



**CITY OF MARSHALL
City Council Meeting
A g e n d a**

**Tuesday, September 28, 2021 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 a regular meeting held on September 14, 2021.

PUBLIC HEARING

2. Carr Subdivision III - 1) Public Hearing on Preliminary Plat; 2) Approval of Preliminary Plat; 3) Consider Resolution Adopting the Final Plat.

AWARD OF BIDS

3. Project ST-022: Bruce Street Gravel Resurfacing Project – Consider Award of Quotes.

CONSENT AGENDA

4. Ordinance Revision - Sec. 66-108(d) – Walkways: Introduction of Ordinance.
5. Preliminary Plat of Mosch Addition - Introduce Plat and Call for Public Hearing.
6. Call for a Public Hearing Regarding Proposed Property Tax Abatement at 400 Erie Road.
7. Consider Resolution Authorizing Closure of Special Revenue Fund 215.
8. Consider Resolution Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds.
9. Consider approval of a Temporary On-Sale Intoxicating Liquor License for SMSU.
10. Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce.
11. Consider a LG220 Application for Exempt Permit for SW MN Ducks Unlimited for October 15, 2021.
12. Consider LG220 Application for Exempt Permit for SMSU Foundation for December 4, 2021 and January 12, 2022.
13. Request to move dwelling.
14. Consider approval of the bills/project payments.

APPROVAL OF ITEMS PULLED FROM CONSENT

NEW BUSINESS

15. Consider approval of 2021-2022 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance.
16. Pre-Development Agreement Block 11.

COUNCIL REPORTS

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

STAFF REPORTS

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

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

INFORMATION ONLY

[22.](#) Information Only

MEETINGS

[23.](#) Upcoming Meetings

ADJOURN

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CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider approval of the minutes from a regular meeting held on September 14, 2021.
Background Information:	Enclosed are the minutes from a regular meeting held on September 14, 2021.
Fiscal Impact:	None
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk Kyle Box, prior to the meeting.
Recommendations:	That the minutes of the regular meeting held on September 14, 2021 be approved as filed with each member and that the reading of the same be waived.

**CITY OF MARSHALL
CITY COUNCIL MEETING
M I N U T E S
Tuesday, September 14, 2021**

The regular meeting of the Common Council of the City of Marshall was held September 14, 2021, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steve Meister, Don Edblom, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Annette Storm, Director of Administrative Services; Jim Marshall; Director of Public Safety; and Kyle Box, City Clerk.

The Pledge of Allegiance was recited at this time.

There was a general consensus to operate under the current agenda.

MMUA Award

The CEO of Minnesota Municipal Utilities Association Jack Kegel and Marshall Municipal Utilities General Manager David Sch provided the MMUA Community Services Award to Councilmember John DeCramer in recognition of long and outstanding service to his community and his support to municipal utilities.

Consider approval of the minutes from the regular meeting held on August 24, and from a work session held on August 25, 2021.

Motion made by Councilmember Lozinski, Seconded by Councilmember Labat That the minutes from the regular meeting held on August 24, and from a work session held on August 25, 2021, be approved as filed with each member and that the reading of the same be waived. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Project Z75/SAP 139-124-004: South 4th Street Reconstruction Project --1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment.

This project consisted of the following: reconstruction and utility replacement on South 4th Street from the intersection of Elaine Avenue and South 4th Street to the intersection of Country Club Drive and South 4th Street. Utility work included sanitary sewer, watermain, and storm sewer replacement. This project also included new curb and gutter, new 5-ft. sidewalk on the west side of the street, driveway aprons, water services, and sewer services to the right-of-way.

The following is a breakdown of the proposed project funding. The costs shown below include 16% for engineering and administrative costs, for a total project cost of \$2,968,379.94. The following is a proposed breakdown of the project funding:

Wastewater Fund	\$594,332
MMU	\$784,329
Surface Water Management Utility	\$731,750
Mn/DOT	\$135,038
City Participation (MSAS)	\$514,578
Assessed to Property Owners	<u>\$343,391</u>
Total Project Amount	\$2,968,380

Per the current Fee Schedule, the assessment interest rate is calculated using the most recent bond interest rate and adding 2% for administrative costs.

The 2020 GO Bond interest rate was 0.84% plus 2% results in a 2.84% assessment interest rate. The term of the assessment repayment is proposed by staff to be 8 years. The City has no formal written policy on the term but has followed an administrative past practice to generally match the assessment repayment to the bond repayment term assuming a typical reconstruction project with assessments reaching near the maximum of the residential assessment rate. If the assessment is substantially higher in cases such as commercial assessments the term may be appropriate to increase. Alternatively, on smaller assessment projects consideration could be made to shorten the assessment term. One other item to note is that if additional principal is paid each year the interest is recalculated annually to address the payments. Therefore, there is no penalty for individuals to repay on a more accelerated schedule if they so choose.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

Jordan Carstensen, 801 4th St. South, discussed how the project effected his property specific to his driveway. Mr. Carstensen commented that there are water drainage issues with the driveway that was poured and that he will need to replace the driveway apron and the remainder of the driveway in order to correct the work that has been done with the information that was provided by the city.

Linda McGrath, 401 Kathryn Ave, commented that she never received a letter about the project and was surprised about the amount she received for her assessment. Ms. McGrath commented that the amount being assessed is a lot for a property owner to pay. Ms. McGrath's daughter, who now lives in the house described that they previously had water issues and now their basement bathroom is no longer usable.

City Attorney Dennis Simpson discussed the differed option requires for the property needs to be the homestead of the property owner.

Director of Public Works/ City Engineer commented that the sanitary sewer line was not replaced at this property and that every property owner effected did receive a letter at the beginning on the project.

Councilmember Lozinski commented on the look back period regarding surrounding assessments.

Councilmember Meister clarified that notices were sent out to property owners.

Councilmember Labat clarified that both public informational meetings were held at MMU.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council close the public hearing on assessments for Project Z75/SAP 139- 124-004: South 4th Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer that the Council adopt RESOLUTION NUMBER 21-066, which is the "Resolution Adopting Assessment" for Project Z75/SAP 139-124-004: South 4th Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

Project Z76: South 1st Street Reconstruction Project --1) Public Hearing on Assessment; 2) Consider Resolution Adopting Assessment.

This project consisted of reconstruction and utility replacement on South 1st Street generally between Southview Drive and George Street. Water, sanitary sewer, and storm sewer catch basins were replaced along South 1st Street in this area. Sidewalk was added along the west side of the street to provide connection to existing sidewalk north of the project area on South 1st Street and existing sidewalk at Southview Drive. This project also included new curb and gutter, driveway aprons, and water services. In addition to the utility replacement and street reconstruction on South 1st Street, sanitary sewer force main improvements were made at the intersection of South 1st Street and DeSchepper Street.

The following is a breakdown of the proposed project funding. The costs shown below include 16% for engineering and administrative costs, for a total project cost of \$730,539.96. The following is a proposed breakdown of the project funding:

Wastewater Fund	\$164,077
MMU	\$213,293
Surface Water Management Utility	\$73,850
City Participation (Ad Valorem)	\$170,292
<u>Assessed to Property Owners</u>	<u>\$109,028</u>
Total Project Amount	\$730,540

Per the current Fee Schedule, the assessment interest rate is calculated using the most recent bond interest rate and adding 2% for administrative costs. The 2020 GO Bond interest rate was 0.84% plus 2% results in a 2.84% assessment interest rate.

The term of the assessment repayment is proposed by staff to be 8 years. The City has no formal written policy on the term but has followed an administrative past practice to generally match the assessment repayment to the bond repayment term assuming a typical reconstruction project with assessments reaching near the maximum of the residential assessment rate. If the assessment is substantially higher in cases such as commercial assessments the term may be appropriate to increase. Alternatively, on smaller assessment projects consideration could be made to shorten the assessment term. One other item to note is that if additional principal is paid each year the interest is recalculated annually to address the payments. Therefore, there is no penalty for individuals to repay on a more accelerated schedule if they so choose.

Director of Public Works/ City Engineer Jason Anderson provided the background information on the agenda item.

Ben Walker, 609 1st St. South, asked for clarification on how residents in the project area are assessed, why residents receive different amounts, and if the maximum assessed amount is \$5,700 for a property why are some amounts more. Mr. Walker asked why residents of the previous project were asked to pay for 11% of

the project while residents of this project are being asked to pay for 14.9% of the project. Mr. Walker commented that this is a lot of money to ask of people.

Edward Carberry, 700 1st St. South, commented on the overall project and his opposition towards it. Mr. Carberry commented on the grass that was planted and if he could replant wildflowers that were previously there. Mr. Carberry asked for clarification of the cost breakdown and why it states \$0 for sidewalk and if that means it's the responsibility of the property owner to pay those costs. Mr. Carberry also discussed the maximum amount and asked for an explanation on why his is over the stated \$5,700 amount. Mr. Carberry also asked for clarification on how deferment works.

Councilmember Meister commented that the grass needs to be reworked and placed back in the condition it was.

Director of Public Works/ City Engineer discussed how special assessments are calculated per property.

City Attorney Dennis Simpson discussed how the maximum special assessment amount was set by the district court.

Director Anderson commented that he will follow through with the project manager to make sure the grass is reseeded. Director Anderson also discussed on the precepts assessed for each project and that every project is different depending on state aid and utility involvement.

Mr. Walker followed up by asking if the city chooses to assess the amounts received by property owners.

Director Anderson commented that assessments are calculated by a formula approved by the council. Mr. Walker asked if the amount was negotiable or not.

Director Anderson commented that the formula used for each project are the same but the total amounts for each project will change depending on certain factors.

Councilmember Meister commented on special assessments and if the council should choose to switch over to include project costs to ad valorem.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski that the Council close the public hearing on assessments for Project Z76: South 1st Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer that the Council adopt RESOLUTION NUMBER 21-067, which is the "Resolution Adopting Assessment" for Project Z76: South 1st Street Reconstruction Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

Ice and Snow Removal and Weed Elimination from Private Property in the City of Marshall. 1) Conduct a Public Hearing. 2) Consider a Resolution Adopting the Assessment.

City shall conduct public hearing to consider approving of special assessment to be levied against City property to allow for collection of costs incurred by the City to remove ice and snow and to mow lawns-eliminate weeds on private property. Minnesota Statutes Chapter 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process. Minnesota Statutes §429.101 subd. 1(1) indicates that snow, ice, or rubbish removal from sidewalks may be assessed against property owners. §429.101 subd. 1(2) indicates that “weed elimination from streets or private property” may be assessed against property owners.

The procedure by which those types of costs incurred by the City may be assessed against private property owners is outlined in Minnesota Statute §429.061 and procedures further outlined in a Minnesota Court of Appeals decision Sykes v. Rochester City Council Court of Appeals case A13-2421. The Sykes decision does require full compliance with §429.061, when levying those costs as assessments against private property. §429.061 does require public hearing to be held before those amounts can be assessed.

The City Council has previously passed a resolution declaring the costs to be assessed as required by Minnesota Statute §429.061 and further that a second resolution has been passed calling for a public hearing regarding those costs to be assessed. Notice of public hearing has been sent to property owners and has been published in the Marshall Independent as required by Statute. Public hearing is to be held as scheduled.

The City has incurred the costs for ice and snow removal, lawn mowing and weed elimination as set forth in the attached resolution. Approval of the resolution will allow for the City to recover its out-of-pocket costs.

Motion made by Councilmember Meister, Seconded by Councilmember Labat that the Council close the public hearing on assessments for ice and snow removal and for weed elimination from private property in the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer. The motion **Carried. 7-0**

Motion made by Councilmember Meister, Seconded by Councilmember DeCramer that the Council adopt Resolution Number 21-068, which is the “Resolution Adopting Assessment” for ice and snow removal and for weed elimination from private property in the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

306 Athens Ave.– 1) Public Hearing regarding a home property tax abatement request 2) Consideration of a resolution approving home property tax abatement.

On August 24, 2021, a public hearing was called for and to be held on September 14, 2021 regarding a home property tax abatement request. Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement. The property is located at 306 Athens Ave. with an estimated market value of \$203,200 and with the difference of improvement being \$191,400.

The approximate amount of assistance is \$1,056.00 a year or \$2,112.00 over a maximum period of 2 years as a Homestead.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to close the public hearing. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat. Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution Number 21-069, a resolution approving home property tax abatement. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat
Voting Abstaining: Councilmember Lozinski. The motion **Passed. 6-0-1**

Consider Approval of the Consent Agenda.

Motion made by Councilmember Schafer, Seconded by Councilmember Edblom.
Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski

Approval of Resolution Number 21-070, a Resolution Accepting the Coronavirus Local Fiscal Recovery Funds

Approval of an amendment to the Personnel Policy Manual--Appendix B--Maximum Allowable Reimbursement/Per Diem Rates

Approval for the Wastewater Treatment Facilities Improvement Project – 1) Consider Application for Payment No. 26 to Magney Construction, Inc.; 2) Consider Payment of Invoice 0274632 to Bolton & Menk, Inc.

Approval for Project ST-022: Bruce Street Gravel Resurfacing Project – Consider Authorization to Receive Quotes.

Approval for a Quit Claim Deed – Out lot B, Carr Subdivision I.

Approval of a Room Rental Policy.

Approval to authorize to declare vehicles as surplus property for the Marshall Police Department.

Approval of Resolution Number 21-071, a Resolution Authorizing Transfer of Funds from Fund 609 to Capital Project Fund 401

Approval of Resolution Number 21-072, a Resolution Designating Uniform Election Dates and Polling Locations.

Approval of Resolution Number 21-073 a Resolution Approving the MERIT Center Bonding Request

Approval of the bills/project payments

Project SWM-007: Independence Park Pond Forebay Expansion Project – Consider Authorization to Advertise for Bids.

The shared use trail system located in Independence Park has reached the end of its useful life and the City would like to replace the majority of the park's trail system, bringing it into compliance with the Americans with Disabilities Act (ADA). A trails replacement project was awarded to A&C Excavating at the August 25, 2021, City Council Budget Work Session following Council action at the August 24, 2021 City Council meeting.

Further, City staff believes it would be prudent to complete an Independence Park Pond forebay expansion project in coordination with the trail replacement project. The forebay expansion would create additional pond storage volume in the park while also creating a ponding environment that promotes solids settlement (stormwater treatment) within the forebay area with the goal of reducing future pond areas that will require dredging. Coordinating this work with the trail replacement project helps to ensure that new trail is installed in the proper location and investments into trail pavement and new culvert crossing are preserved.

At the August 10, 2021, City Council meeting the Council authorized staff to hire Bolton & Menk to complete project plans for a pond forebay expansion project that will run concurrent with the park trails project that has already been awarded.

Now, City staff is finalizing work with Bolton & Menk for final design plans for the forebay pond expansion project. These plans are nearly completed, and staff is looking to prepare the contract for bid advertisement. This memo is intended to introduce the project and authorize staff to advertise for bids. Staff is planning an October 6th, 2021, bid opening date with an award recommendation to Council at the October 12th, 2021 meeting.

An estimated cost of \$214,255 including contingency (10%) and engineering (16%) costs for this pond project. The majority of project costs will be funded through the Surface Water Management Utility.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer That the Council authorize advertisement for bids for Project SWM-007: Independence Park Pond Forebay Expansion Project. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer. Voting Nay: Councilmember Meister, Councilmember Labat, Councilmember Lozinski. The motion **Passed. 4-3**

Project Z87 - Diversion Channel Slope Repair and Sheet Piling Removal Project – Consider Award of Bid.

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

This agenda item was tabled at the August 24, 2021, meeting to September 14, 2021 meeting. The following is a summary of the unapproved minutes:

- Motion made to award to R&G Construction Co. of Marshall, MN in the amount of \$98,950.44 and failed by a 3-3 vote.
- Motion made to award to Towne & Country Excavating, LLC of Garvin, MN in the amount of \$85,094.00 and failed by a 2-4 vote.
- Motion made to table until the September 14, 2021, regular Council meeting and carried by a 6-0 vote.

The Redwood River Diversion Channel begins west of the Lyon County Public Works property at the diversion structure east of County Road 7. Over the last several years, the channel bank has eroded significantly in

several locations upstream of the drop structure north of Madrid Street. There are several locations where sheet piling used for outfall installation was left in place. This sheet piling, along with numerous recent high-water events, has contributed to the erosion of the diversion channel banks. The drainage ditches adjacent to the diversion channel spill into the channel via flume channels. These flume channels have also exhibited erosion and need repair.

City Engineering staff has identified a project to repair the severely eroded channel bank locations, remove sheet piling, and repair flume channels and storm water pipe outfalls. Staff originally budgeted \$155,000 in the 2021 Capital Budget to perform repairs in the diversion channel.

At the July 27, 2021, meeting the City Council authorized staff to advertise for bids.

On August 18, 2021, bids were received for the above-referenced project. At the bid opening, it was noted that our electronic bidding system indicated that three bids were completed, and those three bids were read aloud. It was noted that R & G Construction of Marshall was the apparent low bidder with a bid of \$98,950.44.

Following the bid opening, City staff identified that a fourth bid was submitted on time, but the bidder had not acknowledged the third and last project addendum that was issued. Because the final addendum was not acknowledged, our electronic bidding program identified the bid as being incomplete. Upon investigation, staff realized that Towne & Country Excavating's proposal was completed and submitted on Friday, August 13th. The third addendum was issued on Monday, August 16th. The electronic bidding program sends an e-mail notification that an addendum is issued, but Towne & Country did not check e-mail or otherwise failed to acknowledge the most recent addendum. Therefore, the program turned Towne & Country's "completed" submittal into an "incomplete" submittal. Towne & Country's proposal was for \$85,094.00 and the contractor has notified staff that Addendum No. 3 does not impact their submittal.

The purpose of Addendum No. 3 was to notify all bidders of an alternative method of completing a portion of the contract work. Staff determined the need to issue Addendum No. 3 because staff had authorized one contractor that they may utilize an alternative method to complete work and it was important to issue notification of the alternative method to all plan holders to help ensure that contractors are aware of all construction methods available to them to give the City of Marshall the best possible price.

City staff has conferred with City legal staff regarding this situation. As is common in municipal bid advertisements, the City's advertisements contain the language that the City reserves the right to reject all bids or waive informalities or irregularities. There are several court rulings that have established that a bidder who has deviated from the specifications may still be awarded a contract if the deviation was a nonmaterial deviation. A general rule is that a deviation is material if it gives a bidder a substantial advantage or benefit over other bidders. Conversely, non-material deviations are those that are technical irregularities that do not injure other bidders.

Reviewing Addendum No. 3, it is not requiring any additional information from bidders, it is not changing the scope of work that is required to be completed, it is not changing project quantities, it does not contain a new proposal sheet, it does not change the nature of work to be completed, and by City staff's determination, it is largely non-material in nature because it is a question and answer type of project addendum.

To make an award recommendation in this instance, the City Council will need to make the determination of whether the failed acknowledgement of Addendum No. 3 constitutes a material deviation.

Motion made by Councilmember Lozinski, Seconded by Councilmember DeCramer that the Council declare the failed acknowledgement of Addendum No. 3 to be non-material in nature and authorize award of the project to Towne & Country Excavating, LLC of Garvin, MN in the amount of \$85,094.00. Voting Yea: Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Labat. The motion **Failed. 3-4**

Motion made by Councilmember Labat, Seconded by Councilmember Schafer that the Council declare the failed acknowledgement of Addendum No. 3 to be material in nature, reject the non-conforming apparent low bid and authorize award of the project to the second low bid received from R&G Construction Co. of Marshall, MN in the amount of \$98,950.44. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Labat. Voting Nay: Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. The motion **Passed. 4-3**

Consider Resolution Approving the changes for the 2022 Fee Schedule

There are proposed changes/updates for the 2022 Fee Schedule. The Ways & Means Committee reviewed the changes to the Fee Schedule at their meeting on August 25, 2021. Ways & Means Committee are recommending further Council discussion and approval of the changes/updates to the 2022 Fee Schedule. Per the request of the Ways & Means Committee, the Special Assessment For Street Reconstruction has been flagged for further discussion. As well as an additional comparison of the difference in a 1% increase in Wastewater rates has been included in the packet.

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski Approve Resolution Number 21-074, a resolution approving specific fees to be charged by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider approval to enter into a fleet management program with Enterprise Fleet Management.

At the August 24, 2021, regular meeting Enterprise Fleet Management brought forward a proposal at the request of council and staff to begin reviewing a fleet management program. After hearing the proposal council requested that the program be reviewed by the Equipment Review Committee and the Ways and Means Committee.

On September 9, 2021, both the Equipment Review and Ways and Means Committees met with staff and an Enterprise representative to review the program. Both Committees unanimously approved the program to the City Council for approval.

Included in the packet is an updated Fleet Planning Analysis. This analysis is a snapshot of our current fleet under Enterprises recommended program. If the Council does approve the program Enterprise's team will begin to work with each department to determine their fleet needs. This will be an opportunity for staff to analyze their own departments and vehicle needs and requirements.

All final decisions within this program remain with the City. Enterprise will provide data driven information on the best time to replace and cycle vehicles. If a vehicle is taken out of the cycle or kept longer then what is recommended the numbers do change.

The City Attorney has reviewed the documents/ agreements provided by Enterprise.

Motion made by Councilmember Schafer, Seconded by Councilmember Lozinski to approve a fleet management program with Enterprise Fleet Management. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Passed. 6-1**

Preliminary Plat of Carr Subdivision III - Introduce Plat and Call for Public Hearing.

The final plat of Carr Subdivision I was approved by the City Council at its April 4, 2005, meeting. At the June 28, 2010, City Council meeting the plat was altered with the passing of Carr Subdivision II. Carr Subdivision II consisted of a small portion of the southwest corner of Carr Subdivision I which included a portion of MnDOT right-of way set aside for the future connection of Travis Road to MN 23. After discussions with MnDOT, the City and Developer elected to eliminate the future access point to MN 23 and desired to alter the location of Donald Drive and Travis Road.

Now, the developer wishes to combine and split lots to construct townhomes on the south side of Andrew Street in a similar manner to those constructed on the north side. Because one of the lots is in Carr Subdivision I and the other is in Carr Subdivision II, a platting process is required to adjust lot sizes for the construction of townhomes. The area is zoned R-2 where townhomes are a permitted use. City staff has conferred with Marshall Municipal Utilities regarding the placement of a new utility easement with this plat.

Attached please find a copy of the Preliminary Plat and the Engineer's Report of Preliminary Plat Review. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.

The preliminary plat was presented at the Planning Commission meeting on September 8, 2021. Following discussion, Schroeder made a motion, second by Muchlinski to recommend approval to City Council as recommend by staff. Fox abstained from vote. All voted in favor.

Motion made by Councilmember Edblom, Seconded by Councilmember DeCramer that the Council call for public hearing on the Preliminary Plat of Carr Subdivision III to be held at the September 28, 2021, City Council meeting, as per the recommendation of the Planning Commission. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Approve Change Order-City Hall Project

The City Hall Committee has reviewed several times Change Order 14. There have been three versions with the attached the final version. Chairman Lozinski had indicated his support to submit to City Council for their consideration and approval this Change Order if significant progress has been made on remaining items for City Hall. This past week, significant progress has been made.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer Approve Change Order 14 in the amount of \$11,969.00. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Meister, Councilmember Labat. The motion **Passed. 5-2**

Authorization to use excess Public Facilities Authority loan funds for select equipment repairs at the Wastewater Facility.

The Wastewater Treatment Facility is just completing a large improvement project. The City used a Public Facilities Authority (PFA) low interest loan to finance the project. The project will be finishing up about \$30,000 under budget, and we have a few items that need to be replaced in the very near future that were not part of the original improvement project. City staff believes that this would be a good time to address these items versus budgeting for them in the future to take advantage of the low interest rate offered by the PFA loan. There are excess funds still available in the loan for qualifying small purchases associated with the project.

Wastewater Department staff have received quotes for additional repairs that total about \$47,000. The items are as follows: a roof top air conditioning unit for the Control Room, replacement of the Federal Pacific service panel in the shop, replacement of a soft start controller for our sludge mixing pump, and update VFD controls for our ATAD Digester. These items would be done outside of the contract with Magney Construction. We have verified with MPCA that these items do qualify for the loan funds.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister that the Council authorize the additional equipment repairs of nearly \$47,000 utilizing the low interest PFA loan. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 7-0**

Consider Resolution Adopting Preliminary Levy for 2022

At the August 25th work session, staff proposed a levy increase of \$730,709 or 10.07%. The main contributing factors for this increase are an increase levy item for street mill and overlays, increased salaries, an additional street employee and health care costs.

Staff have been directed by the Council to reduce this increase for the preliminary levy to 6.0- 7.0%. All cities must adopt proposed budget by resolution and certify proposed tax levy to the county auditor on or before September 30th.

Final levies may be lower than the proposed levy but may not exceed the proposed levy that is adopted in September.

Staff is recommending a 2022 preliminary levy increase of \$435,093 or 6.0%.

The proposed 2022 preliminary general fund budget currently has a deficit of 287,267.29. Of this amount 140,000 is planned use of reserves on one-time expenditures. The remaining amount is due to an additional street employee and unknown health insurance costs – which are being budgeted at a 9% increase from 2021. This amount will not be known until October 1st and will be adjusted for the final budget approval in December.

The City Council is required to hold a public meeting for the proposed levy and certify to the County Auditor the date, location and start time at the same time the proposed levy is certified. Currently in the resolution this date is being proposed Tuesday, December 14th at 6:00pm located at City Hall.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer Approve Resolution Number 21-075, a Resolution Adopting Preliminary Levy for 2022. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember Edblom, Councilmember DeCramer, Councilmember Lozinski. Voting Nay: Councilmember Labat. The motion **Passed. 6-1**

Commission/Board Liaison Reports

Byrnes Southwest Regional Development Commission met and revised the personnel policy.

Schafer No Report

Meister No Report

Edblom Public Housing Commission met to welcome a new member and are finalizing summer projects.

Planning Commission met to begin the discussion on the Comprehensive Plan and the importance of the Commissions involvement.

DeCramer Diversity, Equity, and Inclusion Commission continues to prepare for the Welcoming Week event on September 18 at the YMCA. The Commission also has created a subcommittee to handle communications that would be sent out to the community.

Labat Library Board met to review its reopening schedule at the Marshall and Lyon County branches. The Friends of the Foundation raised \$3,400 during a book sale during Sounds of Summer. Plum Creek will select a new Director for the position prior to the end of the year.

Lozinski No Report

Councilmember Individual Items

Councilmember Lozinski commented that if he receives any anonymous letters that he does not read them, and they are shredded. He requested that if a resident of Marshall wishes to speak with him that they are to sign their letters.

Councilmember Labat commented on the striping of the lanes near Southview.

Councilmember Meister discussed a complaint he received regarding new installation of sidewalks. Member Meister also discussed that it was reported to him that sidewalks are being taken out.

Mayor Byrnes commented on the 9/11 20th anniversary event and thanked Councilmember Schafer for speaking at the anniversary event. Mayor Byrnes also discussed the initial results of the 2020 Census and compared population and housing additions throughout Marshall's three Wards.

Mayor Byrnes also discussed the 13.7% sales tax increase from May 2020 to May 2021.

Councilmember Schafer commented on the 9/11 20th anniversary and thanked Public Safety Director Jim Marshall and his staff for putting together the event.

City Administrator

City Administrator Sharon Hanson commented that she will step more into the EDA role while the currently Director is on leave and provided an update on ongoing EDA projects. Administrator Hanson also discussed the community survey and that it would be expanding into other parks and recreation projects, rather than just the aquatic center.

Director of Public Works

Director of Public Works/ City Engineer Jason Anderson provided project updates happening throughout the city including the Army Corps. of Engineer levy project, James/ Camden/ N. 1st Street reconstruction project and the State aid overlay project. The parks trail project will begin in the near future.

Director of Public Works/ City Engineer commented on the photos provided by Councilmember Meister and that the project is not yet complete, and that additional grading work and seeding will still occur. Director Anderson also address that some duplicated sidewalk ramp crossings were removed in uncontrolled intersections.

City Attorney

City Attorney Dennis Simpson provided discussion that the MAHA agreement was reviewed the MAHA board and will be brought back to the Council in the near future. The council approved the purchase of land at 800 North Hwy 59, Marshall is waiting on title and plat work to be completed. Broadmoor Valley abatement order for four properties has been served.

Information Only

There were no questions on the information items.

Administrative Brief

There were no questions on the administrative brief.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

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

Mayor

Attest:

City Clerk

Meeting Date:	Tuesday, September 28, 2021
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Carr Subdivision III - 1) Public Hearing on Preliminary Plat; 2) Approval of Preliminary Plat; 3) Consider Resolution Adopting the Final Plat.
Background Information:	<p>The final plat of Carr Subdivision I was approved by the City Council at its April 4, 2005 meeting. At the June 28, 2010 City Council meeting the plat was altered with the passing of Carr Subdivision II. Carr Subdivision II consisted of a small portion of the southwest corner of Carr Subdivision I which included a portion of MnDOT right-of-way set aside for the future connection of Travis Road to MN 23. After discussions with MnDOT, the City and Developer elected to eliminate the future access point to MN 23 and desired to alter the location of Donald Drive and Travis Road.</p> <p>Now, the developer wishes to combine and split lots to construct townhomes on the south side of Andrew Street in a similar manner to those constructed on the north side. Because one of the lots is in Carr Subdivision I and the other is in Carr Subdivision II, a platting process is required to adjust lot sizes for the construction of townhomes. The area is zoned R-2 where townhomes are a permitted use. City staff has conferred with Marshall Municipal Utilities regarding the placement of a new utility easement with this plat.</p> <p>Attached please find a copy of the Preliminary Plat and the Engineer’s Report of Preliminary Plat Review. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.</p> <p>The preliminary plat was presented at the Planning Commission meeting on September 8, 2021. Following discussion, Schroeder made a motion, second by Muchlinski to recommend approval to City Council as recommend by staff. Fox abstained from vote. All voted in favor.</p> <p>Attached please find a copy of the Final Plat Checklist for Carr Estates Fifth Addition.</p>
Fiscal Impact:	The applicant will be billed for all direct costs relating to the platting process.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	<p>Recommendation No. 1 that the Council close the public hearing and approve the Preliminary Plat of Carr Subdivision III.</p> <p>Recommendation No. 2 that the Council adopt RESOLUTION NUMBER 21-XXX, which is the Resolution Approving the Final Plat of Carr Subdivision III.</p>

RESOLUTION NUMBER _____, SECOND SERIES

RESOLUTION APPROVING THE FINAL PLAT OF CARR SUBDIVISION III

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

CARR SUBDIVISION III BLOCK ONE LOTS 1-5

more particularly described as attached Exhibit A.

WHEREAS, the Final Plat of Carr Estates Fifth Addition was presented to the Common Council on September 28, 2021.

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

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

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

Passed and adopted by the Common Council this 28th day of September, 2021.

ATTEST:

City Clerk

Mayor of the City of Marshall, MN

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

EXHIBIT A

Lots 2, 3, 4, 5, 6, and 7 of Block Three in Carr Subdivision I, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

AND

Lot 3 of Block One in Carr Subdivision II, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

CARR SUBDIVISION III

KNOW ALL PEOPLE BY THESE PRESENTS: That James C. Carr, a married person, fee owner of the following described property:

Lots 2, 3, 4, 5, 6, and 7 of Block 3 in Carr Subdivision I, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

AND

Lot 3 of Block 1 in Carr Subdivision II, in the City of Marshall, as filed and recorded in the office of the County Recorder in and for Lyon County, Minnesota.

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

by _____
James C. Carr

**STATE OF MINNESOTA
COUNTY OF LYON**

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by James C. Carr, a married person.

Notary Public,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

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

Daniel L. Bueltel
Minnesota License Number 43844

**STATE OF MINNESOTA
COUNTY OF LYON**

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

Notary Public,
My Commission Expires _____

CITY COUNCIL

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

Mayor

City Clerk

OFFICE OF THE LYON COUNTY AUDITOR/TREASURER

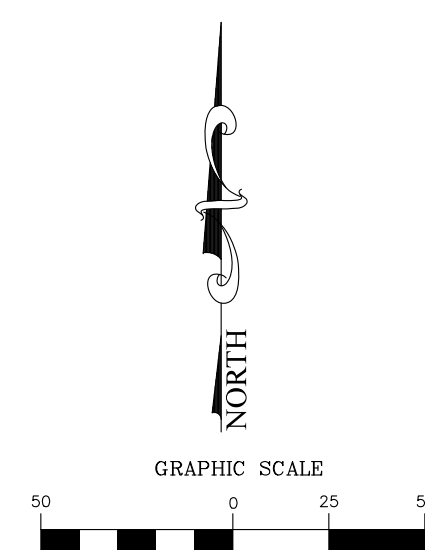
I hereby certify that the tax for the year 20____ on the land described in the foregoing instrument and as shown on the annexed plat has been paid in full.

Auditor/Treasurer, Lyon County

OFFICE OF THE LYON COUNTY RECORDER

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

Recorder, Lyon County



BEARINGS BASED ON LYON COUNTY COORDINATE SYSTEM

- LEGEND**
- MONUMENTS FOUND
 - MONUMENTS SET - 5/8" IRON W/SEAL #43844
- These standard symbols will be found in the drawing.

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Carr Subdivision III

Quarter SE Section 8 Township 111N Range 41W

Owner's Name: James C. Carr

Surveyor: Daniel L. Bueltel Reg. No. 43844

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
a.	Scale 1" = 100' or larger	X			
b.	Subdivision and owner names	X			
c.	Legal description and location sketch	X			
d.	Date, scale and north arrow	X			
e.	Acreage		X	X	N/A here
f.	Zoning classification		X		R-2
g.	Contours		X		Included with Carr Subdivision I
h.	Boundary line bearings and distances	X			
i.	Easement	X			
j.	Street names, elevations and grades	X			Elevations and grades with Carr Subdivision I

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

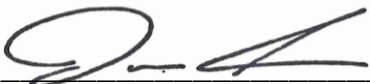
Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.			X	Included with Carr Subdivision I
	2. Drainage flow facility.			X	Included with Carr Subdivision I
b.	Utility plans			X	Included with Carr Subdivision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

CITY ENGINEER'S RECOMMENDATIONS:

DATE RECEIVED: 09/01/2021

DATE REVIEWED: 09/02/2021

PLANNING COMMISSION REVIEW DATE: 09/08/2021



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

Copies to: City Administrator
 Building Official
 Senior Engineering Specialist

FINAL PLAT CHECKLIST CHAPTER 66 - SUBDIVISIONS

Subdivision Name: Carr Subdivision III

Quarter SE¼ Section 8 Township 111N Range 41W

Owner's Name: James C. Carr

Surveyor: Daniel L. Bueltel Reg. No. 43844


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

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

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

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

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


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

09/23/2021
 Date



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	AWARD OF BIDS
Type:	ACTION
Subject:	Project ST-022: Bruce Street Gravel Resurfacing Project – Consider Award of Quotes.
Background Information:	<p>For background, Skunk Hollow Road used to be County Road 67, a route on the County State Aid Highway System. In 1996, the County relinquished control of the street to the City as a “County Road Turnback”. Therefore, the city assumed ownership of the right of way and the street and the segment was added to our Municipal State Aid System mileage. As part of the process of relinquishing control of the roadway, Lyon County paid the city for the cost to resurface the roadway at that time. The thought process at the time was that the city would grow in this direction and it made more sense for the route to be operated by the city.</p> <p>Since construction of the levee to the south, the land north of the levee (which includes Skunk Hollow Road) is almost entirely located in the floodway or floodplain. Therefore, the property south of Skunk Hollow cannot be developed and the roadway is frequently under threat of flooding. The residents on the north side of Skunk Hollow Road are not located in city limits; the city limits terminate on the north side of the Skunk Hollow Road right of way. In 2011-2012, city staff and Council explored the option of relinquishing control of Skunk Hollow Road back to Lyon County. There were meetings involving city and county staff and officials. Eventually, it was decided that Skunk Hollow Road and the land to the south would remain in city limits and the street would remain under city control until a later date when the city would establish a new route that moved the alignment to follow a path straight south to Fairview Street. In 2016, the roadway surfacing of Skunk Hollow Road was “reclaimed” in lieu of completing an expensive surfacing project. This essentially turned the surface into a gravel road by mixing the bituminous surface millings into the gravel base.</p> <p>At the October 13, 2020 City Council meeting, staff presented a range of options and costs for improvement efforts to Skunk Hollow Road. At the meeting, the Council elected to continue to operate Skunk Hollow Road as a gravel surfaced road. City staff indicated that a gravel surfacing project would need to follow and that staff would pursue quotes for the work.</p> <p>City staff is now prepared to execute a project to resurface the roadway with new gravel. The project would include an additional 4 inches of gravel placed along the entire Skunk Hollow Road segment of Bruce Street from just north of the levee to the road’s connection point with County Road 35.</p> <p>There is roughly a quarter-mile segment in the middle of the project area where floodway constraints require that the roadway surface is not raised. In this segment, the roadway will be cut down 4 inches prior to gravel placement to allow for the new gravel surface to be installed without raising the elevation of the roadway surface.</p>

	<p>This project was introduced and Council authorized staff to receive quotes at the September 14, 2021 City Council meeting. Staff solicited quotes directly from area contractors, as well as advertising the project through the City website and social media.</p> <p>Five quotes were received, ranging in price from \$19,951.40 to \$35,290. A bid tabulation is attached.</p>
Fiscal Impact:	<p>The City was provided \$80,363.43 by the County in 1996. These funds have been set aside by the City and have accrued interest for a total fund amount of \$125,711.13 as of December 2019.</p> <p>The gravel surfacing project is estimated to cost \$24,300.81 including contingency (5%) and engineering (16%) costs.</p>
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council award the quote for Project ST-022: Bruce Street Gravel Resurfacing Project to Rogge Excavating, Inc. in the amount of \$19,951.40.

Project: ST-022 (Bruce Street Gravel Resurfacing Project) - Quote Summary

Quotes Due: 9/24/2021 - 10 a.m.

Quote Award: 9/28/2021

	Total Amount	Vs. Estimate
Engineer's Estimate	\$52,650.00	
Rogge Excavating Inc.	\$19,951.40	62% Below
Towne & Country Excavating	\$23,830.00	55% Below
D&G Excavating, Inc.	\$31,645.00	40% Below
A&C Excavating	\$32,250.00	39% Below
R&G Construction	\$35,290.00	33% Below



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Revision - Sec. 66-108(d) – Walkways: Introduction of Ordinance.
Background Information:	<p>The City Engineering Department has been committed to a minimum 5-FT sidewalk width for many years. It is the opinion of City staff that a 5-FT minimum width is much more comfortable for sidewalk users. The intent of changing this ordinance is to ensure that our City ordinance agrees with current Engineering Department principles. On all reconstruction projects and all new subdivisions, it is staff’s belief that 5-FT should be the minimum allowable width. City staff will not require 5-FT sidewalk if a property owner is replacing 4-FT sidewalk in an existing area with 4-FT sidewalk adjacent.</p> <p>Attached is a red-lined copy of the proposed revisions and a clean copy of the ordinance.</p> <p>This item will be discussed at the Legislative & Ordinance Committee meeting on September 28, 2021 with introduction of ordinance at City Council that same evening.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council introduce the attached ordinance.

Sec. 66-108. Lots and blocks.

- (d) *Walkways.* Concrete pedestrian walks of a minimum width of ~~five~~ four-feet shall be required on both sides of all streets to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. ~~Walks of a width of five feet shall be required along all major collector and arterial streets as shown on the major street plan of the city.~~ They may also be required to provide access through greenways and common areas. The walks shall be maintained by the adjacent property owners.

ORDINANCE NO. 21-____

**ORDINANCE AMENDING
MARSHALL CITY CODE OF ORDINANCES – CHAPTER 66
RELATING TO SUBDIVISIONS**

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

Section 1: City Code of Ordinances, Sec. 66-108(d) shown below, is hereby amended in its entirety as follows:

Chapter 66 – SUBDIVISIONS

ARTICLE III. – DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

Sec. 66-108. – Lots and blocks.

- (d) *Walkways*. Concrete pedestrian walks of a minimum width of five feet shall be required on both sides of all streets to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. They may also be required to provide access through greenways and common areas. The walks shall be maintained by the adjacent property owners.

Section 2: This ordinance shall take effect after its passage and publication.

Passed and adopted by the Common Council this 12th day of October, 2021.

THE COMMON COUNCIL

ATTEST:

Mayor of the City of Marshall, MN

City Clerk

Introduced on: September 28, 2021

Final Passage on: October 12, 2021

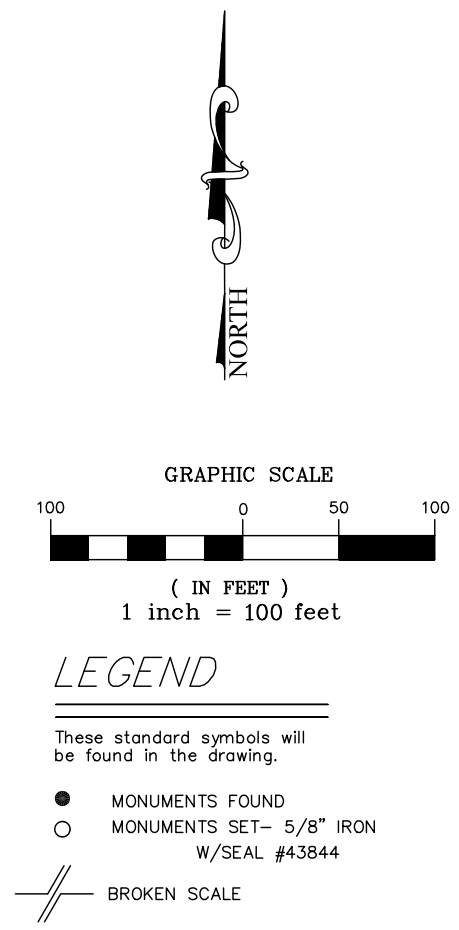
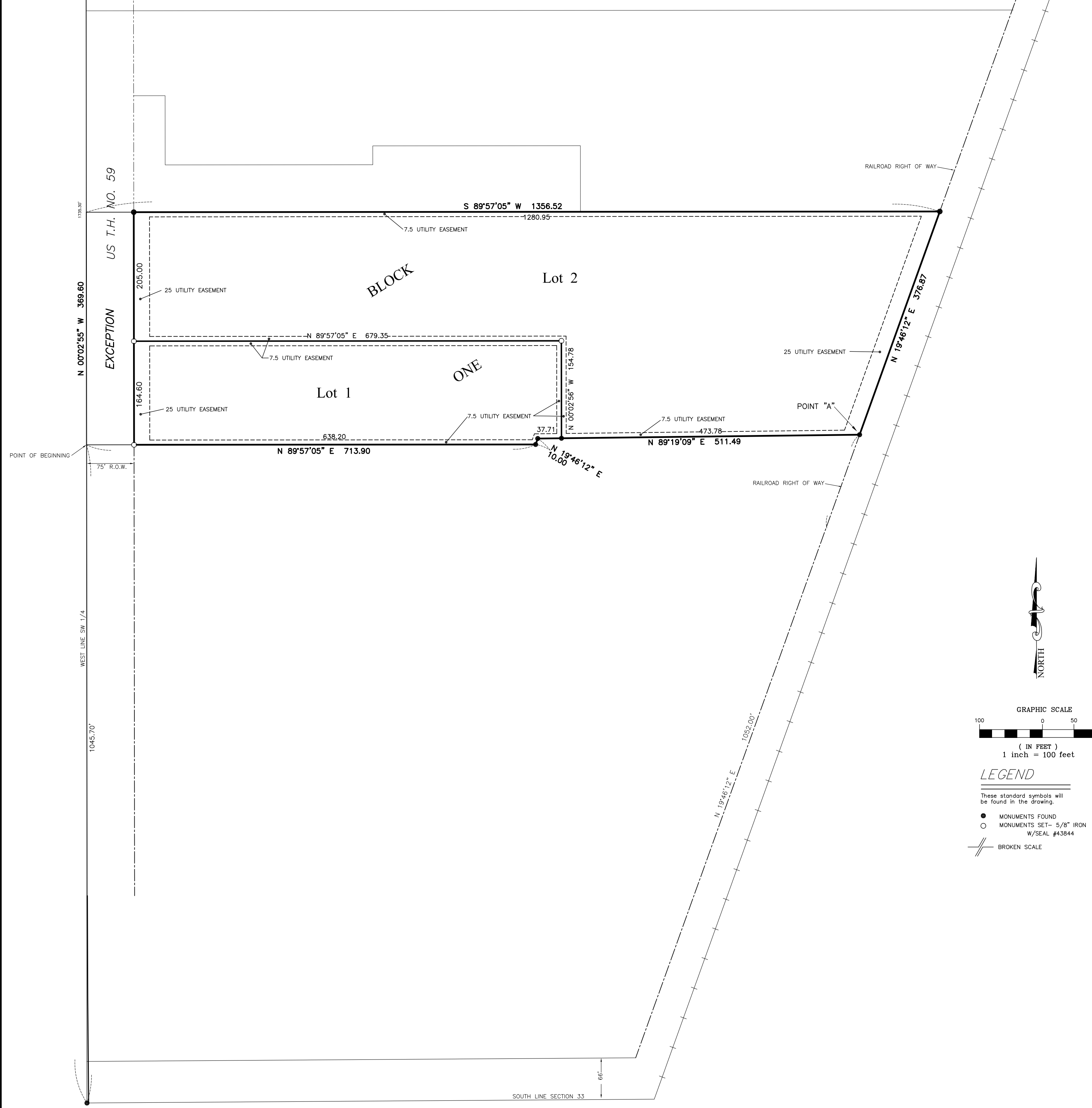
Published in the Marshall Independent: _____

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Preliminary Plat of Mosch Addition - Introduce Plat and Call for Public Hearing.
Background Information:	<p>Attached please find a copy of the preliminary plat of Mosch Addition.</p> <p>This property is listed for sale by owner Sandra Mosch. To help facilitate a property sale, the owner wishes to move an existing lot line to better reflect intended parcel locations.</p> <p>City Ordinance Sec. 66-31 Plat required states, “Whenever any subdivision of land is proposed, before any contract is made for the transfer of any part of such land, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider, owner or an authorized agent shall apply for and secure approval of such proposed subdivision plat in accordance with the procedures set forth in this chapter.”</p> <p>As defined by Sec. 66-1 Definitions, <i>subdivision</i> means the division of any parcel of land thereto shown as a unit or as contiguous units of record to which this chapter is applicable for the purpose of transfer of ownership or building development, whether future or immediate, or any division of land involving a new street or road regardless of parcel size or the number of parcels.</p> <p>Because the land requested to be subdivided is not currently platted, City staff has requested that the property owner plat the property.</p> <p>Also attached is the Engineer’s Report of Preliminary Plat Review. Copies of the proposed subdivision have been sent to the local utility companies for their review and comments.</p> <p>The preliminary plat was presented at the Planning Commission meeting on September 22, 2021. Following discussion, Muchlinski made a motion, second by Knieff to recommend approval to City Council as requested, subject to review and recommendations of local utility companies. All voted in favor.</p>
Fiscal Impact:	The applicant will be billed for all direct costs relating to the platting process.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council call for public hearing on the Preliminary Plat of Mosch Addition to be held at the October 12, 2021 City Council meeting, as per the recommendation of the Planning Commission.

NW COR SW 1/4
SEC. 33-112-41
5/8" REPROD WITH
SEAL #11943

MOSCH ADDITION



KNOW ALL PEOPLE BY THESE PRESENTS: That Sandra K. Mosch, an un-remarried widow, fee owner of the following described property:

All that part of the Southwest Quarter of Section 33, Township 112 North, Range 41 West, City of Marshall, Lyon County, Minnesota, being more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 02 minutes 55 seconds West, bearing based on Lyon County Coordinate System (1996 Adj.), along the west line of said Southwest Quarter, a distance of 1045.70 feet to the point of beginning; thence North 89 degrees 57 minutes 05 seconds East a distance of 713.90 feet; thence North 19 degrees 46 minutes 12 seconds East, parallel with the center line of the Willmar and Sioux Falls Railroad (now Burlington Northern Santa Fe Railroad), a distance of 10.00 feet; thence North 89 degrees 19 minutes 09 seconds East a distance of 511.49 feet to the westerly right of way line of said railroad, said point hereafter known as Point "A"; thence beginning again at said point of beginning; thence North 00 degrees 02 minutes 55 seconds West, along the west line of said Southwest Quarter; a distance of 369.60 feet; North 89 degrees 57 minutes 05 seconds East, at right angles to said west line, a distance of 1356.52 feet, to the westerly right of way line of said railroad; thence South 19 degrees 46 minutes 12 seconds West, along said westerly right of way line, a distance of 511.49 to said Point "A", said description there terminating.
EXCEPTING THEREFROM the right of way of U.S. Trunk Highway No. 59.

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

Sandra K. Mosch

STATE OF MINNESOTA
COUNTY OF LYON

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by Sandra K. Mosch, an un-remarried widow.

Notary Public,
My Commission Expires _____

SURVEYOR'S CERTIFICATE

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

Daniel L. Bueltel
Minnesota License Number 43844

STATE OF MINNESOTA
COUNTY OF LYON

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

Notary Public,
My Commission Expires _____

CITY COUNCIL

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

Mayor _____ City Clerk _____

OFFICE OF THE LYON COUNTY AUDITOR/TREASURER

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

Auditor/Treasurer, Lyon County

OFFICE OF THE LYON COUNTY RECORDER

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

Recorder, Lyon County

**ENGINEER'S REPORT
 PRELIMINARY PLAT REVIEW**

Subdivision Name: Mosch Addition .

Quarter SW¹/₄ Section 33 Township 112N Range 41W .

Owner's Name: Sandra K. Mosch .

Surveyor: Daniel L. Bueltel Reg. No. 43844 .

Sec. 66-54. Information required. (1) Preliminary subdivision plat.		Yes	No	N/A	Comments
a.	Scale 1" = 100' or larger	X			
b.	Subdivision and owner names	X			
c.	Legal description and location sketch	X			
d.	Date, scale and north arrow	X			
e.	Acreage			X	
f.	Zoning classification		X		I-2
g.	Contours			X	Except developed area; not requiring contours
h.	Boundary line bearings and distances	X			
i.	Easement	X			MMU has commented.
j.	Street names, elevations and grades	X			Except developed area; not requiring grades

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

Sec. 66-54. Information required. (2) Other preliminary plans.		Yes	No	N/A	Comments
a.	Drainage and grading plans 1. Existing and proposed drainage.		X		Except developed area with no known drainage issues; did not require
	2. Drainage flow facility.		X		
b.	Utility plans		X		

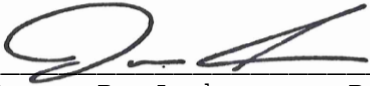
CITY ENGINEER'S RECOMMENDATIONS:

Recommend approval of preliminary plat to the City Council.

DATE RECEIVED: 09/02/2021

DATE REVIEWED: 09/15/2021

PLANNING COMMISSION REVIEW DATE: 09/22/2021



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

Copies to: City Administrator
 Building Official
 Senior Engineering Specialist



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Call for a Public Hearing Regarding Proposed Property Tax Abatement at 400 Erie Road.
Background Information:	Per M.S 469.1813 sub 5 The governing body of the political subdivision may approve an abatement under sections 469.1812 to 469.1815 only after holding a public hearing on the abatement.
Fiscal Impact:	NA
Alternative/ Variations:	NA
Recommendations:	To call for a public hearing for the proposed property tax abatement



Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
T 217.424.5200

September 1, 2021

City Clerk
City of Marshall
344 West Main Street
Marshall, MN 56258

REF: ADM property tax abatement application

Enclosed is our Application for property tax abatement that includes the required documents of support.

Please let me know if you need anything further.

Regards

A handwritten signature in black ink, appearing to read "Rich Dye", is written over a light blue horizontal line.

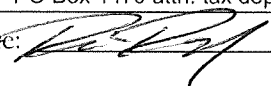
Rich Dye
Senior Tax Manager Property Tax and Real Estate
Rich.dye@adm.com
217-451-4284

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

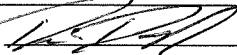
Property Information:

Location: 400 Erie RD Access Road: _____
Section: 28 Township: 112 Range: 41 Property Identification Number: 27-621003-0
Legal Description: Minnesota Corn Processing Industrial Park Lot 2 Block 1
(attach if needed)
Parcel Width: _____ (feet) Length: _____ (feet) Acres: 45

Applicant Information:

Applicant Name: ADM Phone: _____ (h) 217-451-4284 (w)
Mailing Address: PO Box 1470 attn: tax dept. Decatur, IL 62525
Applicant Signature:  Rich Dye, Senior Tax Manager - ADM
217-451-4284
rich.dye@ADM.com

Owner Information:

Owner Name: ADM Phone: _____ (h) 217-451-4284 (w)
Mailing Address: PO Box 1470: attn: tax dept. Decatur, IL 62525
Owner Signature:  _____
Contractors or Contract for Deed Holders – owner must sign the application.

Company Information:

Owner Name: ADM Phone: 217-451-4284 Fax: _____
Location: 4666 Faries Parkway, Decatur, IL 62526
Type of Company: Ag Processing Service Provided: Ag Processing

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).
- Other information as requested.

Return Completed Applications to:

City Clerk
City of Marshall
344 West Main St.
Marshall, MN 56258



Archer Daniels Midland Company
4666 Faries Parkway
Decatur, IL 62526
T 217.424.5200

ADM – New Starch Building abatement application details

Map and site plan: Already given to City economic development and City Assessor

Written Narrative:

The Marshall corn plant will increase the production of native dry starch.

#1 Gluten Flash Dryer, existing direct gas-fired dryer, will be modified to be capable of drying either starch or gluten. Modifications include the following: Dryer venting panels, suppression system, separate feed conveying and disintegrator.

New starch dewatering presses and equipment will be installed to supply the new dryer.

A new structure for storage silos, loadout capabilities for rail loading will be built.

To improve reliability of Gluten Flash Dryer #2; upgrades to the feed conveying system, P-ring modifications and increased heavy gluten surge will be installed.

Statement of public benefits: NA

Statement of private investment: in the process of obtaining building permit, estimated bldg. cost \$4M

Financial information: NA

Rich Dye

Senior Tax Manager, Property tax and Real Estate

rich.dye@adm.com

217-451-4284

ADM - LUNA PROJECT

CALCULATING 2021 EMV AS BASE - ONLY HAVING ABATEMENT ON IMPROVEMENT EMV

	EMV	City Taxes	County Taxes	TOTAL TAX BILL
Base EMV	\$ 15,726,100.00	\$ 185,163.00	\$ 117,708.00	\$ 539,478.00
Improvement EMV	\$ 807,400.00	\$ 9,529.00	\$ 6,058.00	\$ 27,768.00
Total EMV	\$ 16,533,500.00	\$ 194,692.00	\$ 123,766.00	\$ 567,246.00

BASED ON OFFICE ESTIMATE	year										TOTAL	
	1	2	3	4	5	6	7	8	9	10		
ENTER % OF ABATEMENT HERE	80%	80%	60%	60%	40%	0%	0%	0%	0%	0%		
Base EMV Captured Taxes	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	\$ 117,708.00	
Improvement EMV Abated Taxes	\$ 7,623.20	\$ 7,623.20	\$ 5,717.40	\$ 5,717.40	\$ 3,811.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Improvement EMV Captured Taxes	\$ 1,905.80	\$ 1,905.80	\$ 3,811.60	\$ 3,811.60	\$ 5,717.40	\$ 9,529.00	\$ 9,529.00	\$ 9,529.00	\$ 9,529.00	\$ 9,529.00	\$ 9,529.00	
Amount of Abatement	\$ 7,623.20	\$ 7,623.20	\$ 5,717.40	\$ 5,717.40	\$ 3,811.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,492.80	
Amount of Taxes the City receives	\$ 119,613.80	\$ 119,613.80	\$ 121,519.60	\$ 121,519.60	\$ 123,425.40	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 1,241,877.20	
Total Tax Bill (city)	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 127,237.00	\$ 1,272,370.00	
											REQUESTED \$\$\$	\$ -
											BALANCE OF	\$ -
											SPECIALS FORGONE	\$ -
											TAX ABATEMENT	\$ 30,492.80

CITY OF MARSHALL
NOTICE OF PUBLIC HEARING REGARDING PROPOSED PROPERTY TAX ABATEMENT
FOR TAX ABATEMENT APPLICANT QUINN HORVATH

NOTICE IS HEREBY GIVEN that the City Council of the City of Marshall Minnesota (the “City”), will hold a public hearing at a meeting of the Council beginning at 5:30 p.m., on October 12, 2021 to be held in the Council Chambers at City Hall, 344 West Main St. in Marshall, Minnesota, on the request of a Tax Abatement Applicant that the City abate a portion of property taxes levied by the City in connection with the proposed construction of a new structure. The property is located within the City and is currently identified as Parcel No. 27-621003-0. The approximate amount of assistance is \$30,492.80 over a maximum period of 5 years. The City Council will consider granting a property tax abatement in response to the request.

Information about the proposed tax abatement will be on file and available for public inspection at the office of the City Clerk at City Hall.

All interested persons may appear at the public hearing and present their views orally or in writing. Following the public hearing, the City Council will take action concerning the adoption or rejection of the proposed tax abatement application.

September 28, 2021

Kyle Box
City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Resolution Authorizing Closure of Special Revenue Fund 215
Background Information:	Special revenue fund 215 was created for Marshall Celebrations. This account currently has a \$0 balance, and no future use of this fund is predicted. For Finance to close a fund the council must approve a resolution to close the fund.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Approve Resolution Authorizing Closure of Special Revenue Fund 215

RESOLUTION NUMBER _____, SECOND SERIES

RESOLUTION AUTHORIZING CLOSURE OF
SPECIAL REVENUE FUND 215

WHEREAS, special revenue fund 215 was created for Marshall Celebrations; and

WHEREAS, there are no longer any obligations for this fund; and

WHEREAS, the auditors for the City of Marshall recommend closing this fund; and

NOW THEREFORE, BE IT RESOLVED: That Special Revenue Fund 215 be closed.

Passed and adopted by the Common Council this 28th day of September 2021.

Robert J. Byrnes
Mayor of the City of Marshall

ATTEST:

Kyle Box
City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Resolution Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds
Background Information:	The City is currently finalizing the purchase of property located at 800 N HWY 59 (known as the Mosch Property). This resolution will give the city the option to bond for the purchase at the City's next bonding cycle next year.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Approve Resolution Declaration of Official Intent Regarding the Reimbursement of Expenditures with the Proceeds of Tax-Exempt Bonds

RESOLUTION NUMBER _____, SECOND SERIES

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

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

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

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

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

PROPERTY ACQUISITION – 800 N US HWY 59 – This includes the acquisition of the property and any other expenses that are incurred to fit the property to the City's need. Such as, not a complete list, adding a fence or other expenses related to the purchase of the property.

The principal amount of debt expected to be issued for this portion of the project referred to above will not exceed \$375,000.

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

Capital Improvements Projects Fund

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

Passed and adopted by the City Council this _28th day of September 2021.

ATTEST:

City Clerk

Mayor



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a Temporary On-Sale Intoxicating Liquor License for SMSU.
Background Information:	Attached is an application for a Temporary On-Sale Liquor License for the SMSU to use at SMSU RA Facility, 1501 State St., October 9, 2021.
Fiscal Impact:	\$30.00/day
Alternative/ Variations:	None recommended
Recommendations:	To approve a Temporary On-Sale Liquor License for the SMSU to use at SMSU RA Facility, 1501 State St., October 9, 2021



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

Name of organization		Date organized	Tax exempt number	
Southwest Minnesota State University		10/17/1963		
Address	City	State	Zip Code	
1501 State Street	Marshall	Minnesota	56258	
Name of person making application		Business phone		
Stacy Frost		507/537 6983		
Date(s) of event	Type of organization <input type="checkbox"/> Microdistillery <input type="checkbox"/> Small Brewer			
October 9, 2021	<input type="checkbox"/> Club <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Other non-profit			
Organization officer's name	City	State	Zip Code	
David	Marshall	Minnesota		
Organization officer's	City	State	Zip Code	
		Minnesota		
Organization officer's name	City	State	Zip Code	
		Minnesota		
Organization officer's name	City	State	Zip Code	
		Minnesota		

Location where permit will be used. If an outdoor area, describe.
 Southwest Minnesota State University RA Facility area -1501 State Street Marshall, MN 56258

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
 North Risk Partners 2,000,000/2,000,000

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

APPROVAL

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

City of Marshall <hr/> City or County approving the license <hr/> \$30.00 <hr/> Fee Amount <hr/> 9/16/2021 <hr/> Date Fee Paid	<hr/> Date Approved <hr/> 10/09/2021 <hr/> Permit Date <hr/> kyle.box@ci.marshall.mn.us <hr/> City or County E mail Address <hr/> 507-537-6775 <hr/> City or County Phone Number
---	--

Signature City Clerk or County Official _____ Approved Director Alcohol and Gambling Enforcement _____
 CLERKS NOTICE: Submit this form to Alcohol and Gambling Enforcement Division 30 days prior to event.

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



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of a Temporary On-Sale Intoxicating Liquor License for the Marshall Area Chamber of Commerce.
Background Information:	Attached is an application for a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Red Baron Arena, 1651 Victor Dr., Marshall, MN on October 18, 2021
Fiscal Impact:	\$30.00/day
Alternative/ Variations:	None recommended
Recommendations:	To approve a Temporary On-Sale Liquor License for the Marshall Area Chamber of Commerce to use at Red Baron Arena, 1651 Victor Dr., Marshall, MN, October 18, 2021.



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

Name of organization M. MARSHALL AREA CHAMBER OF COMMERCE Date organized 2-11-1930 Tax exempt number [REDACTED]

Address 118 W. COLLEGE DRIVE City MARSHALL State MN Zip Code 56258

Name of person making application BRIAN GRUBOT Business phone 507-532-4484 Home phone

Date(s) of event OCTOBER 18, 2021 Type of organization Club Charitable Religious Other non-profit

Organization officer's name KEVIN BEESE City MARSHALL State MN Zip Code 56258

Organization officer's name City State MN Zip Code

Organization officer's name City State MN Zip Code

Organization officer's name City State MN Zip Code

Location where permit will be used. If an outdoor area, describe.
RED BARON ARENA
1651 VICTORY DR.
MARSHALL MN 56258

If the applicant will contract for intoxicating liquor service give the name and address of the liquor license providing the service.
NO

If the applicant will carry liquor liability insurance please provide the carrier's name and amount of coverage.
NO

APPROVAL

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

 City or County approving the license

 Fee Amount

 Date Fee Paid

 Date Approved

 Permit Date

 City or County E-mail Address

 City or County Phone Number

 Signature City Clerk or County Official

 Approved Director Alcohol and Gambling Enforcement

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

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



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider a LG220 Application for Exempt Permit for SW MN Ducks Unlimited for October 15, 2021.
Background Information:	Attached is an application for Exempt Permit for SW MN Ducks Unlimited for an event to be held on October 15, 2021 at 800 Country Club Dr.
Fiscal Impact:	There is no City fee for this permit.
Alternative/ Variations:	Not acknowledge this permit.
Recommendations:	BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SW MN Ducks Unlimited to hold a raffle on October 15, 2021, at the Marshall Golf Club, 800 Country Club Drive, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

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

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

Application Fee (non-refundable)

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

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

ORGANIZATION INFORMATION

Organization Name: SW MN Ducks Unlimited

Mailing Address: 202 Carrow St

City: Marshall State: MN Zip: 56258 County: Lyon

Name of Chief Executive Officer (CEO): Hunter Kontz

CEO Daytime Phone: 5078290777 CEO Email: hunter.kontz.du@gmail.com
(permit will be emailed to this email address unless otherwise indicated below)

Email permit to (if other than the CEO): _____

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.
- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): Marshall Golf Club

Physical Address (do not use P.O. box): 800 Country Club Dr

Check one:

- City: Marshall Zip: 56258 County: Lyon
- Township: _____ Zip: _____ County: _____

Date(s) of activity (for raffles, indicate the date of the drawing): 10/15/2021

Check each type of gambling activity that your organization will conduct:

- Bingo Paddlewheels Pull-Tabs Tipboards Raffle


Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: _____</p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: _____
(Signature must be CEO's signature; designee may not sign)

Print Name: Hunter J Kontz

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <p>_____ a copy of your proof of nonprofit status; and</p> <p>_____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

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

An equal opportunity employer

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider LG220 Application for Exempt Permit for SMSU Foundation for December 4, 2021 and January 12, 2022.
Background Information:	Attached is an application for Exempt Permit for SMSU Foundation for an event to be held on December 4, 2021 and January 12, 2022 at SMSU 1501 State Street.
Fiscal Impact:	There is no City fee for this permit.
Alternative/ Variations:	Not acknowledge this permit.
Recommendations:	BE IT RESOLVED, that the City Council hereby (1) grants local unit of government approval to SMSU Foundation to hold a raffle on December 4, 2021 and January 12, 2022, at Southwest Minnesota State University , 1501 State Street, Marshall, Minnesota, (2) acknowledges the receipt of LG220 Application of Exempt Permit, (3) waives the 30-day waiting period, and (4) authorizes and directs the appropriate city personnel to complete and sign the LG220 Application for Exempt Permit on behalf of the City of Marshall.

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

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

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

Application Fee (non-refundable)
Applications are processed in the order received. If the application is postmarked or received 30 days or more before the event, the application fee is **\$100**; otherwise the fee is **\$150**.
Due to the high volume of exempt applications, payment of additional fees prior to 30 days before your event will not expedite service, nor are telephone requests for expedited service accepted.

ORGANIZATION INFORMATION

Organization Name: Southwest Minnesota State University Foundation Previous Gambling Permit Number: [REDACTED]
Minnesota Tax ID Number, if any: [REDACTED] Federal Employer ID Number (FEIN), if any: [REDACTED]
Mailing Address: 1501 State Street
City: Marshall State: MN Zip: 56258 County: Lyon
Name of Chief Executive Officer (CEO): Nathan Polfliet
CEO Daytime Phone: 507-537-6285 CEO Email: _____
(permit will be emailed to this email address unless otherwise indicated below)
Email permit to (if other than the CEO): Barb.Berkenpas@smsu.edu

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

A current calendar year Certificate of Good Standing
Don't have a copy? Obtain this certificate from:
MN Secretary of State, Business Services Division
60 Empire Drive, Suite 100
St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767

IRS income tax exemption (501(c)) letter in your organization's name
Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS toll free at 1-877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): SOUTHWEST MINNESOTA STATE UNIVERSITY CAMPUS
Physical Address (do not use P.O. box): 1501 STATE STREET
Check one:
 City: MARSHALL Zip: 56258 County: LYON
 Township: _____ Zip: _____ County: _____
Date(s) of activity (for raffles, indicate the date of the drawing): December 4, 2021
Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to www.mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: <u>MARSHALL</u></p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 20px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature: *Nathan Polfliet* Date: 9/15/2021
(Signature must be CEO's signature; designee may not sign)

Print Name: NATHAN POLFLIET

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <ul style="list-style-type: none"> _____ a copy of your proof of nonprofit status; and _____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota. <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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This form will be made available in alternative format (i.e. large print, braille) upon request.

MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

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

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

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

ORGANIZATION INFORMATION

Organization Name: Southwest Minnesota State University Foundation Previous Gambling Permit Number: [REDACTED]
Minnesota Tax ID Number, if any: [REDACTED] Federal Employer ID Number (FEIN), if any: [REDACTED]
Mailing Address: 1501 State Street
City: Marshall State: MN Zip: 56258 County: Lyon
Name of Chief Executive Officer (CEO): Nathan Polfliet
CEO Daytime Phone: 507-537-6285 CEO Email: _____
(permit will be emailed to this email address unless otherwise indicated below)
Email permit to (if other than the CEO): Barb.Berkenpas@smsu.edu

NONPROFIT STATUS

Type of Nonprofit Organization (check one):
 Fraternal Religious Veterans Other Nonprofit Organization

Attach a copy of one of the following showing proof of nonprofit status:

(DO NOT attach a sales tax exempt status or federal employer ID number, as they are not proof of nonprofit status.)

- A current calendar year Certificate of Good Standing**
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Secretary of State website, phone numbers:
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651-296-2803, or toll free 1-877-551-6767
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- IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)**
If your organization falls under a parent organization, attach copies of both of the following:
1. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling; and
2. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): SOUTHWEST MINNESOTA STATE UNIVERSITY CAMPUS
Physical Address (do not use P.O. box): 1501 STATE STREET
Check one:
 City: MARSHALL Zip: 56258 County: LYON
 Township: _____ Zip: _____ County: _____
Date(s) of activity (for raffles, indicate the date of the drawing): January 12, 2022 (Baseball)
Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards Raffle

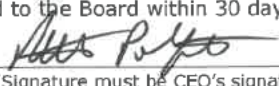
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Chief Executive Officer's Signature:  Date: 9/15/2021
(Signature must be CEO's signature; designee may not sign)

Print Name: NATHAN POLFLIET

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MINNESOTA LAWFUL GAMBLING
LG220 Application for Exempt Permit

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ORGANIZATION INFORMATION

Organization Name: Southwest Minnesota State University Foundation Previous Gambling Permit Number: X-30687-21-056
Minnesota Tax ID Number, if any: 8213114 Federal Employer ID Number (FEIN), if any: 23-7108470
Mailing Address: 1501 State Street
City: Marshall State: MN Zip: 56258 County: Lyon
Name of Chief Executive Officer (CEO): Nathan Polfliet
CEO Daytime Phone: 507-537-6285 CEO Email: _____
(permit will be emailed to this email address unless otherwise indicated below)
Email permit to (if other than the CEO): Barb.Berkenpas@smsu.edu

NONPROFIT STATUS

Type of Nonprofit Organization (check one):

- Fraternal Religious Veterans Other Nonprofit Organization

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St. Paul, MN 55103
Secretary of State website, phone numbers:
www.sos.state.mn.us
651-296-2803, or toll free 1-877-551-6767
- IRS income tax exemption (501(c)) letter in your organization's name**
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GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted (for raffles, list the site where the drawing will take place): SOUTHWEST MINNESOTA STATE UNIVERSITY CAMPUS
Physical Address (do not use P.O. box): 1501 STATE STREET
Check one:
 City: MARSHALL Zip: 56258 County: LYON
 Township: _____ Zip: _____ County: _____
Date(s) of activity (for raffles, indicate the date of the drawing): January 12, 2022 (Softball)
Check each type of gambling activity that your organization will conduct:
 Bingo Paddlewheels Pull-Tabs Tipboards Raffle

Gambling equipment for bingo paper, bingo boards, raffle boards, paddlewheels, pull-tabs, and tipboards must be obtained from a distributor licensed by the Minnesota Gambling Control Board. EXCEPTION: Bingo hard cards and bingo ball selection devices may be borrowed from another organization authorized to conduct bingo. To find a licensed distributor, go to mn.gov/gcb and click on **Distributors** under the **List of Licensees** tab, or call 651-539-1900.

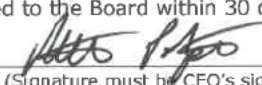
LG220 Application for Exempt Permit

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT (required before submitting application to the Minnesota Gambling Control Board)

<p style="text-align: center;">CITY APPROVAL for a gambling premises located within city limits</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print City Name: <u>MARSHALL</u></p> <p>Signature of City Personnel: _____</p> <p>Title: _____ Date: _____</p> <div style="border: 1px solid black; padding: 5px; text-align: center; margin-top: 10px;"> <p>The city or county must sign before submitting application to the Gambling Control Board.</p> </div>	<p style="text-align: center;">COUNTY APPROVAL for a gambling premises located in a township</p> <p><input type="checkbox"/> The application is acknowledged with no waiting period.</p> <p><input type="checkbox"/> The application is acknowledged with a 30-day waiting period, and allows the Board to issue a permit after 30 days.</p> <p><input type="checkbox"/> The application is denied.</p> <p>Print County Name: _____</p> <p>Signature of County Personnel: _____</p> <p>Title: _____ Date: _____</p> <p>TOWNSHIP (if required by the county) On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. (A township has no statutory authority to approve or deny an application, per Minn. Statutes, section 349.213.)</p> <p>Print Township Name: _____</p> <p>Signature of Township Officer: _____</p> <p>Title: _____ Date: _____</p>
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CHIEF EXECUTIVE OFFICER'S SIGNATURE (required)

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the event date.

Chief Executive Officer's Signature:  Date: 9/19/2021
(Signature must be CEO's signature; designee may not sign)

Print Name: NATHAN POLFLIET

<p>REQUIREMENTS</p> <p>Complete a separate application for:</p> <ul style="list-style-type: none"> • all gambling conducted on two or more consecutive days; or • all gambling conducted on one day. <p>Only one application is required if one or more raffle drawings are conducted on the same day.</p> <p>Financial report to be completed within 30 days after the gambling activity is done: A financial report form will be mailed with your permit. Complete and return the financial report form to the Gambling Control Board.</p> <p>Your organization must keep all exempt records and reports for 3-1/2 years (Minn. Statutes, section 349.166, subd. 2(f)).</p>	<p>MAIL APPLICATION AND ATTACHMENTS</p> <p>Mail application with:</p> <p>_____ a copy of your proof of nonprofit status; and</p> <p>_____ application fee (non-refundable). If the application is postmarked or received 30 days or more before the event, the application fee is \$100; otherwise the fee is \$150. Make check payable to State of Minnesota.</p> <p>To: Minnesota Gambling Control Board 1711 West County Road B, Suite 300 South Roseville, MN 55113</p> <p>Questions? Call the Licensing Section of the Gambling Control Board at 651-539-1900.</p>
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Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process the application. Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public. Private data about your organization are available to Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

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

An equal opportunity employer

Internal Revenue Service

Date: January 6, 2004

Southwest Minnesota State University
Foundation, Inc. (SMSU Fdn.)
Founders Hall Southwest State Univ.
Marshall, MN 56258

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Cassandra Jackson 31-07417
Customer Service Representative
Toll Free Telephone Number:
8:00 a.m. to 6:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
23-7108470

Dear Sir or Madam:

This is in response to the amendment to your organization's Articles of Incorporation filed with the state on July 22, 2003. We have updated our records to reflect the name change as indicated above.

In September 1965 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in sections 509(a)(1) and 170(b)(1)(A)(iv).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Southwest Minnesota State University Foundation, Inc. (SMSU Fdn.)
23-7108470

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,

Donna Carlisle

Donna Carlisle, Acting Director, TE/GE
Customer Account Services

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	INFO/ACTION
Subject:	Request to move dwelling
Background Information:	<p>The house to be moved to 501 Brussels Court is currently located at 410 Village Drive. It is a two-story house over crawl space approximately 2,480 S.F. in footprint area, built in 1958. This house was inspected by Ray Henriksen, Building Official, and found to be in good condition suitable for moving. Attached are building photos, building diagrams, and inspection report. The entire house will be brought up to the new Building Code. The site at Brussels Court seems to be adequate.</p> <p>The residential area where this house will be moved in has a covenant agreement, but this house seems to be generally in compliance with it. However, the city does not enforce covenant agreements. There are no other houses in the immediate vicinity of the proposed relocation lot except one recently moved in. An aerial photo of the area is attached for Council’s consideration. According to the City Ordinance, the aesthetics, i.e., how the house fits into the locale to which it is being moved, is the main concern for the Council and a deciding factor for approval. The approval should be granted in case it is determined that the house does fit into the area. Since the issue for the Council is about appearance, staff does not render an opinion.</p> <p>https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BUB_URE_ARTIIIMOBU_DIV2PEMOINREDI_S18-56RE https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BUB_URE_ARTIIIMOBU_DIV2PEMOINREDI_S18-56RE</p>
Fiscal Impact:	The applicant will be responsible for all direct costs related to this request to move dwelling into a residential district.
Alternative/ Variations:	N/A
Recommend ations:	that the Council call for public hearing to be held on October 12, 2021, at the request of Habitat for Humanity to move a dwelling into a residential district at 501 Brussels Court.



BUILDING SERVICES DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MN 56258-1313
 PHONE: 507-537-6773
 CELL: 507-530-3049

INSPECTION REPORT

DATE: 3-29-2021
 OWNER: L2A LLC
 619 Hwy 71 E.
 Willmar, MN 56201

PROJECT: 410 Village Drive – To be relocated from
 LOCATION: Address to be determined in Marshall
 FROM: Ray Henriksen
 Building Official
 City of Marshall, 56258

At the request of Jeff Gladis, Western Community Action, I looked at a dwelling in 410 Village Drive to be relocated to within Marshall. Dimensions, footprint layout, along with photos are on file. The following itemized list are my observation of the dwelling for review by the City of Marshall for possible relocation.

1. Dwelling was built in 1958
2. Two Story dwelling with no basement
3. 2,480 Total Sq. Ft. (Habitable Area) 768 Sq Ft Garage
4. Four bedrooms on the second floor.
5. All mechanical, AC, water heater, softener, shall replaced with new systems.
6. Dwelling is 2x4 stick built with truss roof
7. Exterior roof appears straight with no sags and is in good condition.
8. The attic was not accessible for inspection, Verify R value meets current code compliance.
9. No apparent roof/ceiling damage or staining from water.
10. Interior and exterior walls and floor are straight and level.

Exterior:

1. Siding is vinyl siding, in good condition.
2. Windows are aged. Interior film is peeling from glazing. See photo of the conditions.
3. Gutters are I good condition
4. Asphalt shingles, age unknown, all roofs are in good shape.
5. Continuous ridge vents used on the garage and dwelling.
6. Garage overhead door is a 2” insulated panel. With wind bracing but no label.
7. Vented soffits.
8. Exterior of windows faded vinyl clad

Deck

1. Not to be re-used

Attic

1. Truss At 24" OC
2. OSB roof sheathing.
3. Attic only visible thought high scuttle access opening.
4. Not accessible to determine R value and condition of trusses

Dwelling:

1. Crawl space foundation
2. Floor joist 2 x 10 x16" O.C.
3. PVC and copper DWV throughout dwelling
4. Verify bathroom exhaust fans are operational & vented through roof. (no Power in Dwelling)
5. Smoke detector and CO detector are in all bedrooms and hall. Need to be replaced due to condition
6. Gypsum walls. Good condition. Minor holes in some bedroom walls.
7. Floor covering need replacement.
8. Garage fire wall is in tacked from floor to ridge with no ceiling
9. All ducts I crawl space shall be replaced due to condition.
10. Verify Exterior / Interior lighting operations
11. Stair handrails need to be returned to wall for compliance

Overall condition is in good with minor repairs to be completed.

16'
OH Door

Garage

39 x 46
Casement

Bath

Dine

5' 9"
Patio Door

MECH.
Rm

kitchen

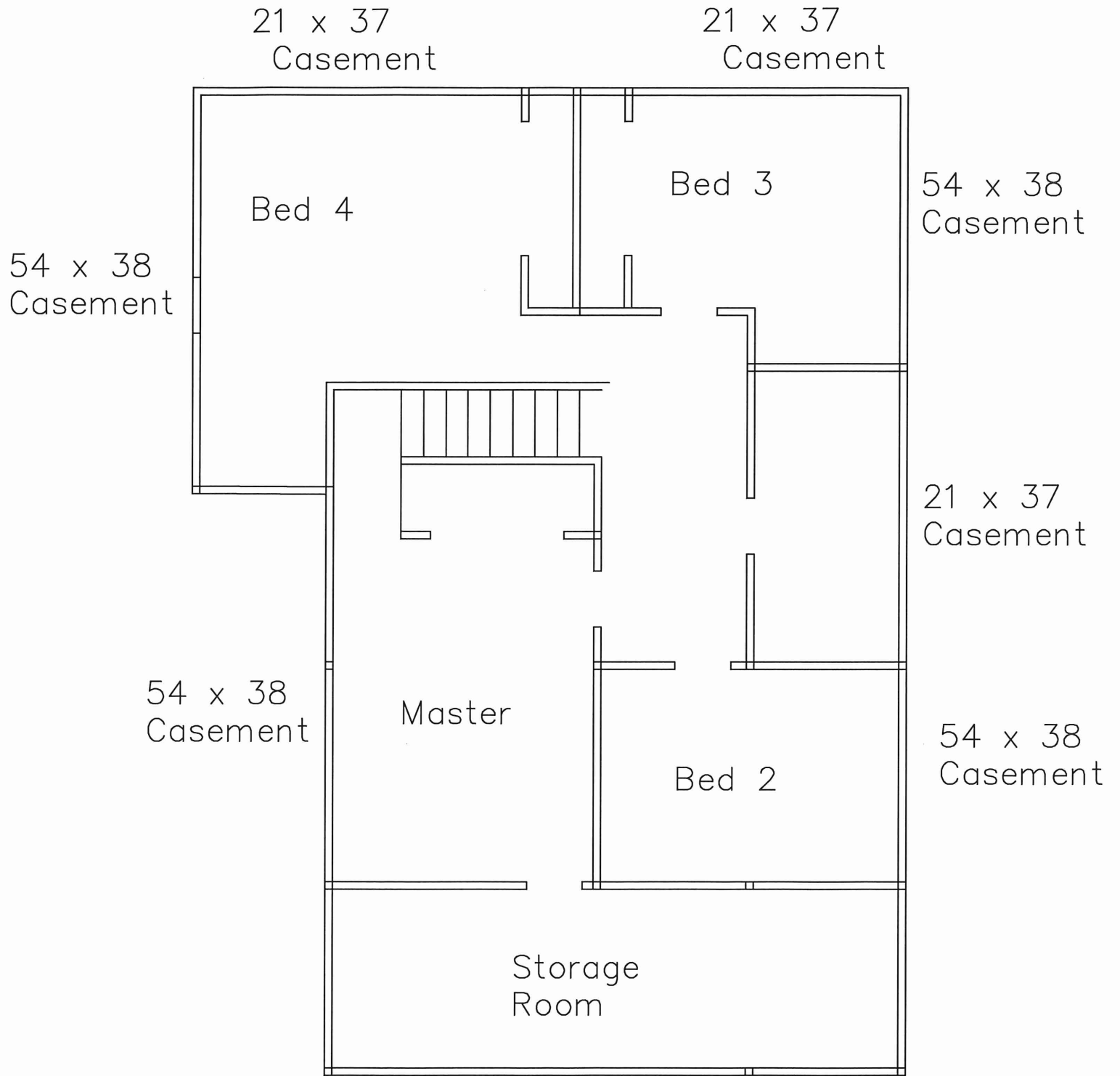
39 x 45
Casement

94 x 57
Casement

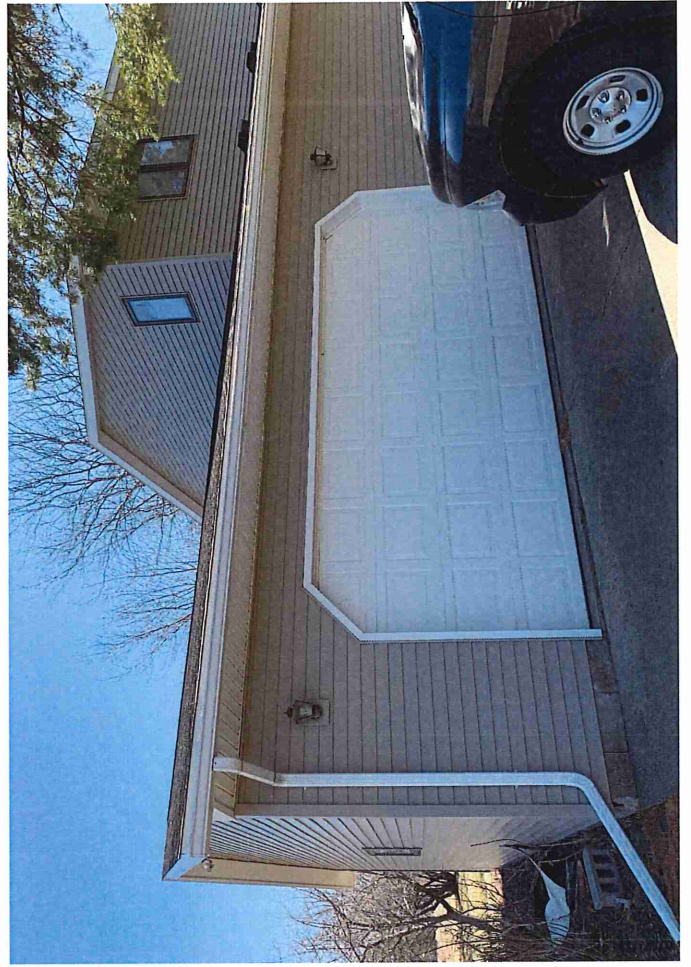
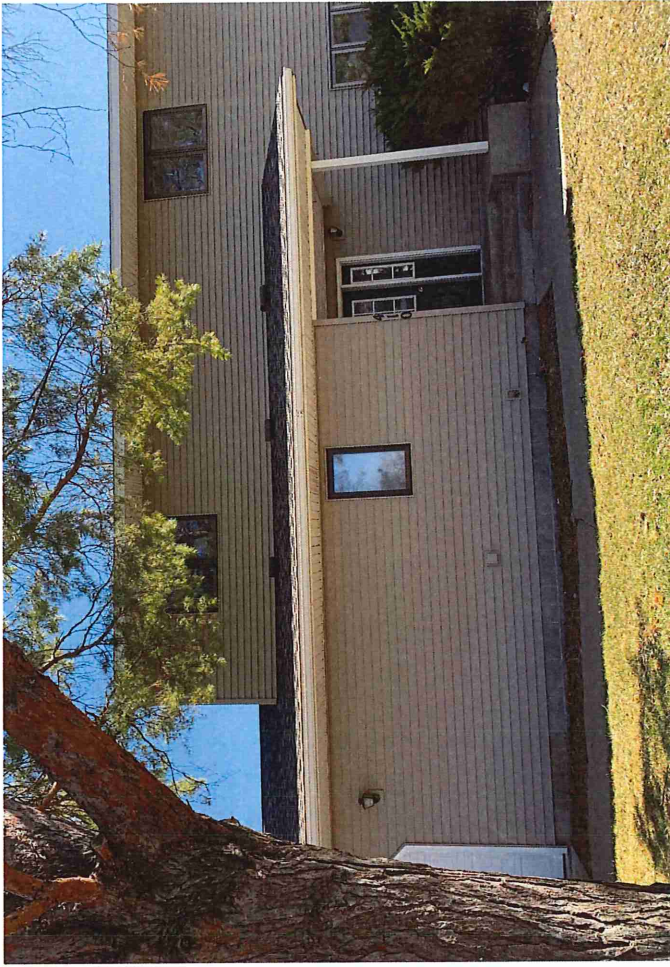
Family

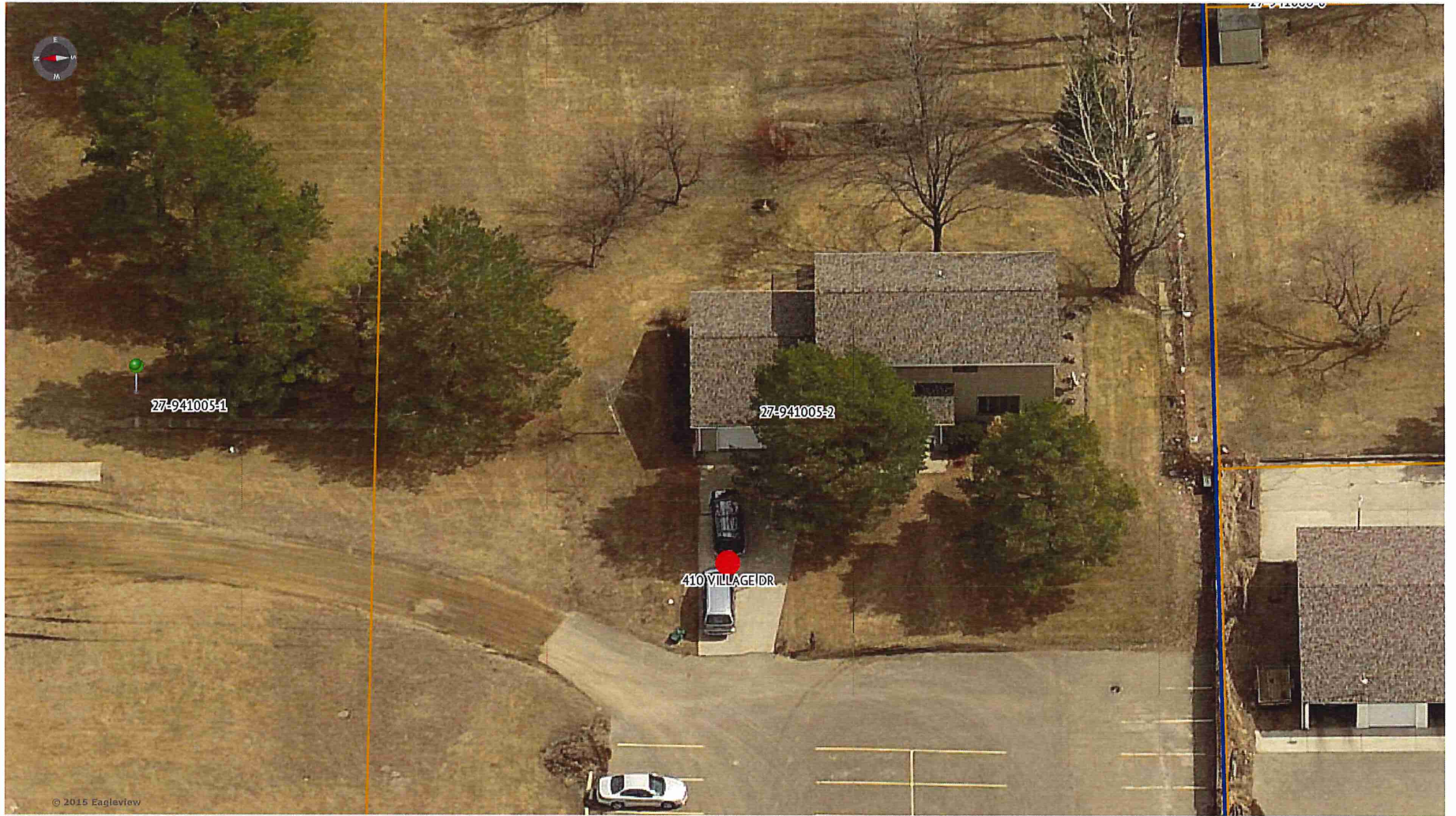
54 x 46
Casement

410 Village DR. - 1st Floor

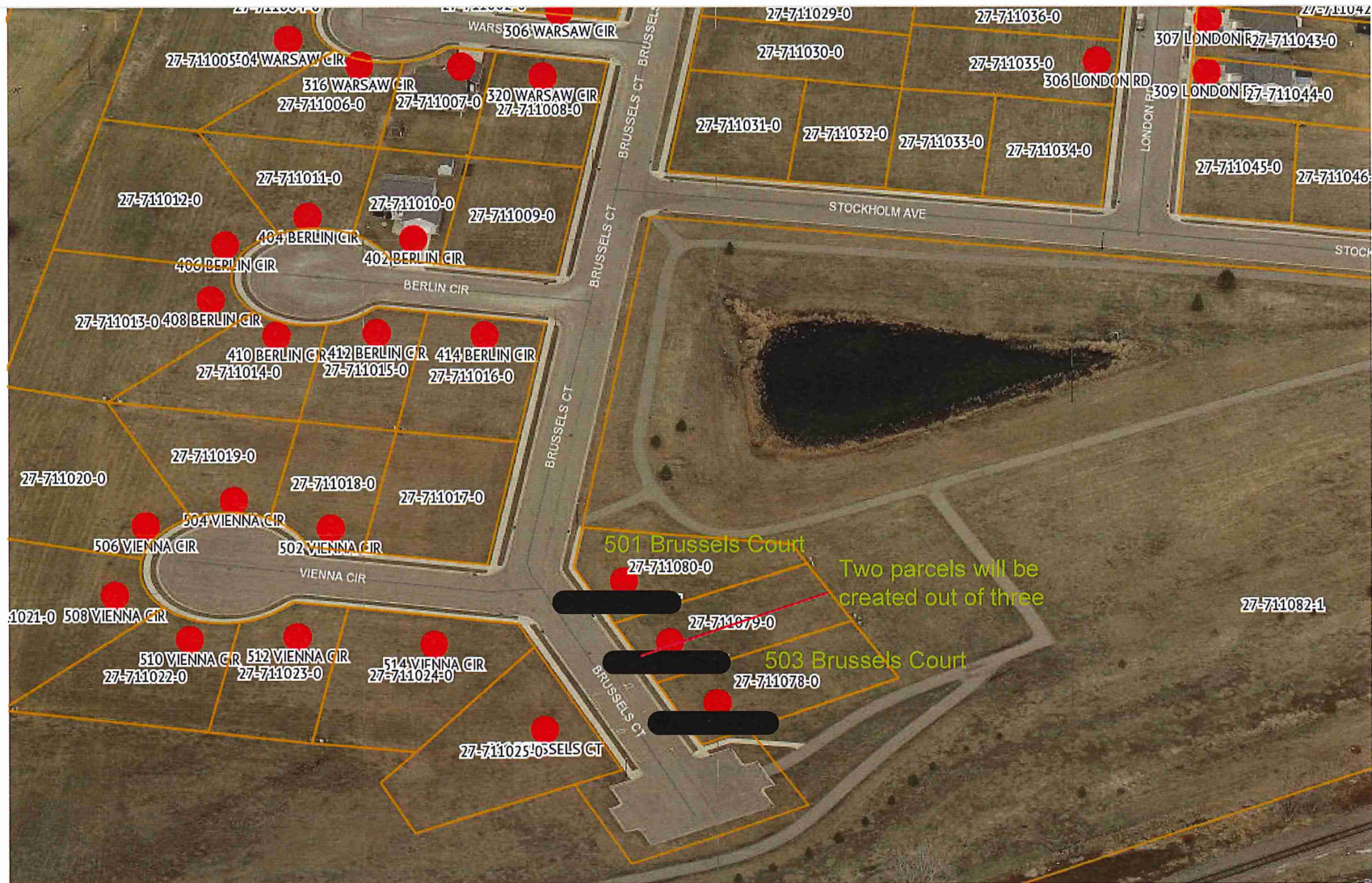


410 Village DR. – 2nd Floor





map: Auto (Oblique) Mar 2015 - Apr 2015 image 1 of 10 03/27/2015



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 28, 2021
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider approval of the bills/project payments
Background Information:	Staff encourages the City Council Members to contact staff in advance of the meeting regarding these items if 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: 09/17/2021 - 09/28/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	09/17/2021	EFT	0.00	1,989.89	7703
5813	ACE HOME & HARDWARE	09/17/2021	EFT	0.00	606.15	7704
5813	ACE HOME & HARDWARE	09/24/2021	EFT	0.00	606.15	7748
6412	AG PLUS COOPERATIVE	09/24/2021	EFT	0.00	2,546.90	7749
0566	ALERT-ALL CORPORATION	09/17/2021	EFT	0.00	1,247.50	7705
0578	AMAZON CAPITAL SERVICES	09/24/2021	EFT	0.00	267.90	7750
3761	AMERICAN BOTTLING CO.	09/17/2021	Regular	0.00	98.88	119792
0658	AP DESIGN	09/17/2021	EFT	0.00	257.50	7706
0630	ARCTIC GLACIER	09/17/2021	Regular	0.00	178.44	119793
0630	ARCTIC GLACIER	09/24/2021	Regular	0.00	263.87	119829
5447	ARTISAN BEER COMPANY	09/17/2021	Regular	0.00	1,631.25	119794
5447	ARTISAN BEER COMPANY	09/24/2021	Regular	0.00	1,202.70	119830
0656	AVERA MARSHALL REGIONAL MED CTR	09/24/2021	Regular	0.00	575.00	119831
6411	BARRELS AND ARROWS LLC	09/24/2021	Regular	0.00	40.00	119832
0688	BELLBOY CORPORATION	09/17/2021	EFT	0.00	5,976.51	7707
0689	BEND RITE FABRICATION INC	09/24/2021	Regular	0.00	40.00	119833
0699	BEVERAGE WHOLESALERS	09/17/2021	Regular	0.00	26,452.34	119795
0699	BEVERAGE WHOLESALERS	09/24/2021	Regular	0.00	28,484.19	119834
0715	BLADHOLM CONSTRUCTION INC	09/24/2021	EFT	0.00	10,062.00	7751
0724	BOLTON & MENK INC	09/17/2021	EFT	0.00	42,670.00	7708
0726	BORCHS SPORTING GOODS	09/17/2021	EFT	0.00	35.92	7709
0018	BORDER STATES ELECTRIC SUPPLY	09/17/2021	EFT	0.00	53.39	7710
4457	BREAKTHRU BEVERAGE	09/17/2021	Regular	0.00	9,320.46	119796
4457	BREAKTHRU BEVERAGE	09/24/2021	Regular	0.00	2,636.92	119835
0728	BUFFALO RIDGE CONCRETE,INC	09/17/2021	EFT	0.00	1,123.50	7711
0799	CARLOS CREEK WINERY	09/17/2021	Regular	0.00	432.00	119797
0815	CATTOOR OIL COMPANY INC	09/24/2021	EFT	0.00	904.50	7752
0836	CHARTER COMMUNICATIONS	09/17/2021	EFT	0.00	102.48	7712
6692	CHRISTENSEN BROADCASTING LLC	09/24/2021	EFT	0.00	390.00	7753
5733	CLARITY TELECOM, LLC	09/17/2021	EFT	0.00	1,192.81	7713
5733	CLARITY TELECOM, LLC	09/24/2021	EFT	0.00	1,118.42	7754
0920	CULLIGAN WATER CONDITIONING OF MARSHALL	09/24/2021	Regular	0.00	48.00	119836
0934	D & G EXCAVATING INC	09/17/2021	EFT	0.00	244,653.54	7714
3819	DACOTAH PAPER CO	09/24/2021	EFT	0.00	107.82	7755
6204	DAVEY TREE EXPERT COMPANY	09/17/2021	Regular	0.00	2,555.00	119798
0391	DEBATES, STEVE	09/17/2021	EFT	0.00	122.00	7715
0966	DELTA DENTAL OF MINNESOTA	09/17/2021	Bank Draft	0.00	4,933.94	DFT0001097
0966	DELTA DENTAL OF MINNESOTA	09/21/2021	Bank Draft	0.00	1,091.80	DFT0001106
4709	DETCO	09/17/2021	EFT	0.00	2,739.76	7716
0990	DIAMOND VOGEL, INC	09/17/2021	EFT	0.00	2,555.50	7717
5731	DOLL DISTRIBUTING	09/17/2021	EFT	0.00	15,170.40	7718
5731	DOLL DISTRIBUTING	09/24/2021	EFT	0.00	21,865.20	7756
1020	DUININCK BROS., INC.	09/17/2021	EFT	0.00	982,057.36	7719
1090	FASTENAL COMPANY	09/17/2021	EFT	0.00	496.91	7720
1090	FASTENAL COMPANY	09/24/2021	EFT	0.00	117.06	7757
4331	FIGUEROA, GABRIEL	09/24/2021	Regular	0.00	200.00	119837
4805	FURTHER	09/17/2021	Bank Draft	0.00	9,632.33	DFT0001095
4805	FURTHER	09/17/2021	Bank Draft	0.00	7,583.76	DFT0001100
6424	GITCH GEAR, LLC	09/17/2021	Regular	0.00	472.75	119799
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	09/24/2021	Regular	0.00	423.88	119838
6127	GRANDVIEW VALLEY WINERY, INC	09/17/2021	Regular	0.00	1,056.00	119800
1230	HACH COMPANY	09/17/2021	Regular	0.00	121.94	119801
6269	HANSON, SHARON	09/24/2021	EFT	0.00	422.29	7758
1243	HARDWARE HANK	09/17/2021	EFT	0.00	159.99	7721

Council Check Report

Date Range: 09/17/2021 - 09/28/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1243	HARDWARE HANK	09/24/2021	EFT	0.00	110.41	7759
1256	HAWKINS INC	09/17/2021	EFT	0.00	5,799.70	7722
1271	HENLE PRINTING COMPANY	09/24/2021	EFT	0.00	72.93	7760
1280	HP INC	09/24/2021	Regular	0.00	92.78	119839
0435	HUBER, DORIS	09/17/2021	EFT	0.00	117.76	7723
1311	HYVEE FOOD STORES INC	09/17/2021	Regular	0.00	16.15	119802
5684	ICC	09/24/2021	EFT	0.00	112.00	7761
1325	ICMA RETIREMENT TRUST #300877	09/17/2021	Regular	0.00	50.00	119803
6705	IDEXX DISTRIBUTION INC	09/17/2021	EFT	0.00	467.83	7724
5546	INDIAN ISLAND WINERY	09/24/2021	Regular	0.00	258.24	119840
1358	INTERNAL REVENUE SERVICE	09/17/2021	Bank Draft	0.00	26,236.98	DFT0001101
1358	INTERNAL REVENUE SERVICE	09/17/2021	Bank Draft	0.00	23,967.66	DFT0001102
1358	INTERNAL REVENUE SERVICE	09/17/2021	Bank Draft	0.00	8,062.82	DFT0001103
1399	JOHNSON BROTHERS LIQUOR COMPANY	09/17/2021	Regular	0.00	14,346.15	119804
1399	JOHNSON BROTHERS LIQUOR COMPANY	09/24/2021	Regular	0.00	8,140.37	119841
1417	KENNEDY & GRAVEN, CHARTERED	09/17/2021	EFT	0.00	2,700.00	7725
1417	KENNEDY & GRAVEN, CHARTERED	09/24/2021	EFT	0.00	1,700.00	7762
4511	KRUSE BUICK PONTIAC GMC, INC	09/24/2021	Regular	0.00	41.69	119843
4140	KRUSE FORD-LINCOLN-MERCURY, INC	09/17/2021	Regular	0.00	30.67	119806
5036	KUECHLE UNDERGROUND, INC	09/17/2021	Regular	0.00	66,484.80	119807
5138	L & A SYSTEMS, LLC	09/24/2021	EFT	0.00	115.50	7763
3653	LANGUAGE LINE SERVICES	09/17/2021	EFT	0.00	99.54	7726
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	09/24/2021	Regular	0.00	60,582.00	119845
1481	LEAGUE OF MINNESOTA CITIES	09/17/2021	Regular	0.00	13,024.00	119808
1481	LEAGUE OF MINNESOTA CITIES	09/24/2021	Regular	0.00	69.00	119844
6852	LIVERMORE, CHRIS	09/17/2021	Regular	0.00	25.00	119809
1531	LYON COUNTY AUDITOR-TREASURER	09/17/2021	EFT	0.00	11,876.73	7727
1531	LYON COUNTY AUDITOR-TREASURER	09/24/2021	EFT	0.00	577.65	7764
1548	LYON COUNTY LANDFILL	09/17/2021	EFT	0.00	262.35	7728
1553	LYON COUNTY SHERIFF'S DEPT.	09/24/2021	Regular	0.00	110.00	119850
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	09/17/2021	Regular	0.00	39.41	119810
1570	MADDEN UPHOLSTERY & HOME DECORATING INC	09/17/2021	Regular	0.00	247.31	119811
6292	MADDEN, GALANTER, HANSEN, LLP	09/24/2021	EFT	0.00	144.00	7765
5459	MAGNEY CONSTRUCTION, INC	09/17/2021	Regular	0.00	37,547.40	119812
1618	MARSHALL DECORATING CENTER	09/17/2021	Regular	0.00	13.78	119813
1618	MARSHALL DECORATING CENTER	09/24/2021	Regular	0.00	99.51	119851
1623	MARSHALL INDEPENDENT, INC	09/24/2021	Regular	0.00	120.00	119852
6018	MARSHALL M CLUB	09/17/2021	Regular	0.00	652.50	119814
1633	MARSHALL MUNICIPAL UTILITIES	09/17/2021	EFT	0.00	98,170.84	7729
6853	MARSHALL NATIONAL GUARD	09/17/2021	Regular	0.00	25.00	119815
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	09/17/2021	EFT	0.00	640.25	7732
4980	MENARDS INC	09/17/2021	Regular	0.00	100.14	119816
3669	MINNESOTA STATE RETIREMENT SYSTEM	09/17/2021	Bank Draft	0.00	7,735.21	DFT0001098
1757	MN CHILD SUPPORT PAYMENT CENTER	09/17/2021	Bank Draft	0.00	356.25	DFT0001093
1757	MN CHILD SUPPORT PAYMENT CENTER	09/17/2021	Bank Draft	0.00	287.49	DFT0001094
1804	MN MAYORS ASSOCIATION	09/17/2021	Regular	0.00	30.00	119817
1818	MN REVENUE	09/17/2021	Bank Draft	0.00	11,180.03	DFT0001104
1887	MTI DISTRIBUTING INC	09/24/2021	EFT	0.00	359.20	7766
2512	NATIONWIDE RETIREMENT	09/17/2021	Bank Draft	0.00	200.00	DFT0001088
2513	NATIONWIDE RETIREMENT-FIRE	09/17/2021	Bank Draft	0.00	36.66	DFT0001089
1945	NORMS GTC	09/17/2021	Regular	0.00	180.00	119818
1945	NORMS GTC	09/24/2021	Regular	0.00	83.88	119853
1946	NORTH CENTRAL LABS	09/17/2021	EFT	0.00	68.89	7733
6463	OFFICE OF MNIT SERVICES	09/17/2021	Regular	0.00	695.15	119819
5891	ONE OFFICE SOLUTION	09/17/2021	EFT	0.00	327.87	7734
3809	O'REILLY AUTOMOTIVE STORES, INC	09/17/2021	EFT	0.00	65.95	7735
2019	PAUSTIS WINE COMPANY	09/24/2021	Regular	0.00	3,405.42	119854
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	09/24/2021	EFT	0.00	35.55	7767
2028	PERA OF MINNESOTA REG	09/17/2021	Bank Draft	0.00	53,075.66	DFT0001096
2034	PETTY CASH	09/17/2021	Regular	0.00	100.00	119820
2036	PHILLIPS WINE AND SPIRITS INC	09/17/2021	Regular	0.00	11,755.72	119821

Council Check Report

Date Range: 09/17/2021 - 09/28/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2036	PHILLIPS WINE AND SPIRITS INC	09/24/2021	Regular	0.00	7,049.86	119855
2064	POWERPLAN	09/24/2021	Regular	0.00	3,113.26	119857
2096	QUARNSTROM & DOERING, PA	09/17/2021	EFT	0.00	200.00	7736
6216	R & H PAINTING, LLC	09/24/2021	EFT	0.00	13,228.00	7768
6267	RATWIK, ROSZAK & MALONEY, PA	09/24/2021	EFT	0.00	111.00	7769
5732	RITE	09/24/2021	Regular	0.00	2,731.73	119858
6365	RJM DISTRIBUTING, INC	09/17/2021	Regular	0.00	301.96	119823
6684	ROLLING FORKS VINEYARDS, LLC	09/17/2021	EFT	0.00	180.00	7737
2201	RUNNINGS SUPPLY INC	09/17/2021	EFT	0.00	212.89	7738
6576	SAFETYFIRST SPECIALTY CONTRACTING, INC	09/24/2021	Regular	0.00	2,056.59	119859
2244	SCHWANS SALES ENTERPRISES	09/17/2021	Regular	0.00	772.99	119824
2248	SCOTT'S TREE SERVICE	09/17/2021	EFT	0.00	1,100.00	7739
6251	SHRED RIGHT	09/24/2021	EFT	0.00	15.00	7770
4855	SOUTHERN GLAZER'S OF MN	09/17/2021	EFT	0.00	10,190.26	7740
4855	SOUTHERN GLAZER'S OF MN	09/24/2021	EFT	0.00	11,043.91	7771
2311	SOUTHWEST GLASS CENTER	09/24/2021	EFT	0.00	55.00	7772
2318	SOUTHWEST SANITATION INC.	09/17/2021	EFT	0.00	3,036.19	7741
5922	SRF CONSULTING GROUP, INC.	09/17/2021	Regular	0.00	2,040.26	119825
6277	TALKING WATERS BREWING CO, LLC	09/24/2021	EFT	0.00	955.00	7773
2143	THOOFT ENTERPRISES LLC	09/17/2021	EFT	0.00	236.30	7742
6504	THREE LEGGED DOG, INC	09/17/2021	Regular	0.00	125.00	119826
6786	TRUCK CENTER COMPANIES EAST LLC	09/17/2021	EFT	0.00	970.48	7743
6786	TRUCK CENTER COMPANIES EAST LLC	09/24/2021	EFT	0.00	211.02	7774
6156	TRUE BRANDS	09/24/2021	EFT	0.00	76.84	7775
2511	USA BLUE BOOK	09/24/2021	EFT	0.00	247.56	7776
3443	VALIC DEFERRED COMP	09/17/2021	Bank Draft	0.00	1,172.00	DFT0001090
3443	VALIC DEFERRED COMP	09/17/2021	Bank Draft	0.00	77.75	DFT0001091
3443	VALIC DEFERRED COMP	09/17/2021	Bank Draft	0.00	1,650.00	DFT0001092
4489	VERIZON WIRELESS	09/17/2021	EFT	0.00	49.04	7744
4489	VERIZON WIRELESS	09/24/2021	EFT	0.00	1,750.04	7777
0164	VESSCO, INC	09/17/2021	EFT	0.00	3,231.82	7745
2538	VIKING COCA COLA BOTTLING COMPANY	09/17/2021	EFT	0.00	333.85	7746
2538	VIKING COCA COLA BOTTLING COMPANY	09/24/2021	EFT	0.00	282.32	7778
6085	VOYA - INVESTORS CHOICE	09/17/2021	Bank Draft	0.00	1,828.24	DFT0001099
5700	WATCH GUARD	09/17/2021	Regular	0.00	975.00	119827
2591	WESTERN PRINT GROUP	09/17/2021	EFT	0.00	106.03	7747
2605	WINE MERCHANTS	09/17/2021	Regular	0.00	724.76	119828
2605	WINE MERCHANTS	09/24/2021	Regular	0.00	69.69	119860

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	106	61	0.00	314,560.79
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	18	18	0.00	159,108.58
EFT's	155	74	0.00	1,513,266.85
	279	153	0.00	1,986,936.22

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	106	61	0.00	314,560.79
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	18	18	0.00	159,108.58
EFT's	155	74	0.00	1,513,266.85
	279	153	0.00	1,986,936.22

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	9/2021	1,986,936.22
			1,986,936.22

CITY OF MARSHALL, MINNESOTA
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
 9/28/2021

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 Prior Payments	PYMNTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE																												
602-49500-55120		5/28/2019	WWTF Improvement Project	Magney Construction, Inc.		14,074,300.00	4,099,265.87	6,918,924.06	2,127,519.35	37,547.40	693,855.61	197,187.71	98.60%																												
630-49600-55130		9/24/2019	COE Flood Control 2019 Betterments	U.S. Army Corps of Engineers		190,000.00	150,483.00					39,517.00	79.20%																												
494-43300-55120		11/12/2019	City Hall Renovation	Brennan Companies	695,744.00	5,725,944.00		3,039,722.04	2,390,589.53		286,297.20	9,335.23	99.84%																												
476-43300-55170		4/14/2020	S 4th St Reconstruction	R & G Construction	2,583,754.90	2,594,640.04		2,528,408.74	27,377.08		5,000.00	33,854.22	98.70%																												
476-43300-55170		5/26/2020	S 1st St Reconstruction	Duininck, Inc	617,136.55	609,430.30		562,896.42	57,673.16		1,500.00	(12,639.28)	102.07%																												
630-49600-55170		6/23/2020	Legion Field Strom Water Improvements-Phase 1	Towne & Country Excavating LLC	277,943.00	274,975.75		257,658.64			2,602.61	14,714.50	94.65%																												
479-43300-55170		2/9/2021	N 1st St/W Redwood St/W Marshall St Reconstruction	D & G Excavating Inc.	1,051,247.90	1,081,255.55			904,763.64	142,213.05	10,575.52	23,703.34	97.81%																												
495-43300-55170		2/23/2021	2021 Bituminous Overlay	Duininck, Inc	580,564.28	580,404.28			589,099.98		1,000.00	(9,695.70)	101.67%																												
479-43300-55170		2/23/2021	James Ave/Camden Dr Reconstruction	Kkuechle Underground	849,244.50	849,244.50			712,694.56	66,484.80	41,009.44	29,055.70	96.58%																												
479-45200-55120		3/9/2021	Restroom Facility and Picnic Pavilion - Patriot Park	Bladhholm Construction	188,886.00	201,234.00			191,172.00	10,062.00		-	100.00%																												
479-43300-55170		4/13/2021	State Aid Overlay	Duininck, Inc	1,924,600.45	1,977,713.85			824,618.37	981,064.56	75,901.65	96,129.27	95.14%																												
602-49500-55170		5/11/2021	T.H. 23/Independence Park Sewer Realignment	D & G Excavating Inc.	189,448.50	189,448.50			68,676.45	101,312.99	8,946.81	10,512.25	94.45%																												
		8/25/2021	Independence Park Trail Replacement	A & C Excavating, LLC	375,659.10	375,659.10							100.00%																												
				<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">28,644,824.55</td> <td style="text-align: right;">766,849.47</td> <td style="text-align: right;">29,411,674.02</td> <td style="text-align: right;">4,249,748.87</td> <td style="text-align: right;">13,490,265.10</td> <td style="text-align: right;">8,398,953.07</td> <td style="text-align: right;">1,338,684.80</td> <td style="text-align: right;">1,126,688.84</td> <td style="text-align: right;">431,674.24</td> <td></td> </tr> </table>																												28,644,824.55	766,849.47	29,411,674.02	4,249,748.87	13,490,265.10	8,398,953.07	1,338,684.80	1,126,688.84	431,674.24	
				28,644,824.55	766,849.47	29,411,674.02	4,249,748.87	13,490,265.10	8,398,953.07	1,338,684.80	1,126,688.84	431,674.24																													

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 28, 2021
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider approval of 2021-2022 League of Minnesota Cities Insurance Trust Property/Casualty and Liability Insurance
Background Information:	<p>The City of Marshall carries property and casualty insurance coverage with the League of Minnesota Cities Insurance Trust (LMCIT). The annual renewal is for the coverage period of October 1, 2021, through September 30, 2022.</p> <p>This insurance covers the City, MMU and Marshall-Lyon County Library. The premiums are also paid by all three entities.</p> <p>City staff, along with Bremer have completed extensive work on all properties to ensure proper coverage. This included a walk-through of all city parks and some departments. The process is recommended to be completed every 5-7 years.</p> <p>Last year Council gave direction to obtain quotes for the City’s Equipment Breakdown coverage. This has been completed by staff and Bremer, which resulted in a competitive quote at a lower cost of premium to the city. Staff requested Bremer to obtain a quote for outside insurance coverage (other than LMCIT). This process was additional work on the behalf of staff, which included completing multiple forms and a walk-through of all properties. Those entities declined to quote.</p> <p>Further review of City coverage brought to our attention the Airport Liability. LMCIT has airport liability insurance at no additional cost to the city. The \$5,000,000 Limit coverage currently carried by the city is above and beyond LMCIT coverage. After Bremer’s research and discussion with the League, it is staff’s recommendation to drop the additional Airport Liability insurance (annual premium of \$2,300).</p> <p>Joel Quam, Randy Serreyn and Luke Tietz from Bremer will be in attendance to review the renewal and coverage in greater detail.</p> <p>See attached summary breakdown of renewal.</p>
Fiscal Impact:	Total 2021-2022 Premium of \$473,582; this is an approximate increase to premium of \$52,797 or 12.5% for the next year.
Alternative/ Variations:	
Recommendations:	Approve the annual LMCIT property, casualty and liability insurance renewal and drop the airport liability coverage.



September 2021

City of Marshall Insurance Renewal

LMCIT Premium Breakdown

Coverage Description	2020-2021	2021-2022	
Property	\$179,276	\$226,301	
<i>Limits</i>	<i>\$218,164,000</i>	<i>230,681,694</i>	
Mobile Property	\$12,895	\$15,406	
Municipal Liability	\$87,526	\$92,418	
Auto	\$32,731	\$35,948	
Bond	\$1,265	\$1,399	
Fireworks	\$250	\$250	
Excess Liability	\$32,854	\$34,460	
Liquor Liability	\$5,513	\$7,409	
Data Breach	\$1,500	\$1,500	
TOTAL LMCIT	\$353,810	\$415,091	
Airport Liability \$5,000,000 Limit – ACE-USA	\$2,300	\$2,300	
Equipment Breakdown- HSB	\$64,675	\$77,803	<i>Cincinnati Opt: \$58,491</i>
TOTAL PREMIUM	\$420,785	\$495,194	\$475,882

Your most recent LMCIT dividend was \$41,866 for your Property & Liability policy. Bremer bid your Property & Liability coverages to multiple insurance companies. The LMCIT remains your recommended insurance company.

1. Property Coverage – No rate change. Coverage changes made after property tour. Inflation guard of 3.3% to remaining buildings and property in the open.
2. Municipal Liability Coverage – No rate change. Individual Modification factor improved slightly for Marshall.
3. Auto Coverage – Liability rates up 5% and Auto Physical Damage rates down 5%.
4. Bond Coverage – No rate change.
5. Liquor Liability – No rate change. Receipts (sales) increased.
6. Airport Coverage – Second year of three-year term.
7. Equipment Breakdown– HSB took a 20% rate increase. As a result, recommending Cincinnati quote option.

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Meeting Date:	Tuesday, September 28, 2021
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Pre-Development Agreement Block 11
Background Information:	<p>The city of Marshall has recently been in discussions with an established developer on the potential development of Block 11.</p> <p>A Pre-Development Agreement (PDA) would give the developer the first right-of-refusal on a negotiated basis once the project is deemed feasible by the city. In turn, the city gains progress on developing a viable project within a specified time frame. Also, the city and development team are able to gain a better understanding of opportunities and risks prior to proceeding to the development phase.</p> <p>Previously, the city did approve a preliminary development agreement (PDA) between the city and APX, a development firm out of Mankato, MN. The (PDA) expired and since then the Block 11 property is available to other developers and their proposed projects.</p>
Fiscal Impact:	If developed, tax capacity generated
Alternative/Variations:	Do not proceed with PDA
Recommendations:	Approved Pre-Development Agreement between the City of Marshall and Block 11 Marshall, LLC with a termination date of December 31, 2021.

PRELIMINARY DEVELOPMENT AGREEMENT

THIS PRELIMINARY DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into this ____ day of _____, 2021, by the City of Marshall, Minnesota, a municipal corporation under the laws of the state of Minnesota, (the "City") with its principal office at 344 W. Main Street, Marshall MN 56258, and Block 11 Marshall LLC, a corporation (the “Developer”) with its principal office at 201 N. Riverfront Drive, Suite 230, Mankato, MN 56001.

WITNESSETH:

WHEREAS, the City and the Housing and Redevelopment Authority in and for the City of Marshall (the “HRA”) have previously adopted plans (collectively, the "Redevelopment Plan") to address blighted conditions within the City through the utilization of a series of different tools, and the Developer has indicated interest in pursuing certain programs; and

WHEREAS, the Developer has proposed to acquire certain real property generally described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the Developer proposes to construct a mixed-use commercial/residential development on the Property in up to 3 phases with the first phase consisting of the construction of a multifamily housing building with approximately 24 one bedroom units and 12 two bedrooms units on the Property and the second and third phases consisting of a mix of commercial and residential uses (the “Development”); and

WHEREAS, the Developer has indicated that it may seek financial assistance from the City to offset a portion of the costs associated with such Development; and

WHEREAS, the City Council has reviewed the Developer's proposal and desires to enter into this Preliminary Development Agreement to provide the Developer with an exclusive period of negotiation which will allow the Developer to refine its proposal and give the parties hereto an opportunity to negotiate the terms of a purchase and development agreement (the “Purchase Agreement”).

NOW, THEREFORE, in consideration of the covenants and obligations of the parties hereto, the City and the Developer hereby agree as follows:

Section 1. Preliminary Nature of Agreement. The City and the Developer agree that this Agreement is intended to be preliminary in nature. Before the City and the Developer can decide on whether to proceed with the implementation of the Developer's proposal, it will be necessary to assemble and consider information relative to the design, economics and other aspects of the proposed Development. The purpose of this Agreement is to allow the Developer an exclusive opportunity to assemble such necessary information, to refine the above-referenced development proposal, and to negotiate with the City concerning the execution of the Purchase Agreement which, if executed, will set forth the rights and responsibilities of the City and the Developer with respect to the sale and development of the Property.

Section 2. Present Intent of Parties. It is the intention of the parties that this Agreement document their present understandings and commitments and that if the following conditions can be fulfilled to the satisfaction of the City and the Developer that the parties may proceed in an attempt to formulate a mutually-satisfactory Purchase Agreement:

- (a) the Developer demonstrates the feasibility of the Development at a design and density acceptable to the City;
- (b) the Developer provides such documentation regarding the economic feasibility of the Development as the City may reasonably wish to receive during the term of this Agreement;
- (c) the completion of all undertakings required by this Agreement in a satisfactory and timely manner; and
- (d) the satisfaction of such other reasonable and customary conditions as are determined to be appropriate by either party.

In the event that the parties enter into a Purchase Agreement, the terms of that agreement shall supersede any contrary items herein.

Section 3. Developer's Undertakings. During the term of this Agreement the Developer shall do the following:

- (a) There are no businesses located in the project area, so no relocation plan is required.
- (b) Within 30 days after the date of this Agreement submit an application for any financial assistance to the City which shall include, in addition to any information required by the City's application, a statement of the sources and uses, including any public financial assistance which may be requested by the Developer, for the construction of the Development and a pro forma detailing all costs of the

Development and including the income that is anticipated to be generated by the commercial portion of the Development. The pro forma shall be in such detail and form as would be acceptable to a lender being asked to provide mortgage financing for the Development. The Developer shall provide to the City such additional information as the City and its financial consultant may require to allow the City and its financial consultant to undertake a “but for” analysis for purposes of the Minnesota law. The Developer understands that if the City considers providing tax increment assistance or tax abatement assistance for the Development such assistance will only be provided on a “pay as you go” basis by which tax increment or tax abatements would be made available as it is generated by the Development, and the City will not be obligated to make payments to the Developer if the actual tax increment or tax abatements received from the project are less than expected.

- (c) Within 30 days after the date of this Agreement, the Developer shall do the following:
 - (i) submit to the City a proposed schedule for all phases of the Development, including without limitation, the timing of the closing on financing and the various stages of construction;
 - (ii) submit to the City a report by the Developer’s engineer describing the nature and location of any public improvements that it will be necessary to construct as a result of the construction of the Development; and
 - (iii) complete a concept review of the proposed Development by the City’s Zoning and Planning Commission and City Council as required by the City Code.

- (d) Within 45 days after the date of this Agreement, the Developer shall do the following:
 - (i) hold a public meeting with written notice being provided to all owners of property which is adjacent to the Property to discuss the Development and to hear and respond to such parties’ concerns. The City will provide the Developer a mailing list of property owners to be notified of the meeting; and
 - (ii) submit to the City a formal development proposal including a narrative description of the proposed Development and specific information on the Developer’s background and experience with similar redevelopment projects. Such proposal shall also include references including contact persons at other cities in which the Developer has completed projects.

- (e) Within 60 days after the date of this Agreement, the Developer shall do the following:

- (i) submit to the City a refined site plan for the Development showing the size, nature, and location of the proposed Development, including parking, access points off of roadways, access points to parking, locations of building, landscaping, other exterior improvements and such other matters as the City may require, and elevation and perspective drawings for the Development, showing the elevations of the buildings as seen from all streets. The design of the Development shall be consistent with the City's architectural standards for the area, a copy of which standards are attached to this Agreement as Exhibit B; and
- (ii) submit to the City a letter from a financial institution stating a preliminary commitment to provide financing for the Development.
- (f) Every two weeks during the term of this Agreement, the Developer shall provide to the City written status reports on its activities under this Agreement and will attend, on a monthly basis or as otherwise requested, meetings of the City Council or Housing and Redevelopment Authority to discuss the Development.

All of the activities described above shall be performed at the sole expense of the Developer unless expressly stated otherwise.

Section 4. City's Undertakings. During the term of this Agreement, the City will undertake the following:

- (a) Utilizing the documentation and information submitted by the Developer pursuant to Section 3, the City will cause its fiscal and development consultant, Baker Tilly Municipal Advisors, LLC, to prepare a report for the City indicating:
 - (i) Whether any public financial assistance requested by the Developer in connection with the Development is appropriate;
 - (ii) Whether there is anticipated to be sufficient cash flow and tax increment or tax abatements from the Development to pay all of the costs associated with the Development.
 - (iii) Whether the Development is supported by market conditions; and
 - (iv) Indicating any other actions to be performed by the City or Developer in order to proceed with the Development.
- (b) The City will analyze the information provided by the Developer pursuant to Section 3 to determine the feasibility of the Development and whether proceeding with the Development is, in the City's sole discretion, desirable. Within 30 days after the City is provided with the information required to be submitted by the Developer under Section 3, the City will notify the Developer if the City determines that it needs additional information, in which case the Developer shall

have 30 days to supply such information. The City may, in its sole discretion, extend the time for the Developer to act under this paragraph.

- (d) To the extent necessary, coordinate with the HRA and any other agencies or authorities related to the compilation of the Property as well as exploring whether public financial assistance may be offered for the Development.

Section 5. Negotiation of Purchase Agreement. If both parties have satisfied their obligations hereunder, and have each determined that they desire to move forward with the project, the City shall prepare a draft Purchase Agreement for negotiation between the parties. Nothing herein shall bind either party to approve a Purchase Agreement.

Section 6. Effect of Approvals. No approval given by the City hereunder or in connection herewith shall be deemed to constitute an approval of the Development for any purpose other than as stated herein and the process outlined in this Agreement shall not be deemed to supersede any concept review, conditional use permit, vacation, subdivision, or other zoning or planning approval process of the City relative to the development of real estate.

Section 7. City Costs. The Developer agrees that it will pay all out-of-pocket costs incurred by the City in relation to the negotiation and execution of this Agreement, including, without limitation, all fees owed to the City's traffic, development, fiscal, legal, engineering, environmental and other consultants. The Developer shall also be responsible for reimbursing the City for all its costs associated with the drafting of the Purchase Agreement, any related documents and agreements necessary in connection with the Development, and any other activities which the City undertakes in furtherance of the Development . On the date hereof, the Developer has deposited \$750.00 with the City. If at any one or more times during the term of this Agreement, the City determines that its costs will exceed \$750.00, the Developer must pay such costs to the City within 15 days after receipt of a written invoice from the City describing the amount and nature of the costs to be reimbursed.

If on termination of this Agreement, the amounts held by the City are insufficient to pay the City's costs, the Developer shall be liable for any deficiency. If this Agreement is terminated in accordance with the terms hereof, or it expires and the parties do not move forward with the Development, any sums remaining on deposit with the City, after the City pays or reimburses itself for all costs incurred to the date of termination, shall be returned to the Developer. The Developer's obligations under this Section shall survive termination of this Agreement to the extent costs were incurred prior to the date of termination or to the extent that costs are incurred to enforce the Developer's obligations under this Section.

Section 8. Modifications. This Agreement may be modified and the term hereof may be extended only through written amendments hereto signed by all parties to this Agreement.

Section 9. Term of Agreement; Exclusive Negotiations. This Agreement shall be effective until December 31, 2021. If for any reason a Purchase Agreement has not been entered into by the parties within the term of this Agreement or any mutually approved extension thereof, this

Agreement shall be null and void and, subject to Section 7, neither party shall have any liability or obligations to the other.

During the term of this Agreement, the City agrees that it will negotiate exclusively with the Developer concerning the development of the Property.

Section 10. Indemnification. The Developer agrees to indemnify, defend and hold harmless the City, the HRA and their officers, employees, agents and representatives from and against any claims, demands, suits, costs, expenses (including reasonable attorneys' fees) actions or other proceedings whatsoever by any person or entity whatsoever arising or purportedly arising from the actions or inactions of the Developer (or if other persons acting on its behalf or under its direction or control) under this Agreement, or the transactions contemplated hereby or the acquisition, construction, installation, ownership, and operation of the Development; including, without limitation, any claim by a land owner or tenant located on the Property to be entitled to relocation costs and related expenses.

Section 11. Severability. If any portion of this Agreement is held invalid by a court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Agreement.

Section 12. Notices. Notice, demand, or other communication from one party to the other shall be deemed effective if sent by certified mail, postage prepaid, return receipt requested or delivered personally to a party at its address in the first paragraph of this Agreement, or at such other address as such party may designate in writing to the other party.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and behalf and the Developer has caused this Agreement to be duly executed in its name and behalf on or as of the date first above written.

CITY OF MARSHALL, MINNESOTA

By _____
Its Mayor

By _____
Its City Administrator

BLOCK 11 MARSHALL LLC

By _____
Its _____

EXHIBIT A

Property

The property located in the City of Marshall, Lyon County, Minnesota described as follows:

Lots 1, 2, 3, 4, & 5, Block 11

Lots 15 to 20, Block 11

EXHIBIT B

Architectural Standards

Sections 86-276 through 86-293 under the common title of Central Heritage District Exterior Construction Standards.

https://library.municode.com/mn/marshall/codes/code_of_ordinances?nodeId=PTIICOOR_CH8_6ZO_ARTVISURE_DIV5CEHEDIEXCOST_S86-276DE

Meeting Date:	Click or tap to enter a date.
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 – Cable Commission, Community Services Advisory Board, Economic Development Authority</p> <p>Edblom – Planning Commission, Public Housing Commission</p> <p>DeCramer – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion Commission</p> <p>Labat – Adult Community Center Commission, Convention & Visitors Bureau, Library Board, Marshall Area Transit Committee</p> <p>Lozinski – Joint LEC Management Committee, Police Advisory Board</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	



BUILDING PERMIT LIST
September 28, 2021

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
BISBEE PLUMBING & HEATING	104 KATHRYN AVE	HVAC	3,100.00
ARENDS, ROBERT	418 6TH ST N	Windows	1,200.00
WENDORFF, MATTHEW R & JAMIE L	405 A ST N	RE-ROOFING	4,100.00
JM DEVELOPMENT LLC	311 BRUSSELS CT	NEW BUILDING	204,400.00
JAMES LOZINSKI CONSTRUCTION INC.	502 ELAINE AVE	RE-ROOFING	5,000.00
INDEPENDENT LUMBER OF MARSHALL, INC	607 1ST ST S	BUILDING ADDITION	60,000.00
SUMMIT FIRE PROTECTION	305 2ND ST S	N/A	3,000.00
MINNESOTA CABINETS, INC.	202 O'CONNELL ST	WINDOWS / DOORS	7,000.00
JEFF GLADIS CONSTRUCTION	604 KENNEDY ST	RE-ROOFING	9,900.00
JEFF GLADIS CONSTRUCTION	423 6TH ST N	RE-ROOFING	17,500.00
ALLWEATHER ROOF	1604 SUPERIOR RD	RE-ROOFING	54,100.00
RUTLEDGE, MELISSA R & WILLIAM	1205 PATRICIA CT	ACCESSORY BUILDING	1,700.00
GESKE HOME IMPROVEMENT CO.	1110 HORIZON DR	WINDOWS / DOORS	4,200.00
AMERICAN WATERWORKS	803 CHERYL AVE	INTERIOR REMODEL	18,400.00
WALKER, MATTHEW A & LORETTA J	103 PARK AVE	RE-SIDING	6,400.00
BABCOCK CONSTRUCTION	411 WHITNEY ST S	EXTERIOR REMODEL	16,000.00
TUTT CONSTRUCTION, INC.	1200 ALAN AVE	INTERIOR & EXTERIOR REMC	12,000.00
GESKE HOME IMPROVEMENT CO.	504 COUNTRY CLUB DR	DOORS	1,200.00



PLUMBING PERMIT LIST
September 28, 2021

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
TRIO PLUMBING & HEATING	110 RANCH AVE	WATER HEATER	1,000.00



SIGN PERMIT LIST
September 28, 2021

APPLICANT	LOCATION ADDRESS	DESCRIPTION OF WORK	VALUATION
AP Design	1108 COLLEGE DR E	N/A	1,000.00
Indigo Signworks Inc	1416 COLLEGE DR E	N/A	26,600.00

PUBLIC HOUSING COMMISSION

202 N. FIRST STREET

MARSHALL, MN 56258

September 13, 2021

PARKVIEW APARTMENTS

3:30 P.M. BOARD MEETING

1. Call to Order:
2. Roll Call:
 - : Introduction of new Board member, Janelle Sailer.
3. Approval of Previous Meeting Minutes: August 9th, 2021
4. Reports:
 - A. Ten Month report for Operating Statement for FY 2021.
 - B. Accounts Receivable/Payable.
 - C. Occupancy/ Maintenance Report
5. CFP - 2020. Update on Fire Alarm/ Elevator Upgrade.
 - E-mails on Elevator.
 - 2021- Bid opening for Parkview windows.
 - Bid parking lot late December, early January.
6. New Business:
 - A. Washer / Dryer Update. Payment.
 - B. Approve Resolution #21-10, Family Unit Utility Allowance, Effective 10/01/2021.
 - C. Copy of Soil Boring report of Parking Lot at Parkview.
 - D. Approve Resolution # 21-11, Approve FY 2022 Budget.
 - E. Need to reschedule Octobers Board Meeting Date(Columbus Day) October 11th to the 18th?
7. Executive Director Items:
 - A.
8. Commissioner Items:
 - A.
9. Date and Time for Next Regular Meeting, October 18th, 2021. 3:30 p.m.
10. ADJOURN TIME

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

Minutes of the Meeting of
July 20, 2021

Meeting called to Order: 3:34 P.M. by Chairman Walker.

Members Present: Farrell, Reilly, Knoblen, Rickgarn.
Absent: Edblom, Called In.

MOTION by Knoblen, seconded by Rickgarn, to approve the minutes of the June 21st, 2021 meeting. All voted in favor, motion passed.

REPORTS:

Eight Month Operating Statement for FYE 21 was reviewed by the Board. Motion by Knoblen, second by Rickgarn to approve the monthly report. All voted in Favor, Motion passed to approve the report. Chairman signed report.

Account Receivable/Payable: One month of reports were reviewed; several items were pointed out and discussed to the Board by the Director, including checks from # 020209 to # 020224 in the amount of \$ 21,813.86 Motion by Reilly, second by Knoblen, to approve the report. All voted in Favor, Motion Passed.

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

CFP-2020. Update on Fire Alarm System and Elevator's, E-mails.

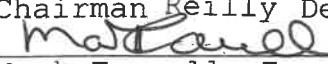
CEP-2021. Surveying and soil boring completed.


New Business:

- A. Washer /Dryer Update-payment.
- B. Update on repairs for Generator.
- C. Letter from City on appointment of new board members.
- D. Motion by Knoblen, second by Rickgarn to approve Resolution # 21-09, contract with Studio E on Parkview Window replacement. All voted in Favor, Motion passed.
- E. Motion by Reilly, second by Knoblen to approve Resolution # 21-10, Contract with Studio E for Parking Lot Repairs, Sewer replacement. All voted in Favor, Motion passed.
- F. Review a letter on the tile situation from the Inspector, hired by Continental Flooring. The Board made it clear, that Continental is fully responsible for all and any accidents involving the tile at all three locations.

Next Meeting: August 9th 2021 4:19 p.m. Community Room.

Chairman Reilly Declared the meeting adjourned at 4:09 p.m.


Mark Farrell Executive Director


Board Member



Marshall, MN

Council Check Report

By Vendor Name

Date Range: 09/13/2021 - 09/16/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	09/15/2021	EFT	0.00	435.06	7691
4570	AMAZON	09/14/2021	Regular	0.00	939.10	119778
0658	AP DESIGN	09/15/2021	EFT	0.00	18.00	7692
6233	ARSL	09/14/2021	Regular	0.00	150.00	119780
4602	BLACKBOURN	09/14/2021	Regular	0.00	96.65	119781
6539	BREMER BANK CC	09/14/2021	Regular	0.00	1,782.69	119782
6014	CANBY NEWS	09/14/2021	Regular	0.00	43.00	119783
6791	CAPITAL ONE	09/14/2021	Regular	0.00	33.80	119784
5351	CENGAGE LEARNING	09/15/2021	EFT	0.00	112.38	7693
0875	COMPUTER MAN INC	09/15/2021	EFT	0.00	218.95	7694
3819	DACOTAH PAPER CO	09/15/2021	EFT	0.00	88.01	7695
4573	DEMCO	09/14/2021	Regular	0.00	1,822.52	119785
1271	HENLE PRINTING COMPANY	09/15/2021	EFT	0.00	102.21	7696
1311	HYVEE FOOD STORES INC	09/14/2021	Regular	0.00	25.00	119786
4552	INGRAM LIBRARY SERVICES	09/15/2021	EFT	0.00	4,264.08	7697
5886	LEININGER, MICHELE	09/14/2021	Regular	0.00	103.04	119787
1633	MARSHALL MUNICIPAL UTILITIES	09/15/2021	EFT	0.00	2,027.21	7698
1958	NORTHERN BUSINESS PRODUCTS, INC	09/15/2021	EFT	0.00	13.69	7699
4548	PLUM CREEK LIBRARY SYSTEM	09/14/2021	Regular	0.00	216.25	119788
2049	PLUNKETTS PEST CONTROL INC	09/15/2021	EFT	0.00	100.00	7700
6286	SCHWEGMAN'S CLEANERS, LLP	09/14/2021	Regular	0.00	68.50	119789
2318	SOUTHWEST SANITATION INC.	09/15/2021	EFT	0.00	83.42	7701
6600	UNIQUE MANAGEMENT SERVICES, INC	09/14/2021	Regular	0.00	600.00	119790
6509	VAST BROADBAND	09/14/2021	Regular	0.00	501.31	119791
4489	VERIZON WIRELESS	09/15/2021	EFT	0.00	11,942.52	7702

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	27	13	0.00	6,381.86
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	30	12	0.00	19,405.53
	57	25	0.00	25,787.39

All Bank Codes Check Summary

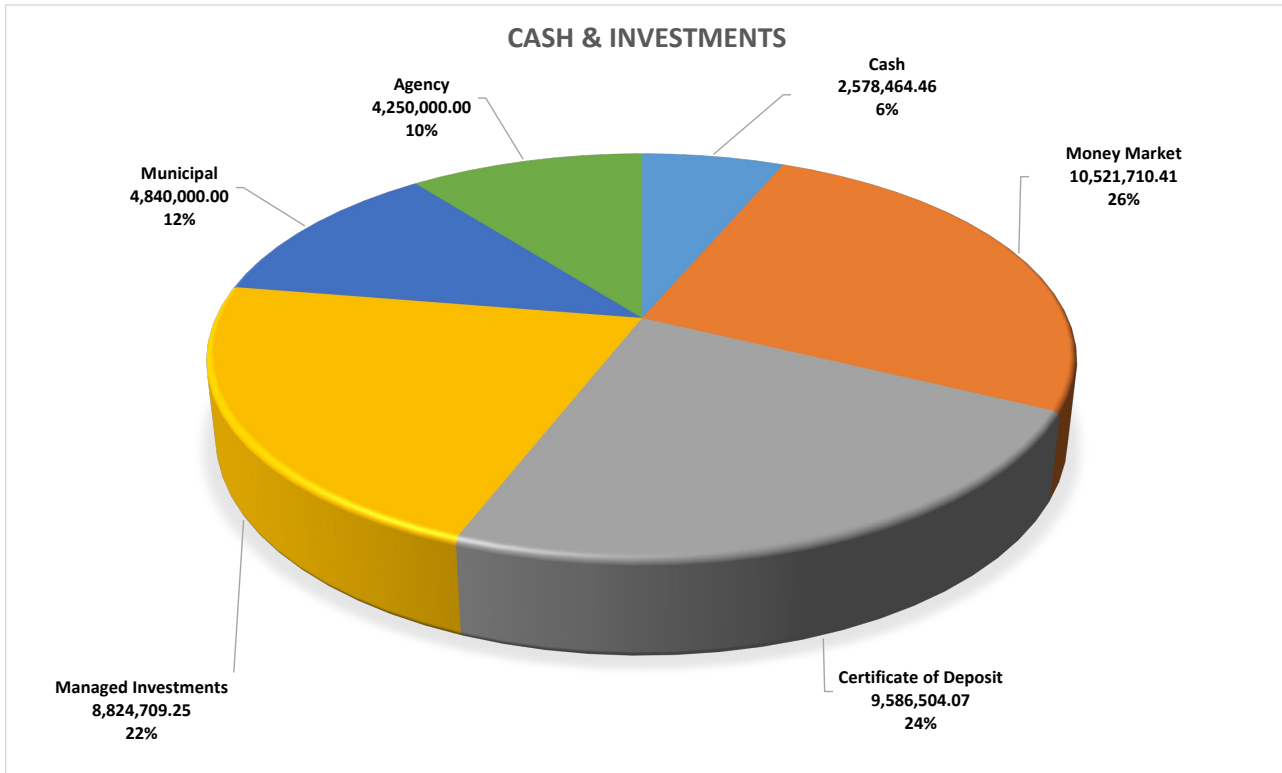
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Bank Drafts	0	0	0.00	0.00
EFT's	30	12	0.00	19,405.53
	57	25	0.00	25,787.39

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	9/2021	25,787.39
			25,787.39

City of Marshall, Minnesota
Cash & Investments
8/31/2021

	<u>Par</u>	<u>Rate</u>
CASH & INVESTMENTS:		
Checking -Bremer	2,578,464.46	0.00%
Money Market - Bremer	5,797,113.66	0.02%
Money Market - Bank of the West	3,383,895.37	0.15%
Money Market - US Bank	98,025.37	0.03%
Money Market - US Bank (ARP Funds)	713,577.09	0.03%
Money Market - Wells Fargo	529,098.92	0.03%
Certificate of Deposit - Bremer	1,038,834.69	0.40%
Certificate of Deposit - Bremer	1,038,834.69	0.40%
Certificate of Deposit - Bremer	1,038,834.69	0.40%
Certificate of Deposit - Bremer	5,000,000.00	0.18%
Certificate of Deposit - Wells Fargo	245,000.00	1.80%
Certificate of Deposit - Wells Fargo	245,000.00	1.70%
Certificate of Deposit - Wells Fargo	245,000.00	1.70%
Certificate of Deposit - Wells Fargo	245,000.00	1.80%
Investment Portfolio - General Fund	2,761,729.52	
Investment Portfolio - WW/SW Capital Reserve	3,977,507.43	
Investment Portfolio - Endowment Fund	2,085,472.30	
Municipal - US Bank	4,840,000.00	0.21% Average
Certificate of Deposit - US Bank	245,000.00	0.60%
Certificate of Deposit - US Bank	245,000.00	0.60%
Agency - US Bank	4,250,000.00	0.24% Average
TOTAL CASH & INVESTMENTS	<u><u>40,601,388.19</u></u>	



2021 Regular Council Meeting Dates

2nd and 4th Tuesday of each month

5:30 P.M.

City Hall, 344 West Main Street

January

1. January 12, 2021
2. January 26, 2021

February

1. February 09, 2021
2. February 23, 2021

March

1. March 09, 2021
2. March 23, 2021

April

1. April 13, 2021
2. April 27, 2021

May

1. May 11, 2021
2. May 25, 2021

June

1. June 08, 2021
2. June 22, 2021

July

1. July 13, 2021
2. July 27, 2021

August

1. August 10, 2021
2. August 24, 2021

September

1. September 14, 2021
2. September 28, 2021

October

1. October 12, 2021
2. October 26, 2021

November

1. November 09, 2021
2. November 23, 2021

December

1. December 14, 2021
2. December 28, 2021

2021 Uniform Election Dates

- February 09, 2021
- April 13, 2021
- May 11, 2021
- August 10, 2021
- November 2, 2021

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

September

- 09/28 Regular Meeting, 5:30 PM, City Hall
-

October

- 10/12 Board and Commission Interview, 5:00 PM, Community Services Advisory Board
 - 10/12 Regular Meeting, 5:30 PM, City Hall
 - 10/26 Regular Meeting, 5:30 PM, City Hall
-

November

- 11/09 Regular Meeting, 5:30 PM, City Hall
- 11/23 Regular Meeting, 5:30 PM, City Hall