect the legality or

validity of the other provisions herein, and the illegal or invalid provisions will be deemed stricken and deleted here from to the same extent and effort as if never incorporated herein, and, if necessary or desired by both parties, replaced with a mutually agreeable replacement provision.

11. Entire Agreement; Modification. This License constitutes the entire agreement between the parties hereto with regard to the subject matter described herein, and there are no other agreements or understandings between the parties with regard to such subject matter. This License supersedes any previous understandings or agreements of the parties (whether written or oral) with respect to the subject matter described herein (including, but not limited to, the Agreement).

[signature page follows]

IN WITNESS WHEREOF, the parties have hereinto executed the License to be effective as of the Effective Date.

CITY OF MARSHALL, MINNESOTA

By: _____

Its: _____

Date: _____

ATTESTED BY: _____

SCHWAN'S SHARED SERVICES, LLC

By: _____

Its: _____

Date: _____

EXHIBIT A

Legal Description of Land

Lot 3, Block 3 of Schwan's Corp 1 Addition, Lyon County, City of Marshall, Minnesota



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, November 28, 2023
Category:	COUNCIL REPORTS
Type:	INFO
Subject:	Commission/Board Liaison Reports
Background Information:	<p>Byrnes - Fire Relief Association and Regional Development Commission</p> <p>Schafer – Airport Commission, Joint LEC Management Committee, MERIT Center Commission, SW Amateur Sports Commission</p> <p>Meister – Adult Community Center, Cable Commission, Economic Development Authority</p> <p>Schroeder – Economic Development Authority, Planning Commission, Public Housing Commission</p> <p>Alcorn – Community Services Advisory Board, MMU Commission</p> <p>Moua-Leske – Convention & Visitors Bureau; Diversity, Equity & Inclusion Commission; Library Board</p> <p>Lozinski – Marshall Area Transit Committee, Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/Variations:	
Recommendations:	

PUBLIC HOUSING COMMISSION

202 N. FIRST STREET

MARSHALL, MN 56258 18th, 2023

November 13, 2023

3:30 P.M Board Meeting

- 1 Call to Order:
2. Roll Call:
3. Approval of Previous Meeting Minutes: October 16th, 2023
4. Reports:
 - A. **Twelve** Month report for Operating Statement for FY 2023
 - B Accounts Receivable/Payable.
 - C. Occupancy/ Maintenance Report
5. CFP. 2022 – Waiting for Patio Doors to Arrive, Installation is weather Permitting, maybe spring.
2023 – Review Patio Contract with Lozinski Const.
6. New Business:
 - A. Washer / Dryer Update. Payment.
 - B. Work truck repairs? Any thoughts.
 - C. Approve Resolution # 24-02, Revised Operating Budget Year End 09/30/2024
 - D. Review Applications, Director’s Choice to Hire.
 - E. Canopy is up and very nice and strongly rebuilt.
7. Executive Director Items:
 - A.
8. Commissioner Items:
 - A.
9. Date and Time for Next Regular Meeting, December 11th , 2023. 3:30 p.m.
10. ADJOURN TIME

**PUBLIC HOUSING COMMISSION
OF THE CITY OF MARSHALL
PARKVIEW APARTMENTS**

Minutes of the Meeting of
September 18th, 2023

Meeting called to Order: 3:43 P.M. by Chair Rickgarn.
Members Present: Farrell, Rickgarn, Reilly, Katz, Schroeder.
Absent: Knutson and Juarez, Both Called In.

MOTION by Rickgarn, seconded by Reilly, to approve the minutes of the August 15th, 2023 meeting. All voted in favor, Motion passed.

REPORTS: Ten-Month Operating Statement for FYE 23 was reviewed by the Board. Motion by Rickgarn, second by Katz to approve the ten-month report. All voted in Favor, Motion passed to approve the report.

Account Receivable/Payable: A One-month report was reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 021431 to # 021482 in the amount of \$ 77,955.52 Motion by Reilly, second by Rickgarn, to approve the report.

Occupancy Report: Currently working with several applicants for Parkview, and Family Units. Detailed Maintenance report included.

CFP- 2022, Architects waiting for Drawings from Lozinski Const., for the Parkview Patio Doors.

CFP- 2023, E-mails on CFP Patio Doors, Pre-Bid and Bid Opening Dates.

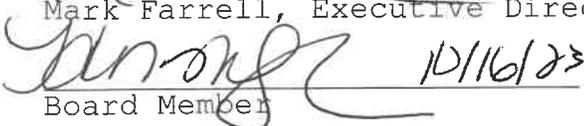
New Business:

- A. Washer /Dryer Update-payment.
- B. Fire Unit has been rented out as of September 1st, 2023.
- C. Report from ABC Controls on Fire Alarm System.
- D. The Board reviewed two Bids for snow removal. Motion by Rickgarn, second by Reilly, to Table any action so the Board can compare dollar amounts, to last year's billing and time. All voted in favor. The information will be sent out by e-mail and all members will reply by e-mail.
- E. All communication was done by e-mail. Motion by Rickgarn, second by Juarez to award Snow Contract to Scott's Tree Service. This motion was generated after an e-mail by member Jana Reilly did the numbers from last year and this year's quotes. All members voted in Favor; Motion passed. Four members did by e-mail, one did verbal in Director's office.

Next Meeting: October 16th, 2023 3:30 p.m. Community Room.

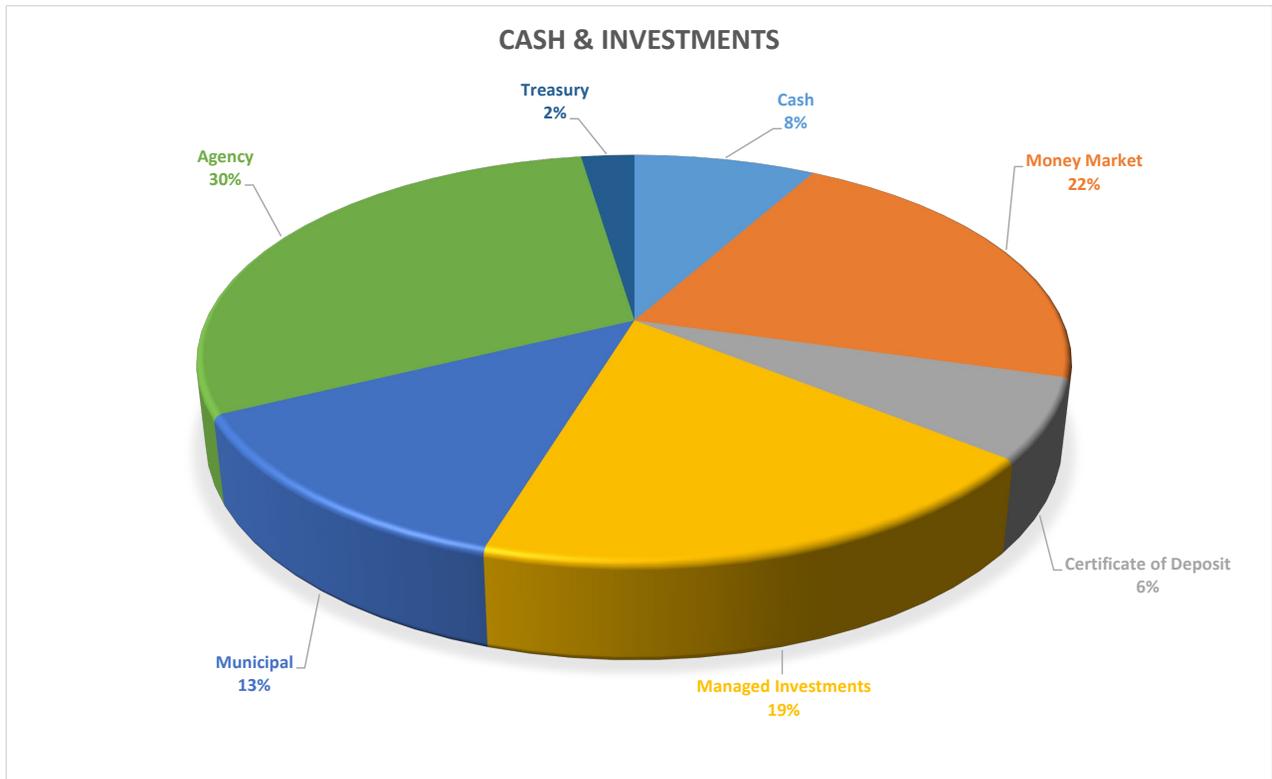
Chairperson Rickgarn Declared the meeting adjourned at 4:25p.m.


Mark Farrell, Executive Director


Board Member

City of Marshall, Minnesota
Cash & Investments
10/31/2023

	<u>Par Value</u>	<u>YTM Rate</u>
CASH & INVESTMENTS:		
Checking -Bremer	3,410,779.48	0.00%
Money Market - US Bank	2,195,200.12	5.27%
Money Market - Wells Fargo	108,589.19	5.27%
Money Market - 4M	6,731,823.90	5.32%
Agency - 4M	3,355,000.00	4.33%
Certificate of Deposit - Wells Fargo	1,470,000.00	4.36% Average
Investment Portfolio - General Fund	2,610,258.76	
Investment Portfolio - WW/SW Capital Reserve	3,452,947.17	
Investment Portfolio - Endowment Fund	1,903,218.28	
Municipal - US Bank	5,505,000.00	3.52% Average
Certificate of Deposit - US Bank	1,225,000.00	2.22% Average
Agency - US Bank	9,295,000.00	3.42% Average
Treasury - US Bank	1,000,000.00	2.35%
TOTAL CASH & INVESTMENTS	<u><u>42,262,816.90</u></u>	<u><u>3.61% Average YTM</u></u>





MARSHALL

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

Applicant Name	Location	Description of Work	Valuation	Approved Date
AMERICAN WATERWORKS	100 DESCHEPPER ST	Interior Remodeling - ANY Work Inside, Except Fireplace	8889.87	11/17/2023
AMERICAN WATERWORKS	205 A ST N	Foundation Repair	14875.86	11/22/2023
AMERICAN WATERWORKS	306 ELM ST	Foundation Repair	24806.46	11/22/2023
BABCOCK CONSTRUCTION	413 4TH ST N	Windows	989.00	11/20/2023
Buysse Roofing Systems & Sheet Metal, Inc.	1104 MAIN ST W	Re-Roofing	57980.00	11/13/2023
DEPOVER/PERRY A	1319 PARKSIDE DR, 1319 PARKSIDE DR, 1319 PARKSIDE DR	Doors, Re-Siding, Windows	15100.00	11/13/2023
INNOVATIVE BASEMENT AUTHORITY	218 HILL ST N	Interior Remodeling - ANY Work Inside, Except Fireplace	4130.00	11/22/2023
Joshua Johnson	1411 COLLEGE DR E	Interior Remodeling - ANY Work Inside, Except Fireplace	1000.00	11/15/2023
kevin hart	227 MAIN ST W	HVAC - [air exchange]	11500.00	11/13/2023
Kevin V Goslar	402 SOUTHVIEW DR E	Plumbing - Water heater	1350.00	11/21/2023
Kevin V Goslar	619 WINIFRED DR	HVAC - [boiler replacement]	3000.00	11/21/2023
Kevin V Goslar	208 3RD ST N	HVAC - [boiler]	8000.00	11/22/2023
Mathew Henry Coeuyt	1106 HORIZON DR	Both - New building AND Air Conditioning, Furnace	0.00	11/22/2023
mike buysse construction	750 COLLEGE DR W	Interior Remodeling - ANY Work Inside, Except Fireplace	15000.00	11/21/2023
MILANOVIC/DUSAN/&	407 MARSHALL ST W	Deck	1500.00	11/15/2023
SAFEBASEMENTS OF MINNESOTA INC	401 VIKING DR	Interior Remodeling - ANY Work Inside, Except Fireplace	10289.00	11/21/2023
Space Development Co	100 COLLEGE DR W	Interior Remodeling - ANY Work Inside, Except Fireplace	60000.00	11/21/2023
STRAND HOME SERVICES LLC	719 MARGUERITE AVE	Windows	2000.00	11/14/2023
Wes Blomme	102 LYON ST W	Building Demolition - Total Building ONLY	8000.00	11/14/2023

2023 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

January

1. January 10, 2023
2. January 24, 2023

February

1. February 14, 2023
2. February 28, 2023

March

1. March 14, 2023
2. March 28, 2023

April

1. April 11, 2023
2. April 25, 2023

May

1. May 9, 2023
2. May 23, 2023

June

1. June 13, 2023
2. June 27, 2023

July

1. July 11, 2023
2. July 25, 2023

August

1. August 08, 2023
2. August 22, 2023

September

1. September 12, 2023
2. September 26, 2023

October

1. October 10, 2023
2. October 24, 2023

November

1. November 14, 2023
2. November 28, 2023

December

1. December 12, 2023
2. December 26, 2023

2023 Uniform Election Dates

- February 14, 2023
- April 11, 2023
- May 9, 2023
- August 08, 2023
- November 07, 2023

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

November

- 11/28 Public Improvement and Transportation Committee, 4:00 PM, City Hall
 - 11/28 Regular Meeting, 5:30 PM, City Hall
 - 11/28 Work Session, 7:30 PM, City Hall
-

December

- 12/04 Ways and Means Committee, 12:00 PM, City Hall
- 12/05 Personnel Committee, 4:30 PM, City Hall
- 12/05 Truth in Taxation Meeting, 6:00 PM, City Hall
- 12/12 Regular Meeting, 5:30 PM, City Hall
- 12/19 Special Meeting, 5:30 PM, City Hall
- 12/26 Regular Meeting, Canceled

2024 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

1. December 10, 2024
2. December 24, 2024

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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