



CITY OF MARSHALL

City Council Meeting

A g e n d a

Tuesday, December 27, 2022 at 5:30 PM
City Hall, 344 West Main Street

OPENING ITEMS

- [1.](#) Recognition of Departing Councilmembers

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [2.](#) Consider Approval of the Minutes from the Regular Meeting Held on December 13, 2022

PUBLIC HEARING

- [3.](#) Public Hearing – Written Spending Plan and Resolution that Authorizes Providing Assistance and Transfer of Unobligated Tax Increments

AWARD OF BIDS

CONSENT AGENDA

- [4.](#) Consider Approval of Various 2023 Liquor Licenses
- [5.](#) Consider Approval of Taxicab License Renewals
- [6.](#) Acknowledgement of Grants of Easement from Marshall ISD #413 (Lot 1, Block 1, Progress Addition) - 1) Grant of Sanitary Sewer Easement; 2) Grant of Pedestrian Facilities / Utility Easement
- [7.](#) Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement
- [8.](#) Consider Lease Agreement Between Vishay Hirel Systems LLC and the City of Marshall
- [9.](#) Consider Approval of the Bills/Project Payments

APPROVAL OF ITEMS PULLED FROM CONSENT

OLD BUSINESS

TABLED ITEM

NEW BUSINESS

- [10.](#) Proposed Adoption of Marshall 2040 Comprehensive Plan
- [11.](#) Consider Approval of 2023 Workers Compensation Insurance
- [12.](#) Project ST-002-2023: Bituminous Overlay on Various City Streets - Consider Memorandum of Understanding with ADM for North 7th Street Resurfacing
- [13.](#) Consider Appointment of Members to the Joint Airport Zoning Board
- [14.](#) Consider Resolution of Intent to Apply for the Minnesota Active Transportation State Infrastructure Program
- [15.](#) Consider Resolution Supporting Pursuit of Active Transportation Infrastructure Funding for US 59 Pedestrian Crossing Improvements, CR 7/Airport Road Trail Crossing Improvements and Trail Realignment, and US 59 Trail Extension
- [16.](#) Consider Request of Wastewater Department for Northwest Industrial Lift Station Pump Replacement

COUNCIL REPORTS

- [17.](#) Commission/Board Liaison Reports
18. Councilmember Individual Items

STAFF REPORTS

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

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.](#) Library Board November Minutes

[23.](#) Bluepeak Rate Adjustment

[24.](#) Building Permits

ADJOURN TO CLOSED SESSION

MEETINGS

[25.](#) Upcoming Meetings

ADJOURN

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CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, December 27, 2022
Category:	OPENING ITEMS
Type:	INFO
Subject:	Recognition of Departing Councilmembers
Background Information:	<p>John DeCramer served 3 terms as a Councilmember for the City of Marshall Ward 1 from 2009-Present. John was born in Marshall and grew up on a dairy farm between Marshall and Lynd. He graduated from Lynd High School and then graduated from Southwest State College (currently known as SMSU) in Marshall. John has also operated an electronic equipment repair company in Marshall for 19 years. His hobbies are fishing and golf and spoiling a grandson when possible. He has served on the MMU Commission and the Economic Development Authority as well as Marshall Area Chamber of Commerce president and on several church committees.</p> <p>Russ Labat served 1 term as a Councilmember for the City of Marshall Ward 2 from 2019- Present. Russ is a lifelong resident of Marshall. Graduated from Marshall High School in 1971. Russ retired in 2017 after working for the Marshall Independent for over 35 years; serving as Publisher and General Manager for 23 years. He also is a retired 20 year member of the Marshall Volunteer Fire Department, and served as the President of the Marshall Volunteer Fire Relief Association.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, December 27, 2022
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes from the Regular Meeting Held on December 13, 2022
Background Information:	Enclosed are the minutes from the meetings held on December 13.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages City Council Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on December 13 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, December 13, 2022**

The regular meeting of the Common Council of the City of Marshall was held December 13, 2022, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Amanda Schroeder, Craig Schafer, Steve Meister, John DeCramer, Russ Labat and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney; Jason Anderson, Director of Public Works/City Engineer; E.J. Moberg, Director of Administrative Services; Jim Marshall, Director of Public Safety; Sheila Dubs, Human Resource Manager; Dave Parsons, City Assessor; Karla Drown, Finance Director; Quentin Brunsvold, Fire Chief; Ilya Gutman, Plans Examiner; Amanda Beckler, Community Education Coordinator; Preston Stensrud, Parks Supervisor and Steven Anderson, City Clerk.

The Pledge of Allegiance was recited at this time.

Consider Approval of the Minutes from the Regular, Special and Work Session Meetings Held on November 22, 2022 and TNT Meeting Held December 6, 2022

There were no changes to the minutes from councilmembers.

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

Public Hearing of an Ordinance Amending City Charter Ch.2, Sec. 2.03 Elective Office and Ch.3, Sec. 3.04 City Attorney

On October 19, 2022, the Charter Commission met and considered revisions to two Articles: Councilmember Terms of Office and City Attorney. Language was brought forth to align councilmember terms of office with Minnesota State Statute and provide better clarity on the when the councilmember term starts. Language was brought forth to revise City Attorney language to make it more consistent with legal representation afforded a client, in this case the city. After discussion, the Commission approved the revisions as included in the Council packet and now makes a recommendation to Council to approve, by ordinance, the Charter Amendments proposed. Notice of the hearing was published on November 19, 2022. Councilmember Lozinski verified that if an emergency meeting were required the new councilmembers could be sworn in.

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

Motion made by Councilmember Labat, Seconded by Councilmember Lozinski to approve Ordinance 22-012 Amending the City Charter provisions regarding terms of office and city attorney. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Floodplain Management Ordinance Amendment – Chapter 38, Article II of the City Code of Ordinances – 1) Public Hearing; 2) Adoption of Ordinance

August 23, 2022, the City Council adopted Ordinance 22-009 amending Chapter 38 relating to Floodplain Management. Upon further review of the amended floodplain ordinance, the Minnesota Department of Natural Resources (MNDNR) has advised that some language in our recently revised ordinance is now viewed as “optional language” by the MNDNR. City enforcement of a “regulatory floodplain” is now viewed as optional and “above and beyond” type of language for a Minnesota community to consider. City staff has had concerns and questions with this language from the onset of discussions with the MNDNR about our ordinance revisions. In practical terms, the language that is now optional requires development outside of determined floodplains to be regulated as if it is in floodplain. While the intent and idea behind the practice is understandable, city staff believes that it

complicates land use decision making in our community and makes it more difficult for citizens, developers, and staff to understand development limitations in our community. To simplify our ordinance, City staff is recommending revisions to the ordinance as attached. In addition to the above-mentioned revisions, staff is proposing one additional revision editing the Board of Adjustment to mean the City Council instead of the Planning Commission. L&O Committee reviewed the adjustment and recommended approval.

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

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve and adopt Ordinance 22-013. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Conduct Public Hearing of Ordinance Amending Section 86-205 Access, 86-206 Construction and maintenance, and 86-226 Minimum size regulations

These are minor changes to parking ordinance brought up by real life. The changes allow for a narrower two-way street access drive beyond required front yard, which will let landowners save money on pavement and reduce impervious surfaces, while not negatively affecting safety; require that principal use parking on the lot be paved, which will prevent large gravel parking lots in business areas, since only accessory parking to the main structure is currently covered by the Ordinance; and increase minimum sidewalk width in front of the shorter parking places to make sure that an accessible path is still available if a vehicle's front projects over sidewalk. At the November 9, 2022, Planning Commission meeting it was recommended to bring forth to city council. At the meeting on October 11, 2022, Legislative and Ordinance Committee voted to recommend to council the approval of revisions to City Ordinance Sections as proposed by staff.

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

Motion made by Councilmember DeCramer, Seconded by Councilmember Lozinski to approve and adopt Ordinance 22-014. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

DG Marshall - 1) Public Hearing on Preliminary Plat and Approval of Preliminary Plat; 2) Consider Resolution Adopting the Final Plat

Dollar General has purchased two lots for development of their retail store. The building that is being constructed sits atop the lot line that separates the two lots. City of Marshall Zoning Ordinance requires property line setbacks; therefore, a building cannot be constructed over top of a lot line. Due to an error in property descriptions, Lyon County is not allowing for the two lots to be combined into one lot to resolve the lot line issue. To resolve the issue, Dollar General is going through a platting process to resolve description concerns and to combine the existing two lots. The preliminary plat was presented at the Planning Commission meeting on November 9, 2022 and recommended for approval. City Attorney Dennis Simpson explained that the platting process requires notices to be sent parties with a legal interest in the property. One mortgage was found and a consent to plat was sent for their approval. The surveyor indicated that a new legal description will be on the final plat.

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

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

Motion made by Councilmember Schafer, Seconded by Councilmember Labat to approve Resolution 22-091 adopting the final plat with the new legal description from the surveyor. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

Approval of the Consent Agenda

Councilmember Labat requested that item 13) Introduction of the new Article VIII Residential Rental Code and Call for Public Hearing be removed from consent. Councilmember Lozinski requested that 23) Authorize City Administrator to Negotiate the Purchase Agreement with Centerpointe Real Estate Group be removed from consent.

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

- Consider Approval of Employee Retirement Resolutions
- Consider Approval of a Permit for Alcoholic Beverages at City-Owned Facilities
- Consider Approval of Various 2023 Liquor and Tobacco License Renewals
- Introduce Ordinance Amending Chapter 2, Article 2-VI-1, Sec. 2-145 Qualifications and Compensation
- Introduce Ordinance Amending Chapter 70, Article 70-II, Sec. 70-22 Imposition
- Introduction of Ordinance Amendment to Chapter 82, Article 82-I, Section 82-1 Grass, and Weeds on Private Property
- Introduction of Ordinance Amending Sign Ordinance – Chapter 86, Division 86-VI-2-Signs, Sec. 86-180 through 86-187 and Call for Public Hearing
- Call for a Public Hearing Regarding Authority to Transfer Unobligated Tax Increments
- Acceptance of Donations Made to the MERIT Center for 2022
- Acceptance of Donations Made to Marshall Fire Department for FY 2022
- Acceptance of Donations made to the Marshall Parks Department for 2022
- Acceptance of Donations Made to the Marshall Fire Department Scholarship Fund
- Acceptance of Donations Made to the Marshall Community Services Department
- Consider Approval of a LG220 Raffle Permit for the Marshall Golf Club
- Consider Approval of a LG220 Raffle Permit for the Pheasants Forever Spring Banquet
- Consider Resolution Entering into Mn/Dot Agreement No. 1052108 Regarding Agency Delegated Contracting Process (DCP) Agreement.
- Consider Resolution Authorizing Transfer of Funds from the General Fund (101) to Capital Projects Fund (401)
- Consider Approval of the Bills/Project Payments

Introduction of the new Article VIII Residential Rental Code and Call for Public Hearing

Councilmember Labat suggested that a committee of landlords and staff be created before continuing with the rental code. Labat and Gutman clarified that the fee would be \$50 per building not per unit within a building. Jason Anderson added that multiple meetings were held with landlords and the original rental code was significantly changed after input was received from the meetings. Councilmembers discussed the \$50 administrative fee.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 6-1.**

Authorize City Administrator to Negotiate the Purchase Agreement with Centerpointe Real Estate Group

The City of Marshall owns a parcel of property approximately 30,000 square feet located at the northeast corner of Main & Boyer. CenterPointe Real Estate Group and the City entered into a Letter of Intent dated November 18, 2022 and the Letter of Intent specifically states that it is not intended to be contractual in nature or create any legal obligations and that the parties shall not be bound in any way until a formal agreement is executed between the parties. Administrator Hanson explained that discussions were had at the EDA regarding the purchase. As of now the intent is to get the property back onto the tax rolls and eventually have some development in the near future.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schroeder to approve Resolution 22-099 authorizing the City Administrator to negotiate the purchase agreement with Centerpoint Real Estate Group, LLC. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder.

Consider Resolution Approving the Changes for the 2023 Fee Schedule

Finance Director Karla Drown introduced the 2023 fee schedule. Councilmembers questioned why some fees changed more than others. Preston Stensrud, Parks Supervisor, explained that the shelter rental increase of \$25 was still significantly lower than comparable cities and the fee hasn't been changed in over 20 years. Councilmember Labat brought up that he had directed city staff to review outdated fees and bring them more in line and to at least cover city costs. Councilmember Lozinski questioned the increase in firefighter costs and noted that the increase was still a great deal. Lozinski also questioned the increase in the lock-out fee under the Police Department. Director of Public Safety Jim Marshall stated that officers have some discretion on whether to charge the fee depending on the situation.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution 22-101 allowing specific fees to be charged by the City of Marshall. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Schroeder. Voting Nay: Councilmember Lozinski. The motion **Carried. 6-1.**

Consider Approval of a Civil Engineer for the Engineering Department

City staff are proposing the addition of a Civil Engineer position for the Engineering Department. Unfortunately, recruitment efforts have not been successful in trying to replace our former Assistant City Engineer, who resigned in July, 2022. Staff are proposing to hire a Civil Engineer in lieu of an Assistant City Engineer. The Civil Engineer would report to the Director of Public Works/City Engineer. The Civil Engineer job description is written to be more entry-level; it would require a bachelor's degree, but no prior work experience in Engineering to qualify for the position. Our goal would be to hire and train a candidate that desires to become licensed as a professional engineer. Once a PE licensure of obtained, the candidate would be qualified to be promoted to our existing Assistant City Engineer position. The qualifications necessary to obtain PE licensure in MN is prescribed in MN Statute. The newly developed Civil Engineer job description was evaluated by Gallagher, resulting in a DBM rating of C41. The 2023 wage range would increase by 3% consistent with the general wage increase approved by the Council for non-union employees. If approved by the Council, HR will keep the Assistant City Engineer position posted, and will initiate recruitment for the Civil Engineer position immediately. Both positions would be closed once 1 of the positions is filled, either the Assistant City Engineer or the Civil Engineer. Council discussed advertising and retention for the Civil Engineer position. Councilmember Labat asked if services to MMU were still ongoing, and council also brought up concerns that it was their wish to not burn out the City Engineer as well.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder to approve the addition of a Civil Engineer position. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Project ST-002-2022: Bituminous Overlay on Various City Streets - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 3)

This project consisted of street milling and overlay on various city streets. The 2022 capital budget included \$685,000 for this work as follows: \$625,000 in the Public Improvement Fund and \$60,000 in the Wastewater Fund for the Wastewater Plant road mill and overlay. The Wastewater portion of the project was \$56,531.26. Change Order No. 3 (Final) resulted in a contract increase in the amount of \$78,981.68, and the final contract amount was \$650,476.48. The original contract amount was \$560,573.35.

Motion made by Councilmember Meister, Seconded by Councilmember Schafer to approve the change order and final pay request. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Project ST-003: South 1st Street/Greeley Reconstruction Project - Consider Change Order No. 3 (Final) and Acknowledgement of Final Pay Request (No. 9)

This project consisted of reconstruction and utility replacement on South 1st Street from George Street to Greeley Street, on Greeley Street from West College Drive to Saratoga Street, and on Williams Street from Maple Street to George Street; sanitary sewer, watermain, and storm sewer were replaced. This project also included new curb & gutter, new 5-ft. sidewalk on one or both sides of the streets, driveway aprons, water services, and sewer services to the right-of-way. Change Order No. 3 (Final) results in a contract decrease in the amount of \$19,326.72. Final Pay request No. 9 in the amount of \$88,969.76 results in a total contract amount of \$1,641,503.05, a net decrease of \$5,995.64 from the original contract amount of \$1,647,498.69.

Motion made by Councilmember Schafer, Seconded by Councilmember Meister to approve the change order and final pay request. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. The motion **Carried. 7-0.**

Approve Agreement for Legislative Services with Flaherty and Hood

The first day of legislative session begins January 3, 2023 and it is recommended that the city proceed with a services contract prior to the start of the session. Unfortunately, the legislature adjourned in 2022 without passing a tax bill which included the city's sales tax authorization. Councilmember Lozinski commented on unnecessary additional cost to the city because no tax bill was passed.

Motion made by Councilmember DeCramer, Seconded by Councilmember Schafer to approve the agreement with Flaherty and Hood. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Labat, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

Consider Resolution Adopting Tax Levy for 2023

Minnesota Statute § 412.711 addresses the Consideration of Budget; Tax Levy and states, in part: "The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund." At the August 23rd council work session, staff proposed a property tax levy increase of 13.20%. The main contributing factors for this increase were increased personnel and health insurance costs, inflation, and an increase in debt related levies from 2022 to 2023. Staff continued to work to reduce increase for the preliminary levy that that was set on September 13th. The 2023 preliminary levy was set at \$8,249,818, which was an increase of 9.04% from the 2022 levy. Staff recommends the final 2023 levy be set at \$8,178,954, which is an increase of 8.10% from the 2022 levy. Councilmembers discussed direction given by council to staff through committees and work sessions and how the budget is built step by step. Councilmembers also brought up the Homestead Credit Refund (Form M1PR) and to remind citizens to talk to legislators about a revision to the homestead exclusion on property taxes.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution 22-102 adopting the 2023 tax levy. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Schroeder. Voting Nay: Councilmember Labat, Councilmember Lozinski. The motion **Carried. 5-2.**

Resolution Adopting 2023 Budget

No discussion from council regarding the budget.

Motion made by Councilmember Schafer, Seconded by Councilmember DeCramer to approve Resolution 22-103 adopting the 2023 budget. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember DeCramer, Councilmember Schroeder to adopt the 2023 budget. Voting Nay: Councilmember Meister, Councilmember Labat, Councilmember Lozinski. The motion **Carried. 4-3.**

Consider Approval of the 5 Year Capital Improvement Plan (CIP)

The 5-year CIP serves as a guide that lays out capital expenditures over the next 5 years by department as well as by the funding sources. The CIP is meant as a guide for Council and Management and does not give authorization for the projects until formally approved based on the City's Purchasing Policy. The 5-year CIP is a fluid document that is updated on an annual basis. Some projects get pushed back to later years, some projects drop off and some projects move up in years depending on priorities. Ultimately, the funding is a major factor in determining which projects within the 5-year CIP get completed. Moberg noted that there were two changes from the draft versions previously shown. One is a change to the bonding estimate for a parking lot project that may also include a corresponding special assessment to the owner and a lease for continued city use. In recent versions the cost was under a different funding source (TIF). The other change is \$997,600 under surface water revenue. Originally, the plan was to use surface water cash for the project(s), however cost estimates were updated, and higher costs changed the recommendation to include with bonding as there is not sufficient cash available. Councilmember Labat asked about use of liquor store funds to pay some items. Councilmember Lozinski and Schafer reiterated that the CIP are priorities and not commitments.

Motion made by Councilmember Meister, Seconded by Councilmember Schroeder. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Nay: Councilmember Labat. The motion **Carried. 6-1.**

Consider Approval of Community Services Reorganization

Administrator Hanson described changes internally that the City of Marshall had done over the years. These changes also included shifting and rearranging leadership positions. Hanson is recommending a reorganization of the Community Services Department to flatten the department. The restructure would remove the Director of Community Services position and move the Community Education Coordinator, Park and Recreation Director, and Media Communications Specialist director under the City Administrator. Councilmembers discussed span of control for direct reports being 10 – 11 and the current proposed reorganization would keep the number of direct reports to eight. To help alleviate day to day work the Executive Assistant under the Director of Community Services would be moved directly under the City Administrator.

Motion made by Councilmember Lozinski, Seconded by Councilmember Schafer to approve the community services department reorganization. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Meister, Councilmember DeCramer, Councilmember Lozinski, Councilmember Schroeder. Voting Abstaining: Councilmember Labat. The motion **Carried. 6-0-1.**

Commission/Board Liaison Reports

Byrnes Southwest Regional Development: Received a presentation from Southwest Tourism.

Schafer Airport Commission: Discussed and complemented the crack sealing that was done at the regional airport.

Meister No report.

Schroeder No report.

DeCramer Diversity, Equity & Inclusion: Conversated about the by-laws for co-chair rotation and secretary appointment. The commission also met with an individual who was subjected to discrimination that is currently under investigation.

Labat Library Board: The van was finally sold for \$7,175.00 and three of the librarians gave presentations to the board.

CVB: Discussed revisions to the members and options for donation possibilities.

Councilmember Individual Items

Councilmember Lozinski wished everyone happy holidays and to be kind to one another.

Councilmember Labat wished everyone happy holidays.

Councilmember DeCramer wished everyone happy holidays.

Councilmember Schafer wished everyone happy holidays and reminded everyone to look out for your neighbors and be safe.

Councilmember Meister wished everyone happy holidays, be kind, look out for your neighbors and to clear off sidewalks.

Councilmember Schroeder also wished everyone happy holidays.

Mayor Byrnes thanked the Marshall Street Department for their work and informed the council that a survey for commissions and liaisons will be coming soon.

City Administrator

Informed the council that the Director of Public Safety and Fire Chief appeared before the Lyon County Board of Commissioners to request ARPA funds and was granted \$200,000 towards the purchase of the Aerial Truck and Grass Skid units.

Director of Public Works/City Engineer

The comprehensive plan for the city will be going to the planning commission on December 14th. Anderson requested that citizens clear intakes, fire hydrants and drains.

Mayor Byrnes and Anderson talked about the RAISE grant that was submitted to the U.S. DOT and found out that the grant application was never properly received. The RAISE grant will be resubmitted for the upcoming year.

City Attorney

No report.

Administrative Brief

There were no questions on the administrative brief.

Information Only

There were no questions on the information only items.

Upcoming Meetings

There were no questions on the upcoming meetings.

Adjourn

At 7:07 PM Motion made by Councilmember Schroeder, Seconded by Councilmember Lozinski to adjourn the meeting.
The motion **Carried. 7-0.**

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, December 27, 2022
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Public Hearing – Written Spending Plan and Resolution that Authorizes Providing Assistance and Transfer of Unobligated Tax Increments
Background Information:	<p>As part of the omnibus tax bill enacted in July 2021, state statute 469.176 was amended, giving Minnesota communities temporary flexibility to use unobligated increment from existing tax increment districts to help stimulate private development that would not otherwise commence without the assistance before December 31, 2025.</p> <p>The bill states that municipalities may provide loans, interest rate subsidies, or assistance in any form (including an equity or similar investment in a private project) to private development, as long as it consists of new construction or substantial rehabilitation of buildings and ancillary facilities AND if doing so will create or retain jobs in the State (including construction jobs).</p> <p>What is unobligated increment? Unobligated increment includes:</p> <ul style="list-style-type: none"> » Increment from any districts, regardless of when the request for certification was made, and unobligated as of the date of final enactment of the legislation, (July 1, 2021) » Increment not required for the payment of bonds, pay-as-you-go notes, interfund loans, binding contracts or other obligations during the six months following the transfer of the increment out of the district » Increment that is not improperly retained, received, spent, or transferred <p>Authorities are required to develop a written spending plan that details the use of the unobligated increment and authorizes the transfer(s) (if a municipality does not have an authority, it can develop the plan), approve a resolution authorizing the transfer(s), and send a copy of the spending plan to the Office of the State Auditor. The municipality must then approve the spending plan after holding a public hearing. This requires publishing the hearing notice in a newspaper of general circulation in the municipality AND placing it on the municipality’s website at least 10 days, but not more than 30 days prior to the public hearing date.</p> <p>How long is this option available? The temporary authority to transfer the unobligated increment expires on December 31, 2022 and the transferred increment must be spent by December 31, 2025.</p> <p>The public hearing was published in the official newspaper on Friday, December 16th and on the City website for Tuesday, December 27th at 5:30 pm.</p> <p>City staff have been working with BakerTilly to assist us:</p> <ul style="list-style-type: none"> • Determine the amount of unobligated increment available for use

	<ul style="list-style-type: none"> • Develop a spending plan as required in the legislation • Consult with our TIF attorney <p>If approved, city staff will provide a copy of the spending plan approved to the Office of the State Auditor.</p>
Fiscal Impact:	The recommendation is to allocate \$500,000 of unobligated tax increments from participating TIF Districts.
Alternative/ Variations:	Do not approve the spending plan or the resolution and leave the monies as part of the tax increment financing fund for future use.
Recommendations:	After holding a public hearing, approve the written spending plan that authorizes the development authority to provide the assistance or make the investment that makes the development qualify and approve the use of this temporary transfer authority by resolution.

Draft Spending Plan
for
Tax Increment Financing
(Redevelopment) District No. 1-1
Tax Increment Financing
(Redevelopment) District No. 1-7
Tax Increment Financing
(Redevelopment) District No. 2-1

Housing and Redevelopment Authority for the City of Marshall
City of Marshall, Minnesota

Prepared by

Baker Tilly Municipal Advisors, LLC

Draft Dated: December 13, 2022

Expected Public Hearing by City Council: December 27, 2022

Anticipated Review and Approval by City Council: December 27, 2022

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Draft Spending Plan

for

**Tax Increment Financing (Redevelopment) District No. 1-1,
Tax Increment Financing (Redevelopment) District No. 1-7, and
Tax Increment Financing (Redevelopment) District No. 2-1**

Introduction

The State Legislature amended the TIF law (the “Law”) in 2021 to provide flexibility to cities to utilize unobligated tax increment revenues in their districts to promote construction and job creation in their communities. Increments expended under the Law do not count against any pooling limitations of the districts. See Minn. Stat. § 469.176, subd. 4n.

The Law allows authorities (Cities, HRAs, EDAs) to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities if it will create or retain jobs in this state, including construction jobs and the construction commences before December 31, 2025, and would not have commenced before that date without the assistance. In addition, the authority can make an equity or similar investment in a corporation, partnership, or limited liability company that the authority determines is necessary to make construction of private development financially feasible. The authority has until December 31, 2022 to transfer the funds to another designated City fund, and the dollars must be expended by December 31, 2025. Any unused TIF dollars must be returned to the applicable TIF district after this date, or if the TIF District is decertified, returned as excess increment to the County for redistribution.

The Housing and Redevelopment Authority for the City of Marshall, Minnesota (the “Authority”), established Tax Increment Financing (Redevelopment) District No. 1-1, Tax Increment Financing (Redevelopment) District No. 1-7 and Tax Increment Financing (Redevelopment) District No. 2-1 to achieve certain development objectives of the City (the “TIF Districts”) including redevelopment of substandard properties and areas within the City. The TIF Districts are administered by the Authority and have been identified as TIF Districts that contain unobligated tax increment revenues. The following text represents the spending plan (the “Spending Plan”) for the Districts.

Section A Purpose

The Districts are administered by the Authority. The Authority proposes to adopt a Spending Plan for the TIF Districts in accordance with Minnesota Statutes, Section 469.176 Subd. 4n.

The purpose of the Spending Plan is to assist in the private development or redevelopment of sites or lands or areas within the City in conformity with the City’s Comprehensive Plan or other City plans or objectives using unobligated tax increment revenues from the TIF Districts. The unobligated tax increments are to be utilized for one of the following purposes:

- 1) to provide improvements, loans, interest rate subsidies, or assistance in any form to the private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities if the following conditions exist:
 - a. it will create or retain jobs in the state, including construction jobs;
 - b. construction of the project and spending of the funds commences before December 31, 2025 and

- c. the construction would not have commenced before that date without the assistance.
- 2) to make an equity or similar investment in a corporation, partnership, or limited liability company that the City determines is necessary to make construction of a development that meets the requirements of the law financially feasible.

The City Council must approve a written spending plan by December 31, 2022 (after a properly noticed public hearing) that specifically authorizes the City to take such actions. The City must provide the Office of the State Auditor with a copy of the spending plan approved and signed by the City. As identified within the Minnesota Office of the State Auditor's August 2021 Statement of Position - Temporary Transfer Authority (2021 Law) included as Exhibit I, any tax increments authorized under the spending plan must be transferred out of the applicable TIF Fund by December 31, 2022 and spent by December 31, 2025. Any funds unspent shall be returned to the originating TIF Fund and if the TIF District has been decertified, remitted to the County for redistribution.

The City has been working on several development and redevelopment initiatives in the City that further the City's strategic priorities of redeveloping underutilized areas within the City and implementing an established plan for growth and active development in certain areas within the City. Potential projects identified to meet these initiatives are anticipated to require public assistance to be financially feasible and have been identified as potential qualifying uses for which unobligated tax increments, as further described in the next section of the Spending Plan, will be necessary to fill a financial gap and allow for construction to occur.

The assistance provided pursuant to this Spending Plan shall be subject to Minnesota Statutes, Sections 116J.993 to 116J.995 (the "Business Subsidy Law"), if applicable, and shall be subject to the Authority's Business Subsidy Policy.

Section B Unobligated TIF Funds

The Authority has identified an estimated total of up to \$500,000 of unobligated tax increments from the districts that are anticipated to be available as of December 31, 2022 within the TIF Districts. It is anticipated the unobligated tax increments will be used on certain identified projects that may include existing commercial corridors within the City, East College and surrounding area, underutilized and/or vacant properties, expanded downtown area, and infrastructure improvements that would allow for additional industrial and residential growth. Eligible costs of potential future projects may include acquisition, site improvements/preparation costs, public improvements, utilities, other qualifying improvements, and other related expenses associated with development of the projects. Such projects are further described in paragraph one in Section C hereto.

Section C Spending Plan

Under the Spending Plan, the Authority is authorized to use unobligated tax increments from the TIF Districts to provide improvements, loans, interest rate subsidies, or assistance in any form to private development to further the Authority's redevelopment goals and objectives if doing so will create or retain jobs in the state, including construction jobs.

Financing assistance may be available for development and redevelopment projects that will create new housing, commercial, retail, industrial or open space, or any combination thereof, that are located within the City. For the purposes of this Spending Plan, the areas considered as potential project locations where funds may be spent include existing commercial corridors

within the City, East College and surrounding area, underutilized and/or vacant properties, expanded downtown area, and infrastructure improvements that would allow for additional industrial and residential growth. Eligible expenses related to such projects may include land acquisition, environmental rehabilitation, site preparation, public improvements, utilities, and other redevelopment costs. Such projects are expected to result in increased tax base and new job creation.

The projects shall commence before December 31, 2025 (unless a later commencement date is authorized by law) with the funds expended by that same date and shall include projects that would not commence by such date without the assistance provided pursuant to this Spending Plan.

As related to the action of adopting the Spending Plan for the TIF Districts, the City is authorized as follows:

1. To administratively amend the budget set forth in the Tax Increment Financing Plans for the TIF Districts as necessary to provide for the assistance authorized by this Spending Plan.
2. To take any other action necessary and authorized under the Law in connection with the construction or substantial rehabilitation of facilities of the type described in paragraph one above.
3. To authorize and direct staff to maintain a copy of this Spending Plan with the Authority's records for the TIF District, and to file a copy of the Spending Plan with the Office of the State Auditor.

In 2021, the Legislature enacted expanded, temporary authority to transfer unobligated tax increments for purposes of assisting private development consisting of the construction or substantial rehabilitation of buildings and ancillary facilities, if doing so will create or retain jobs in the state. Proposed amidst the COVID-19 pandemic, the enacted law is narrower than initially proposed and is similar to 2010 legislation that temporarily expanded the use of TIF with the aim of stimulating economic recovery after the Great Recession.

Authority and Purposes

The new law temporarily permits a development authority to elect, by resolution, to transfer unobligated increment for certain specified purposes. The new law does not, however, override requirements to pay bonds to which increments are pledged.

Any transfer under this provision must be for the purpose of assisting private development that meets all of the following criteria:

1. it consists of the construction or substantial rehabilitation of buildings and ancillary facilities;
2. it creates or retains jobs in the state, including construction jobs; and
3. construction of the projects commences before December 31, 2025, spending of the funds occurs prior to December 31, 2025 and the projects would not have commenced and funds expended before that date without the assistance.

Developments that would already commence construction prior to December 31, 2025, or those that do not add or retain jobs in the state, would not be permitted beneficiaries of the transfer. Transfers must provide the assistance in one or both of the following ways:

1. by providing improvements, loans, interest rate subsidies, or assistance in any form to the private development; or
2. by making an equity or similar investment in a corporation, partnership, or limited liability company that the authority determines is necessary to make construction of a development financially feasible.

In order to demonstrate compliance with the new provision, an authority may wish to include affirmation of the qualifications in the written resolution electing to make the transfer. The authority also should keep documentation that demonstrates that the development created or retained jobs in the state and that commencement of construction by December 31, 2025, depended on the transfer.

Approvals and Spending Plans

Prior to approving the use of this temporary transfer authority by resolution, a development authority must also create a written spending plan that authorizes the development authority to provide the assistance or make the investment that makes the development qualify. The plan must detail the use of transferred increment. The OSA recommends identifying planned expenditures using the same categories identified in TIF plans and TIF reporting (e.g., acquisition, site preparation, financing costs, etc.), except for a category for administrative expenses, because administrative expenses are not included in the permissible uses of the transferred increment in the new law.

The municipality (which may or not be the same as the development authority) must also approve the authority's spending plan after holding a public hearing. The municipality must publish notice

of the hearing in a newspaper of general circulation in the municipality and on the municipality's public website at least ten days, but not more than 30 days, prior to the date of the hearing.

An authority making a transfer under this authority must provide a copy of the spending plan approved and signed by the municipality to the Office of the State Auditor. Plans should be emailed to TIF@osa.state.mn.us as soon as possible after their approval.

Parameters and Limitations

The authority to transfer increments under this provision expires on December 31, 2022. Amounts being transferred under this provision must be transferred from the fund or account in which tax increments are segregated and into a separate fund or account by December 31, 2022. Amounts must not be expended directly from the transferring TIF fund or account, and may not be spent after December 31, 2022, if they remain in the TIF district's fund or account at that time. All transfers must be spent by December 31, 2025.

Transfers from a TIF district through December 31, 2022 are limited to a maximum transfer equal to the excess of the district's unobligated increment. Under the provision, unobligated increment includes any increment not required for payment of obligations due during the six months following the transfer on outstanding bonds, binding contracts, and other outstanding financial obligations of the district to which the district's increment is pledged. Therefore, the transfer of increment for 2022 is limited to the eligible balance of tax increment at the end of 2021, less amounts needed to pay bonds, pay-as-you-go notes, and interfund loans due from January 1, 2022, to December 31, 2022.

Presumably, receipts of tax increment for the first half taxes in each year would be used to make payments on outstanding obligations due in the second half of each year but note that this authority does not provide any exception to pay those obligations to which tax increment is pledged, and an authority should not transfer amounts that might impair their ability to make payments on those obligations.

Increment that is improperly retained, received, spent, or transferred is not eligible for transfer under this authority. Therefore, the 2021 balances of tax increment should be carefully evaluated prior to making transfers in 2022.

Unspent Transfers

Increment not spent by December 31, 2025, must be returned to the fund(s) of the contributing TIF district(s). The distribution of returned amounts need not be proportional to the amount contributed, but the amount returned to each TIF district must not exceed the amount transferred from the district.

RESOLUTION NO. 22-105

**RESOLUTION APPROVING A SPENDING PLAN FOR
TAX INCREMENT FINANCING DISTRICTS NOS. 1-1, 1-7 AND 2-1**

BE IT RESOLVED By the City Council (the “City Council”) of the City of Marshall, Lyon County, Minnesota (the “City”) as follows:

Section 1. Background; Findings.

1.01. The City Council has the statutory authority under Minnesota Statutes, Section 469.176, Subd 4n (“Subd. 4n”), to approve a spending plan (the “Spending Plan”), after a public hearing thereon.

1.02. The City has previously established Tax Increment Financing (Redevelopment) Districts Nos. 1-1, 1-7 and 2-1 located in the City (the “TIF Districts”) and adopted tax increment financing plans therefor, pursuant to Minnesota Statutes, Sections 469.001 through 469.047, Sections 469.090 through 469.1081, and Sections 469.174 through 469.1794, all as amended (the “TIF Act”).

1.03. The City is authorized by Subd. 4n to spend available tax increment from any existing tax increment financing district, notwithstanding any other law to the contrary, to provide improvements, loans, interest rate subsidies, or assistance in any form to private development consisting of construction or substantial rehabilitation of buildings and ancillary facilities, if the following conditions exist:

- (i) Such assistance will create or retain jobs in the State of Minnesota, including construction jobs;
- (ii) Construction commences before December 31, 2025;
- (iii) The construction would not have commenced before December 31, 2025 without the assistance;
- (iv) Tax increments under the Spending Plan are spent by December 31, 2025; and
- (v) The City Council approves a written Spending Plan (after a duly noticed public hearing) that specifically authorizes the City to take such actions.

1.04. On this date, the City Council conducted a public hearing on the proposed Spending Plan, following published notice in a newspaper of general circulation in the City on December 16, 2022 and posting on the City’s website at least 10 days in advance of the hearing, in accordance with applicable law, and at said public hearing all interested parties were provided a reasonable opportunity to express their views on the Spending Plan.

1.05. The City Council has considered the documentation submitted in support of the findings and determinations made herein and has taken into account the information and knowledge gained as summarized above and in the public hearing.

Section 2. Approval of the Spending Plan.

2.01. The City Council further finds the Spending Plan is intended and, in the judgment of the City Council, its effect will be, to create an impetus for development and redevelopment activities in the City, including, but not limited to, developing or redeveloping blighted or underutilized sites, lands or areas within the City, providing necessary public improvements for private development in the City, and otherwise promoting certain public purposes and accomplishing certain objectives as specified in the Spending Plan. The City Council finds that the projects described in the Spending Plan would not commence by December 31, 2025 without assistance as permitted by Subd. 4n and that assistance will stimulate private development and the creation or retention of jobs in the state, including construction jobs. The City Council makes all the findings set forth in the Spending Plan, which are incorporated herein by reference.

2.02. The City Council finds that the tax increments to be transferred under the Spending Plan are not needed to pay obligations of the TIF Districts due within the six months following such transfer and are not improperly retained, received, spent, or transferred.

2.03. The Spending Plan is hereby approved and adopted and the Spending Plan shall be placed on file in the office of the Community Development Director of the City. The City Council authorizes transferring all tax increments under the Spending Plan to a segregated account by December 31, 2022 and spending tax increments under the Spending Plan by December 31, 2025 for projects which commence construction by December 31, 2025.

2.04. The City's staff, advisors and legal counsel are authorized and directed to identify potential uses which are in accordance with the Spending Plan for projects that are likely to result in the most efficient and effective use of the identified funds, to proceed with the implementation of the Spending Plan and to negotiate, draft, and prepare all further plans, resolutions, documents and contracts necessary for this purpose for future approval and determination of the necessary findings under the law by the City Council.

2.05. The staff of the City are hereby directed to file a copy of the Spending Plan with the Office of the State Auditor.

This Resolution shall become effective upon its passage and without further publication.

Passed by the Common Council of the City of Marshall, this 27th day of December 2022.

Mayor

ATTEST:

City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Approval of Various 2023 Liquor Licenses
Background Information:	<p>Liquor and tobacco licenses expire each calendar year at midnight on December 31. Once approved by council, the licenses do not take effect until the Minnesota Department of Public Safety Alcohol and Gambling Enforcement Agency gives final approval.</p> <p>Currently 25 liquor license applications and 11 tobacco license applications have been received.</p>
Fiscal Impact:	\$33,360 in liquor and tobacco licenses have been collected as of December 23.
Alternative/ Variations:	
Recommendations:	To approve the 2023 liquor licenses.

City of Marshall, Minnesota

3.2% Off-Sale

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Ella's Market dba

Ella's Market,

For an **3.2% Off-Sale License** at **300 E. College Dr.**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk

City of Marshall, Minnesota

On-Sale Liquor

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Mariachi Fiesta LLC dba

Mariachi Fiesta,

For an **On-Sale Liquor License** at **329 W. Main St.**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk

City of Marshall, Minnesota

Combined On-Sale & Sunday Liquor

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO
AJ's Family Arcade Inc dba
The Gym of Marshall,

For an **Combined On-Sale & Sunday Liquor License** at **900 Clarice Ave.**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	CONSENT AGENDA
Type:	INFO/ACTION
Subject:	Consider Approval of Taxicab License Renewals
Background Information:	<p>All taxicab licenses are approved to expire each calendar year. All 2022 taxicab licenses will expire at midnight, December 31, 2022.</p> <p>The business' being considered are: Downtown DD, Rugama's Taxi, and Southwest Taxi.</p>
Fiscal Impact:	\$100 per application + \$25 per additional vehicle
Alternative/ Variations:	
Recommendations:	To approve the taxicab licenses for 2023 pending all requirements are met.

City of Marshall, Minnesota

Taxicab

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Marshall Taxi dba
Downtown DD,

For an **Taxicab License**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk

City of Marshall, Minnesota

Taxicab

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Southwestern Transportation Services, LLC dba
Southwest Taxi,

For an **Taxicab License**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk

City of Marshall, Minnesota

Taxicab

TO ALL WHOM IT MAY CONCERN:

LICENSE IS HEREBY GRANTED UNTO

Armando Jose Rugama Zelay dba
Rugama's Taxi,

For an **Taxicab License**
from **January 1, 2023 - December 31, 2023**, subject

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

ISSUED BY THE AUTHORITY OF THE CITY COUNCIL

Marshall, Minnesota, **December 27, 2022**

(SEAL)

Mayor

Attest:

City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Acknowledgement of Grants of Easement from Marshall ISD #413 (Lot 1, Block 1, Progress Addition) - 1) Grant of Sanitary Sewer Easement; 2) Grant of Pedestrian Facilities / Utility Easement.
Background Information:	<p>Attached is a Grant of Sanitary Sewer Easement and a Grant of Pedestrian Facilities / Utility Easement from Marshall ISD #413 (ISD) in Lot 1, Block 1, Progress Addition.</p> <p><u>Sanitary Sewer Easement</u> Per the attached "Grant of Sanitary Sewer Easement", ISD grants and conveys to City a perpetual, non-exclusive, easement for public sanitary sewer purposes over, under, across, and through that part of the Property described herein as the Easement Area.</p> <p><u>Pedestrian Facilities / Utility Easement</u> Per the attached "Grant of Pedestrian Facilities / Utility Easement", ISD grants and conveys to City a perpetual, non-exclusive, easement for public pedestrian facilities and public utilities over, under, across, and through that part of the Property described herein as the Easement Area.</p> <p>The attached documents have been prepared by Kennedy & Graven and reviewed by ISD to be brought before the Board at their January 3, 2023 meeting.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the City Council acknowledge Grants of Easement from Marshall ISD #413 (Lot 1, Block 1, Progress Addition) - 1) Grant of Sanitary Sewer Easement; 2) Grant of Pedestrian Facilities / Utility Easement and approval of City Clerk recording of the documents at the Office of the Lyon County Recorder.

GRANT OF SANITARY SEWER EASEMENT

THIS INSTRUMENT is made by Independent School District #413 (“**ISD**”), a Minnesota school district, in favor of the City of Marshall, a Minnesota municipal corporation (“**City**”).

Recitals

- A. ISD is the fee owner of the real property located at 601 Southview Drive E. and legally described as follows (“**Property**”):

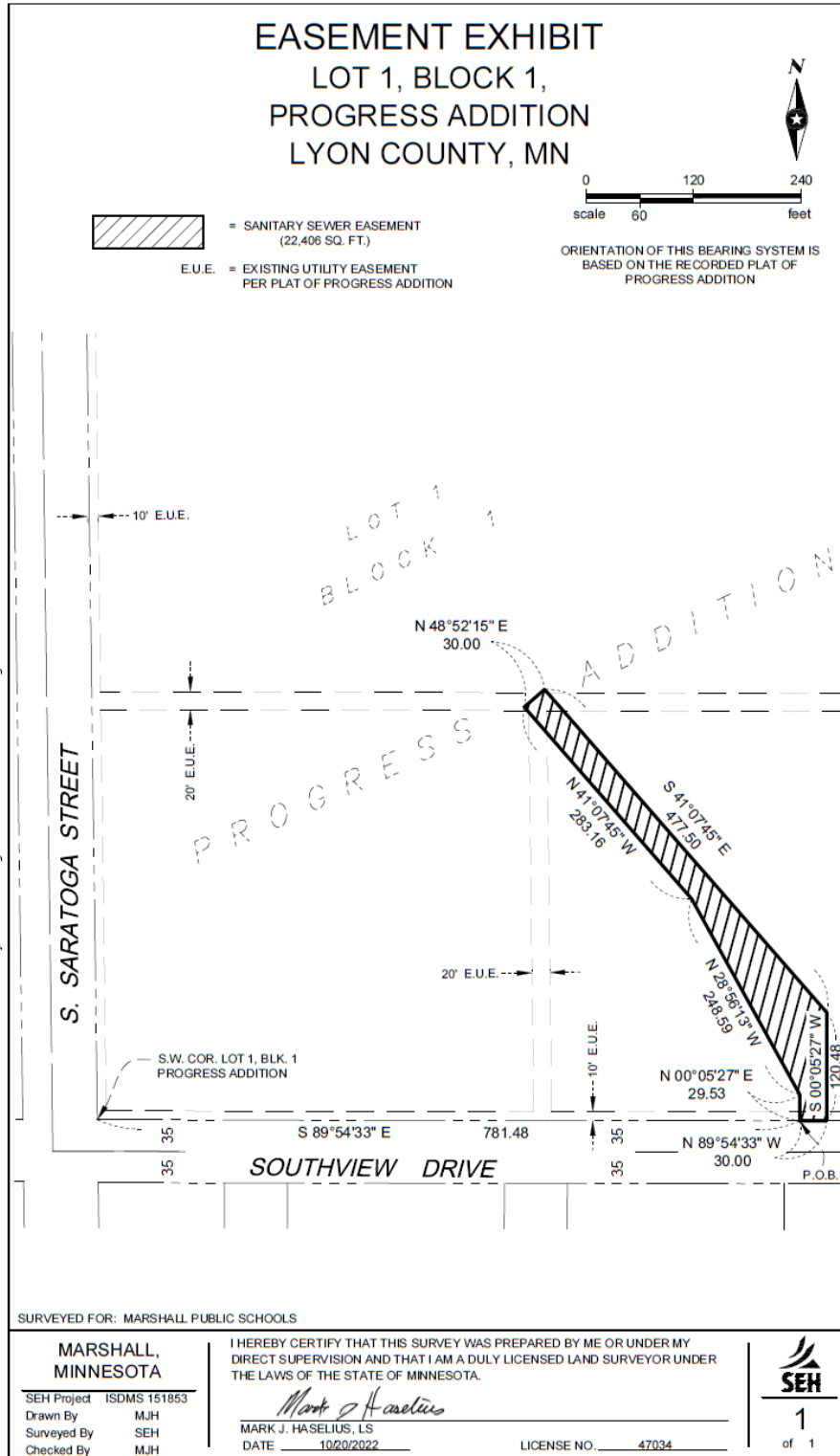
Lot 1, Block 1, Progress Addition, Lyon County, Minnesota.

- B. ISD desires to grant City a permanent easement over the portion of its Property shown on the map attached as Exhibit A, and legally describe in the attached Exhibit B (“**Easement Area**”), in accordance with the terms and conditions contained herein.

Terms of Easement

1. Recitals and Exhibits. The above recitals and the attached exhibits are incorporated in and made part of this Instrument.
2. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ISD, ISD grants and conveys to City a perpetual, non-exclusive, easement for public sanitary sewer purposes over, under, across, and through that part of the Property described herein as the Easement Area.
3. Scope of Easement. The permanent, nonexclusive, sanitary sewer easement granted herein includes the right of City, its contractors, agents, and employees to enter the Property at all reasonable times for the purpose of locating, constructing, reconstructing, replacing, operating, maintaining, inspecting, altering, and repairing sanitary sewer facilities in the Easement Area. The easement granted herein also includes the right of City to, within the Easement Area, prohibit obstructions and to cut, trim, or remove such trees, shrubs, or other vegetation that, in City’s judgment, unreasonably interfere with its use or maintenance of the Easement Area or its sanitary sewer facilities.
4. Warranty of Title. ISD warrants that ISD is the fee owner of the Property and has the right, title, and capacity to convey to City the easement described herein.
5. Environmental Matters. City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys’ fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which

EXHIBIT A
Map of Easement Area



Save: 10/20/2022 9:44 AM mhaselius Plot: 10/20/2022 9:46 AM P:\JUNISDMS\151853\19-survey\92-CAD\15-dwg\15 1853 Easement Exhibits.dwg

Exhibit B
Legal Description of Easement Area



Building a Better World
for All of Us®

Sanitary Sewer Easement

A public utility easement, for sanitary sewer and access purposes, over, under and across part of Lot 1, Block 1, PROGRESS ADDITION, according to the plat thereof, on file and of record in the office of the County Recorder, Lyon County, Minnesota, described as follows:

Commencing at the southwest corner of said Lot 1, thence South 89 degrees 54 minutes 33 seconds East along the south line of said Lot 1, a distance of 781.48 feet to the point of beginning of said public easement; thence North 00 degrees 05 minutes 27 seconds East 29.53 feet; thence North 28 degrees 56 minutes 13 seconds West 248.59 feet; thence North 41 degrees 07 minutes 45 seconds West 283.16 feet; thence North 48 degrees 52 minutes 15 seconds East 30.00 feet; thence South 41 degrees 07 minutes 45 seconds East 477.50 feet; thence South 00 degrees 05 minutes 27 seconds West 120.48 feet to the south line of said Lot 1; thence North 89 degrees 54 minutes 33 seconds West along said south line 30.00 feet to the point of beginning.

P:\F\N\SDMS\151853\9-survey\93-doc\15-proposed-des\Sanitary Easement Description

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 717 3rd Avenue S.E. Suite 101, Rochester, MN 55904
SEH is 100% employee-owned | sehinc.com | 507.288.6464

GRANT OF PEDESTRIAN FACILITIES / UTILITY EASEMENT

THIS INSTRUMENT is made by Independent School District #413 (“**ISD**”), a Minnesota school district, in favor of the City of Marshall, a Minnesota municipal corporation (“**City**”).

Recitals

- A. ISD is the fee owner of the real property located at 601 Southview Drive E. and legally described as follows (“**Property**”):

Lot 1, Block 1, Progress Addition, Lyon County, Minnesota.

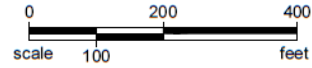
- B. ISD desires to grant City a permanent easement over the portion of its Property shown on the map attached as Exhibit A, and legally describe in the attached Exhibit B (“**Easement Area**”), in accordance with the terms and conditions contained herein.

Terms of Easement

1. Recitals and Exhibits. The above recitals and the attached exhibits are incorporated in and made part of this Instrument.
2. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by ISD, ISD grants and conveys to City a perpetual, non-exclusive, easement for public pedestrian facilities and public utilities over, under, across, and through that part of the Property described herein as the Easement Area.
3. Scope of Easement. The permanent, nonexclusive, easement granted herein includes the right of City, its contractors, agents, and employees to enter the Property at all reasonable times for the purpose of locating, constructing, reconstructing, replacing, operating, maintaining, inspecting, altering, and repairing pedestrian facilities and utilities in the Easement Area. The easement granted herein also includes the right of City to, within the Easement Area, prohibit obstructions and to cut, trim, or remove such trees, shrubs, or other vegetation that, in City’s judgment, unreasonably interfere with its use or maintenance of the Easement Area or its pedestrian or utility facilities.
4. Warranty of Title. ISD warrants that ISD is the fee owner of the Property and has the right, title, and capacity to convey to City the easement described herein.
5. Environmental Matters. City shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorneys’ fees, or losses resulting from any claims, actions, suits, or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants which may have existed on, or which

EXHIBIT A
Map of Easement Area

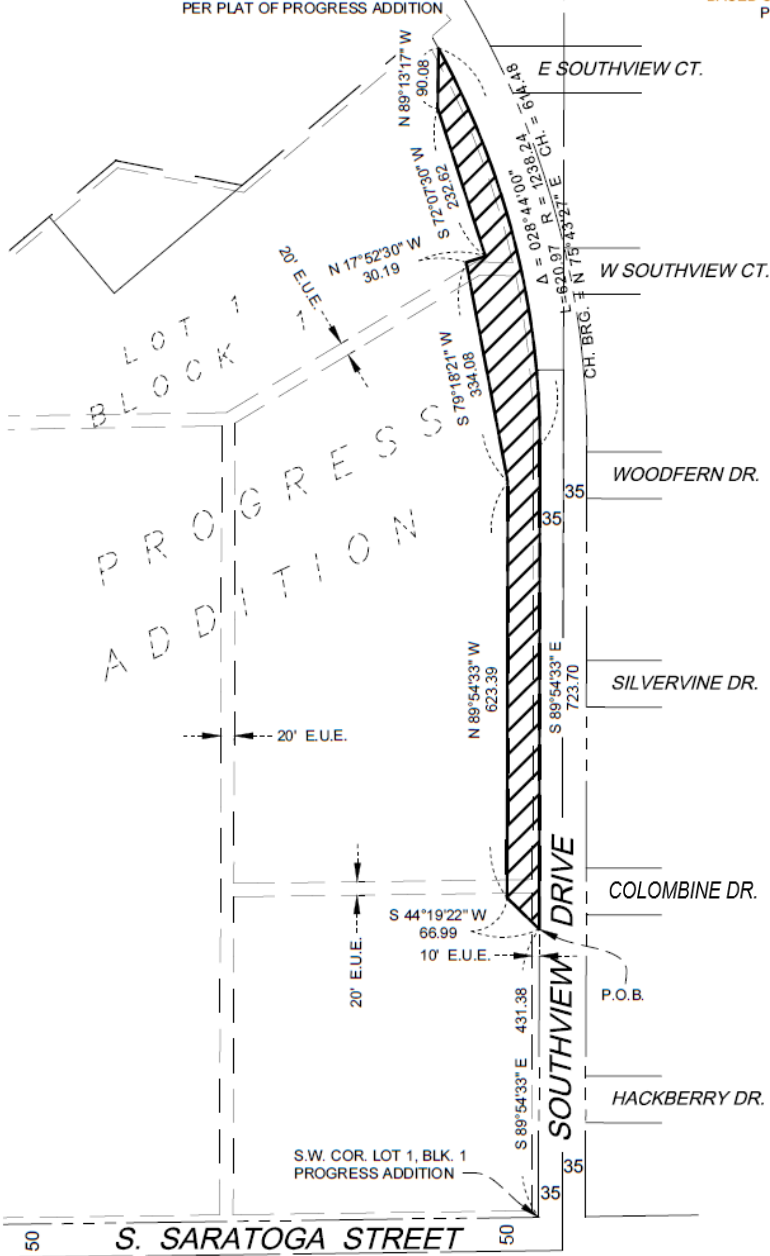
EASEMENT EXHIBIT
LOT 1, BLOCK 1,
PROGRESS ADDITION
LYON COUNTY, MN



= PEDESTRIAN FACILITIES &
UTILITY EASEMENT
(68,306 SQ. FT.)

E.U.E. = EXISTING UTILITY EASEMENT
PER PLAT OF PROGRESS ADDITION

ORIENTATION OF THIS BEARING SYSTEM IS
BASED ON THE RECORDED PLAT OF
PROGRESS ADDITION



Save: 10/20/2022 9:44 AM mhaselius Plot: 10/20/2022 9:45 AM P:\F\MSDMS\151853\g-survey\92-CAD\15-dwg\151853 Easement Exhibits.dwg

SURVEYED FOR: MARSHALL PUBLIC SCHOOLS

**MARSHALL,
MINNESOTA**

SEH Project ISDMS 151853
Drawn By MJH
Surveyed By SEH
Checked By MJH

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY
DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER
THE LAWS OF THE STATE OF MINNESOTA.

Mark J. Haselius
MARK J. HASELIUS, LS
DATE 10/20/2022

LICENSE NO. 47034



1
of 1

EXHIBIT B
Legal Description of Easement Area



Building a Better World
for All of Us®

Pedestrian Facilities / Utility Easement

A public easement, for pedestrian facilities and public utility purposes, over, under and across that part of Lot 1, Block 1, PROGRESS ADDITION, according to the plat thereof, on file and of record in the office of the County Recorder, Lyon County, Minnesota, described as follows:

Commencing at the southwest corner of said Lot 1, thence South 89 degrees 54 minutes 33 seconds East along the south line of said Lot 1, a distance of 431.38 feet to the point of beginning of said public easement; thence continue South 89 degrees 54 minutes 33 seconds East along the south line of said Lot 1, a distance of 723.70 feet; thence easterly 620.97 feet along said south line on a tangential curve concave northerly, having a radius of 1238.24 feet, and a central angle of 28 degrees 44 minutes 00 seconds; thence North 89 degrees 13 minutes 17 seconds West, not tangent to the last described curve, 90.08 feet; thence South 72 degrees 07 minutes 30 seconds West 232.62 feet; thence North 17 degrees 52 minutes 30 seconds West 30.19 feet; thence South 79 degrees 18 minutes 21 seconds West 334.08 feet; thence North 89 degrees 54 minutes 33 seconds West 623.39 feet; thence South 44 degrees 19 minutes 22 seconds West 66.99 feet to the point of beginning.

P:\FJV\SDMS\151853\9-survey\93-doc\15-proposed-desc\Pedestrian-Util Easement Description

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 717 3rd Avenue S.E. Suite 101, Rochester, MN 55904
SEH is 100% employee-owned | sehinc.com | 507.288.6464

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project - Consider Resolution Ordering Preparation of Report on Improvement.
Background Information:	<p>Attached please find the resolution necessary for the initiation of the special assessment procedures for Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project. Attached is a map to identify the project area.</p> <p>This project consists of: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5th Street, and North 3rd Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3rd Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.</p> <p>Staff and PI/T Committee members have spent considerable time working with Bolton & Menk staff and the Downtown Business Association (DBA) regarding the reconstruction of N 3rd and W. Lyon Streets for 2023 (meetings and dates shown below). Numerous topics have been discussed, including: parking, lane widths, sidewalk and ADA standards, streetscaping, Main/3rd traffic signal, dedicated pedestrian signal (HAWK system), and many other more detailed topics.</p> <p>Public Improvement/Transportation Committee: 01/25/2022 – Changes to N. 3rd Street and Aesthetics. 03/08/2022 – Changes to N. 3rd Street and Aesthetics. 04/12/2022 - Review Layout Options for 3rd/Lyon Project and Update on DBA Conversation. 06/28/2022 – 1. Presentation of Intersection Control Evaluation (ICE) Draft Final Report for the W. MainStreet / N. 3rd Street Intersection; 2. Review Proposed Layout for North 3rd Street between Main Street and Lyon Street; 3. Review Proposed Parking Layout Adjustments for W. Lyon Street between College Drive and 5th Street. 08/08/2022 – Review/Recommend Final Street Layout and Streetscaping Scope. 11/07/2022 – 1. Review current project cost estimate; 2. Discuss special assessments and City involvement in streetscaping improvements.</p> <p>Downtown Business Association Presentations/Input Sessions: 05/11/2022 08/03/2022</p>

	<p>City Council:</p> <p>02/08/2022 - Council authorized staff to request for proposals for consultant services for downtown aesthetic improvements.</p> <p>03/08/2022 - Council accepted the proposal of Bolton & Menk for Tasks 1, 2 and 3 at the approximate cost of \$67,920 per the recommendation of the Public Improvement/Transportation Committee.</p> <p>07/26/2022 - Council accepted the proposal of Bolton & Menk for Task 4-Design of Street Reconstruction Project in the amount of \$105,338.71.</p> <p>08/08/2022 – Council authorized City staff to proceed with final street layout.</p> <p>City staff is on the agenda for the 01/04/2023 Downtown Business Association meeting to discuss current project plans and possible project timelines. At this meeting staff also intends to begin opening the conversation regarding construction access needs from downtown businesses.</p> <p>It is the intent of City staff for Council receipt of Feasibility Report at the 01/10/2023 meeting. The Feasibility Report will address project costs and funding participation.</p>
Fiscal Impact:	All improvements are proposed to be assessed according to the current Special Assessment Policy, including but not limited to participation from Marshall Municipal Utilities, Wastewater Department, Surface Water Management Utility Fund and Ad Valorem participation. Final approval of the project must include determination of funding sources.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt RESOLUTION NUMBER 22-108, which is the “Resolution Ordering Preparation of Report on Improvement” for Project ST-009: W Lyon St. / N 3rd St. Reconstruction Project.

RESOLUTION NUMBER 22-108

RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENT

WHEREAS, it is proposed to make improvements under the following project and to assess the benefited properties for all or a portion of the cost of the improvements, pursuant to Minnesota Statutes, Chapter 429:

PROJECT ST-009: W LYON ST. / N 3RD ST. RECONSTRUCTION PROJECT -The proposed project includes: reconstruction and utility replacement on West Lyon Street from East College Drive to North 5th Street, and North 3rd Street from West Main Street to West Redwood Street. All utilities will be replaced, including watermain, sanitary sewer, and storm sewer on West Lyon and North 3rd Streets. Other items of work included in this project are pavement removal, aggregate base, concrete surfacing, sidewalks, curb and gutter, streetscaping, and other minor work. Also included with this project will include reconstruction of the Addison Parking Lot adjacent to West Lyon Street and East College Drive. Reconstruction of the parking lot will include pavement removal, grading, aggregate base, and concrete surfacing.

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

1. That the proposed improvements be referred to Director of Public Works/City Engineer Jason R. Anderson, P.E. and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvements are feasible and as to whether they should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvements as recommended.

Passed and adopted by the Council this 27th day of December , 2022.

Mayor

ATTEST:

City Clerk

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



PROJECT AREA

DESIGNED BY: _____
DRAWN: Item 7.
APPROVED BY: _____
SCALE: N/A



ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

North 3rd Street & West Lyon Street Reconstruction

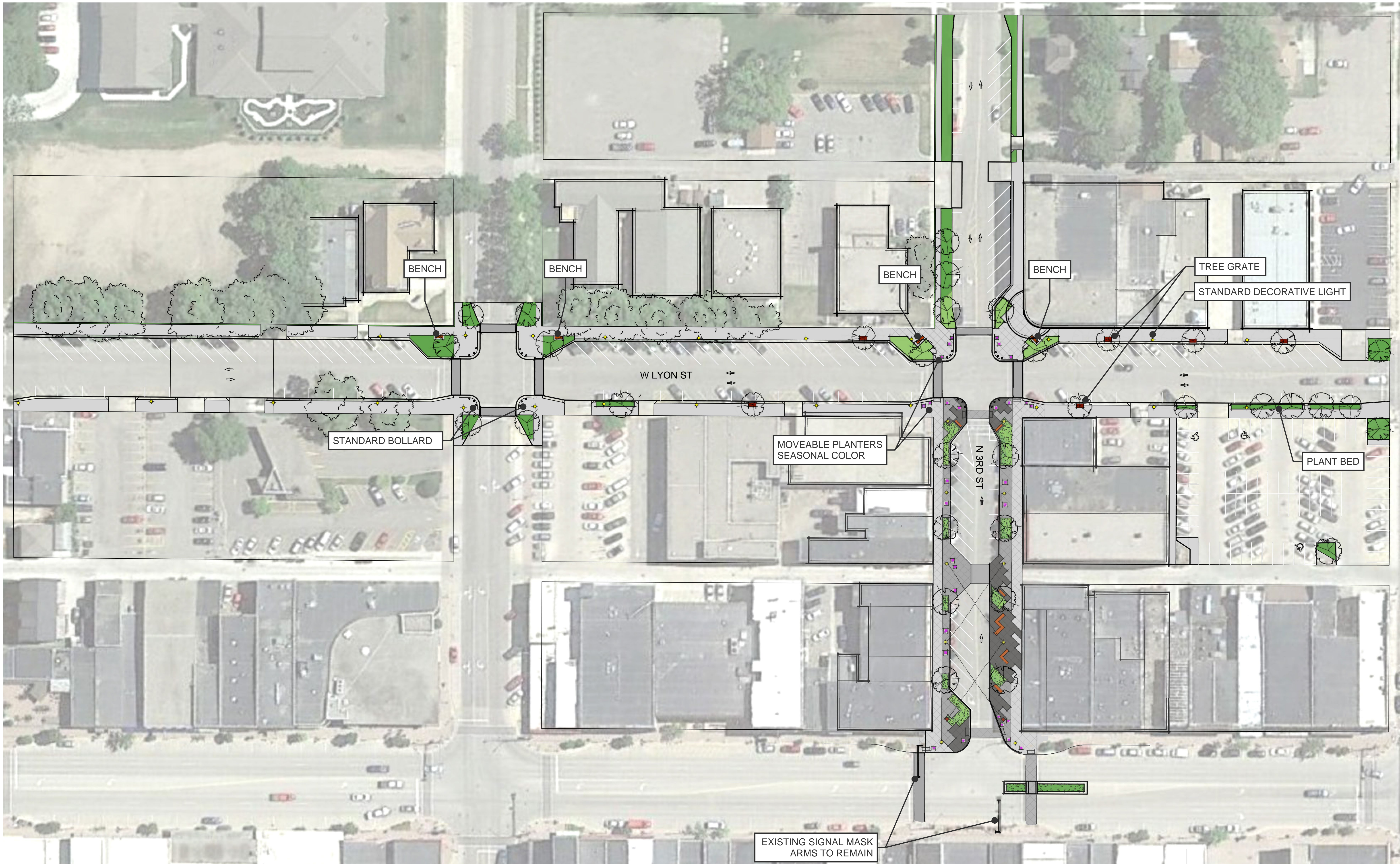
Project Area Map

CITY PROJECT NO.
ST-009

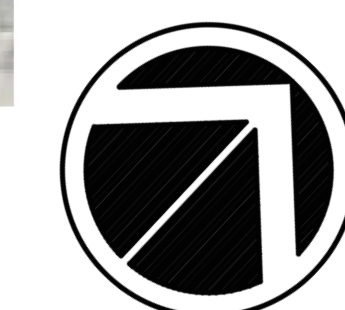
STATE AID PROJECT NO.
N/A

DATE
Page 46

SHEET NO.
1 OF 1



3RD STREET & LYON IMPROVEMENTS DRAFT CONCEPT DESIGN



**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	E.J. Moberg
Meeting Date:	Tuesday, December 27, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Consider Lease Agreement between Vishay Hirel Systems LLC and the City of Marshall
Background Information:	<p>Vishay Hirel Systems was a renter at the Mosch property when the City took ownership of the property late in 2021. For 2022, City allowed Vishay to rent the small building by the highway, located at 800 N. US 59, that the City did not have an immediate need to utilize.</p> <p>City staff and Vishay agreed that \$550/month was an acceptable amount for the space for 2023.</p> <p>City Attorney Dennis Simpson prepared the original lease agreement executed in February 2022. Minor tweaks have been made to update amount and dates.</p>
Fiscal Impact:	\$550/month rental income paid to the City (was \$500/month in 2022). The term of the agreement is January through December 2023.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	Authorize execution of the attached Lease Agreement expiring December 31, 2023 between Vishay Hirel Systems LLC and the City of Marshall

LEASE AGREEMENT

This Lease Agreement (this “Agreement”) is dated as of this 27th day of December, 2022, by and between City of Marshall, a municipal corporation (“Landlord”) and Vishay Hirel Systems LLC, a Delaware limited liability company (“Tenant”).

1. DEFINITIONS.

“Leased Premises” means the 1,300 square foot, western-most building on the 800 N. US 59 property areas as identified in the attached Exhibit A.

2. TERM; EARLY TERMINATION.

A. Term. In consideration of Tenant’s performance of Tenant’s obligations under this Lease, Landlord hereby leases the Leased Premises to Tenant.

B. Termination. This Lease shall be for a 12-month term and shall terminate on December 31, 2023. Tenant may terminate this Lease early by providing Landlord with notice 30 days in advance of the effective date of termination.

3. **RENT.** Tenant shall pay monthly rent at a rate of \$550.00, commencing January 1, 2023. Rent is due on the first day of each and every month thereafter for the term of this lease. Payments to be paid to the following:

City of Marshall
Attn: Finance Director
344 W. Main St.
Marshall, MN 56258

4. **USE RESTRICTIONS.** Tenant shall comply with all applicable laws, ordinances, and governmental regulations with respect to its use of the Leased Premises. Tenant shall not do anything in or about the Leased Premises which will in any way impair or invalidate the obligation of the insurer under any policy of insurance required by this Lease.

5. **UTILITIES AND OPERATING COSTS.** Landlord shall pay all charges for electricity, natural gas, and any other utility services furnished to the Leased Premises, and all other costs associated with the use, operation, and management of the Leased Premises during the term of the Lease, including, but not limited to, snow removal. The temperature of the building shall be moderated by the Landlord, and any changes to the temperature setpoint on the thermostat must be requested by the tenant and approved by the Landlord. Landlord shall also be responsible for payment of all property taxes for the Leased Premises.

6. **MAINTENANCE AND REPAIR OF THE LEASED PREMISES.** Tenant agrees to defend, indemnify and hold harmless Landlord with respect to claims which may be made by governmental authority or employees or invitees of Tenant concerning the condition of the Leased Premises during the term of this Lease. Tenant shall, at all times throughout the term of this Lease, and at its sole expense, keep the Leased Premises and fixtures in at least as good

condition as existed on the date of this Lease, reasonable wear and tear excepted. Tenant shall not allow any liens or encumbrances to be placed on the Leased Premises. Landlord shall be responsible for maintaining the Leased Premises.

7. ALTERATION OR IMPROVEMENT OF THE LEASED PREMISES. Tenant shall not make any additions or improvements in or to the Leased Premises without Landlord's prior written consent.

8. INDEMNIFICATION; COVENANTS TO DEFEND AND HOLD HARMLESS. Tenant shall hold Landlord harmless from and indemnify and defend Landlord against any claim or liability arising in any manner from Tenant's use, improvement, and occupancy of the Leased Premises, or relating to the death or bodily injury to any person or damage to any personal property present on or located in or upon the Leased Premises, including the person and personal property of Tenant's employees and all persons in or upon the Leased Premises at Tenant's invitation or sufferance unless due to the negligence of Landlord. All personal property kept, maintained or stored on the Leased Premises by Tenant shall be kept, maintained or stored at the sole risk of Tenant.

Nothing in this Lease shall be deemed to limit Landlord's right to have access to the Leased Premises, or to exercise its remedies under the Lease, or to make applications to a governmental entity with respect to the Leased Premises, or to protest taxes or assessments related to the Leased Premises, or to take other similar action with respect to the Leased Premises as a responsible landlord would elect.

9. CASUALTY INSURANCE AND WAIVERS OF CLAIMS.

A. Insurance: Tenant shall carry insurance for the full insurable value of Tenant's supplies, materials, furnishings, equipment and all other items of personal property of Tenant located on or within the Leased Premises. Tenant shall furnish Landlord evidence of such insurance coverage prior to commencing occupancy.

B. Waiver of Claims: Tenant hereby waives and releases all claims, liabilities and causes of action against Landlord and its officials, agents, servants and employees for loss or damage to, or destruction of personal property of Tenant, located in, upon or about the Leased Premises resulting from fire, explosion or the other perils covered by standard "all risk" insurance, whether caused by the negligence of any said persons or otherwise.

10. LIABILITY INSURANCE. Tenant shall, at its expense during the term of this Lease, keep in full force and effect a policy or policies of "occurrence" based commercial general liability insurance, providing coverage for bodily injury, personal property damage, personal injury, and contractual liability. Such policy or policies shall have combined policy limits in amounts not less than \$1,000,000.00.

11. QUIET ENJOYMENT. Landlord warrants that it has full right to execute and to perform this Lease and to grant the estate demised, and that Tenant, upon Tenant's performance of all of the terms, conditions, covenants and agreements on Tenant's part to be observed and

performed under this Lease, may peaceably and quietly enjoy the Leased Premises subject to the terms and conditions of this Lease.

12. HOLDING OVER. If Tenant remains in possession of the Leased Premises after the expiration or termination of this Lease, it shall be deemed to be occupying said Leased Premises as a Tenant at sufferance, subject to all the conditions, provisions and obligations of this Lease insofar as the same can be applicable to a tenancy at sufferance.

13. SURRENDER. Upon expiration or termination of this Lease, Tenant shall peaceably surrender the Leased Premises and remove all debris and personal property from the Leased Premises. Tenant shall not remove any of the immovable fixtures. Tenant shall be conclusively deemed to have abandoned any personal property not removed prior to the effective date of the termination of this Lease or Tenant's surrender of the Leased Premises. All debris and personal property may be disposed of by Landlord. Tenant shall be responsible for any disposal costs.

14. ACCESS TO LEASED PREMISES. Tenant agrees to permit Landlord and the authorized representatives of Landlord to enter the Leased Premises at all times during usual business hours (upon 24 hours' notice to Tenant) for the purpose of inspecting the same, performing maintenance, and conducting such investigations, tests, measurements, and assessments as may be desired by Landlord.

15. DEFAULT OF TENANT.

A. Events of Default: The occurrence of any one or more of the following events shall constitute an Event of Default:

(1) Tenant's failure to maintain the insurance required pursuant to Sections 9 and 10 above, which failure remains uncured for 15 days following Landlord's written notice to Tenant of Tenant's failure to perform such obligation;

(2) Tenant's attempt to sublet any portion of the Leased Premises, or assign its interest under this Lease without the written permission of Landlord;

(3) Tenant's failure to fully perform any of Tenant's obligations, other than the obligations referenced in subsections (1), (2) or (3) above, which failure remains uncured for 30 days following Landlord's written notice to Tenant of Tenant's failure to perform such obligation; or

(4) Tenant's filing, or having filed against it, any bankruptcy or debtor proceedings or proceedings for the appointment of a receiver or trustee of all or any portion of Tenant's Leased Premises, or if Tenant makes an assignment for the benefit of creditors.

B. Landlord's Remedies: If an Event of Default occurs, Landlord shall have the following remedies;

(1) Landlord may, but shall not be obligated to, and without notice to or demand upon Tenant and without waiving or releasing Tenant from any obligations of the Tenant under this Lease, pay or perform any obligations of Tenant; pay any cost or expense to be paid by Tenant; obtain any insurance coverage and pay premiums therefor; and make any other payment or perform any other act on the part of Tenant to be made and performed as provided for in this Lease, in such manner and to such extent as Landlord may deem desirable, and in exercising any such right, may also pay all necessary and incidental costs and expenses, employ counsel and incur and pay attorneys' fees. Tenant shall pay costs to Landlord upon demand with interest at seven percent per annum.

Landlord may terminate this Lease by written notice to Tenant in which case Tenant shall vacate the Leased Premises in accordance with Section 13. Neither the passage of time after the occurrence of an Event of Default nor Landlord's exercise of any other remedy with regard to such Event of Default shall limit Landlord's right to terminate the Lease by written notice to Tenant.

Landlord may, whether or not Landlord has elected to terminate this Lease, immediately commence summary proceedings in Unlawful Detainer to recover possession of the Leased Premises. In the event of the issuance of a Writ of Restitution in such proceeding, upon Landlord's reentry upon and repossession of the Leased Premises, Landlord may remove Tenant and all other persons from the Leased Premises (subject to Tenant's right and responsibility to remove its personal property pursuant to Section 13). In the event Landlord reenters the Leased Premises pursuant to this paragraph and Tenant fails to remove its personal property within the time period provided in Section 13, all items of personal property not removed by Tenant within said period shall be deemed abandoned, and title thereto shall transfer to Landlord at the expiration of such period or, upon Tenant's vacation of the Leased Premises. These items may be disposed of by Landlord. Tenant shall be responsible for all disposal costs.

No remedy provided for herein or elsewhere in this Lease or otherwise available to Landlord by law, statute or equity, shall be exclusive of any other remedy, but all such remedies shall be cumulative and may be exercised from time to time and as often as the occasion may arise.

16. EMINENT DOMAIN. If an eminent domain or condemnation proceeding is commenced with respect to the Leased Premises during the term of this Lease, the following provisions shall apply:

A. If a public or private body with the power of eminent domain or condemnation ("Condemning Authority") acquires all of the Leased Premises through the exercise of its power of eminent domain or condemnation or as a result of a sale in lieu thereof, this Lease shall cease and terminate as of the date the Condemning Authority acquires possession.

B. If a Condemning Authority acquires only a part of the Leased Premises, and such acquisition materially affects the Leased Premises so as to render the Leased Premises unsuitable

for the business of Tenant, in the absolute discretion of Tenant, then this Lease shall cease and terminate as of the date the Condemning Authority acquires possession.

C. If a Condemning Authority acquires only a part of the Leased Premises and such acquisition does not render the Leased Premises unsuitable for the business of the Tenant in the absolute discretion of Tenant, this Lease shall continue in full force and effect.

D. Landlord shall be entitled to the award paid in any condemnation acquisition under power of eminent domain or the proceeds of a sale in lieu thereof, and Tenant shall not receive any portion of such award.

E. Although all damages in the event of any condemnation shall belong to Landlord whether such damages are awarded as compensation for diminution in value of the leasehold or to the fee of the Leased Premises, Tenant shall have the right to claim and recover from the condemning authority, but not from Landlord, such compensation as may be separately awarded or recoverable by Tenant, in Tenant's own right on account of any and all damage to Tenant by reason of the condemnation and for or on account of any cost or loss to Tenant.

17. DAMAGE OR DESTRUCTION. If fire or other casualty damages or destroys the Leased Premises or the Leased Premises incurs substantial damage due to vandalism, failure of building systems or other unforeseen cause occurs during the term of this Lease, then this Lease shall terminate.

18. GENERAL.

A. Landlord's Disclaimer of Warranty: Landlord disclaims any warranty that the Leased Premises is suitable for Tenant's use.

B. Relationship of Landlord and Tenant: The Lease does not create the relationship of principal and agent or of partnership or of joint venture or of any association between Landlord and Tenant, the sole relationships between the parties hereto being that of Landlord and Tenant under this Lease.

C. Waiver: No waiver of Landlord's remedies upon the occurrence of an Event of Default shall be implied from any omission by Landlord to take any action on account of such Event of Default, and no express waiver shall affect any Event of Default other than the Event of Default specified in the express waiver and such an express waiver shall be effective only for the time and to the extent expressly stated. One or more waivers by Landlord shall not then be construed as a waiver of a subsequent Event of Default.

D. Choice of Law: The laws of the State of Minnesota shall govern the validity, performance and enforcement of this Lease.

E. Time: Time is of the essence in the performance of all obligations under this Lease.

F. Notices and Demands. Except as otherwise expressly provided in this Lease, any notice, demand, or other communication under the Lease any related document by either party to the other shall be sufficiently given or delivered if it is dispatched by United States Mail or delivered personally to:

(i) in the case of Landlord: City of Marshall
Attn: City Administrator
344 West Main Street
Marshall, MN 56258

(ii) in the case of Tenant: Vishay Hirel Systems LLC
Attn: Darin Yost
604 Erie Road
Marshall, MN 56238

or at such other address with respect to either such party as that party may, from time to time, designate in writing and forward to the other as provided in this Section 18.

G. Entire Agreement and Amendment. This Lease constitutes the entire agreement between Landlord and Tenant affecting the Leased Premises and there are no other agreements, either oral or written, between them other than said documents and as are herein set forth. No subsequent alteration, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced to writing and executed in the same form and manner in which this Lease is executed.

H. Successors and Assigns: The terms, covenants and conditions of this Lease shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, Landlord and the Tenant have caused these presents to be executed in form and manner sufficient to bind them at law, as of the day and year first above written.

LANDLORD:
CITY OF MARSHALL

TENANT:
VISHAY HIREL SYSTEMS LLC

By: _____

By: _____

Its: Mayor

Its: _____

By: _____

Its: City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, December 27, 2022
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: 12/16/2022 - 12/27/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP-REG AP						
4549	A & B BUSINESS, INC	12/16/2022	EFT	0.00	2,174.37	11659
6128	ACTION COMPANY LLC	12/16/2022	EFT	0.00	175.00	11660
6128	ACTION COMPANY LLC	12/23/2022	EFT	0.00	675.00	11720
0578	AMAZON CAPITAL SERVICES	12/16/2022	EFT	0.00	157.39	11661
0578	AMAZON CAPITAL SERVICES	12/23/2022	EFT	0.00	724.26	11721
3761	AMERICAN BOTTLING CO.	12/16/2022	Regular	0.00	113.64	122158
6918	ANDERSON, DOUGLAS D OR PEGGY L	12/23/2022	Regular	0.00	2,375.00	122182
6694	ARAMARK UNIFORM & CAREER APPAREL GROUP,	12/16/2022	EFT	0.00	102.48	11662
0630	ARCTIC GLACIER	12/23/2022	Regular	0.00	258.05	122183
6883	AT&T MOBILITY II LLC	12/16/2022	Regular	0.00	38.23	122159
5702	B & H PHOTO & ELECTRONICS CORP	12/16/2022	EFT	0.00	977.12	11663
0688	BELLBOY CORPORATION	12/23/2022	EFT	0.00	2,813.09	11722
0689	BEND RITE CUSTOM FABRICATION, INC.	12/16/2022	Regular	0.00	8.77	122160
0689	BEND RITE CUSTOM FABRICATION, INC.	12/23/2022	Regular	0.00	100.70	122184
7141	BERG, RUSSELL J OR DORRINE J	12/23/2022	Regular	0.00	1,039.00	122185
6339	BESSE, NATHAN	12/16/2022	EFT	0.00	245.00	11664
0699	BEVERAGE WHOLESALERS, INC.	12/16/2022	Regular	0.00	23,937.47	122161
0699	BEVERAGE WHOLESALERS, INC.	12/23/2022	Regular	0.00	30,900.75	122186
6879	BLUE FIRE TRAINING LLC	12/16/2022	Regular	0.00	3,600.00	122162
0724	BOLTON & MENK INC	12/16/2022	EFT	0.00	11,226.63	11665
0724	BOLTON & MENK INC	12/23/2022	EFT	0.00	4,240.00	11723
0018	BORDER STATES INDUSTRIES, INC.	12/23/2022	EFT	0.00	4,376.84	11724
3829	BRAU BROTHERS	12/23/2022	EFT	0.00	951.50	11725
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	12/16/2022	Regular	0.00	12,363.66	122163
4457	BREAKTHRU BEVERAGE MINNESOTA WINE & SPIR	12/23/2022	Regular	0.00	4,775.09	122187
6217	C & B OPERATIONS, LLC	12/16/2022	Regular	0.00	1,500.00	122165
0380	CALLENS, DAVID	12/23/2022	EFT	0.00	67.80	11726
6791	CAPITAL ONE	12/16/2022	Regular	0.00	305.45	122166
6791	CAPITAL ONE	12/23/2022	Regular	0.00	414.71	122188
0799	CARLOS CREEK WINERY, INC	12/23/2022	Regular	0.00	480.00	122189
6761	CARR, JAMES C	12/23/2022	Regular	0.00	3,337.00	122190
0815	CATTOOR OIL COMPANY, INC	12/16/2022	EFT	0.00	5,496.14	11666
0815	CATTOOR OIL COMPANY, INC	12/23/2022	EFT	0.00	247.00	11727
6919	CAYO, CLAWSONDY OR ANDREA	12/23/2022	Regular	0.00	440.00	122191
0836	CHARTER COMMUNICATIONS, LLC	12/23/2022	EFT	0.00	11.99	11728
0836	CHARTER COMMUNICATIONS, LLC	12/23/2022	EFT	0.00	106.80	11729
6342	CHRISTOPHER NOELDNER	12/23/2022	Regular	0.00	830.00	122192
5733	CLARITY TELECOM, LLC	12/16/2022	EFT	0.00	2,543.87	11667
5733	CLARITY TELECOM, LLC	12/23/2022	EFT	0.00	343.04	11730
7151	CURWICK, BILL	12/23/2022	Regular	0.00	700.00	122193
0934	D & G EXCAVATING INC	12/16/2022	EFT	0.00	740.00	11668
3819	DACOTAH PAPER CO	12/16/2022	EFT	0.00	335.08	11669
3819	DACOTAH PAPER CO	12/23/2022	EFT	0.00	1,841.72	11731
7102	DAHLHEIMER BEVERAGE	12/16/2022	EFT	0.00	1,089.44	11670
3845	DAKOTA FLUID POWER INC.	12/16/2022	EFT	0.00	69.68	11671
4794	DEPOVER, PERRY	12/23/2022	EFT	0.00	232.23	11732
6472	DEUTZ, LAUREN	12/16/2022	EFT	0.00	33.46	11672
5731	DOLL DISTRIBUTING LLC	12/16/2022	EFT	0.00	15,275.20	11673
5731	DOLL DISTRIBUTING LLC	12/23/2022	EFT	0.00	11,080.50	11733
1006	DOMINOS PIZZA	12/23/2022	Regular	0.00	73.40	122194
1020	DUININCK, INC.	12/16/2022	EFT	0.00	32,523.82	11674
1037	ECOWATER SYSTEMS	12/23/2022	EFT	0.00	300.00	11734
5972	ENVIRONMENTAL CONSULTING & TESTING INC	12/16/2022	Regular	0.00	1,600.00	122167
6418	ESPING, DEREK	12/23/2022	EFT	0.00	199.95	11735

Council Check Report

Date Range: 12/16/2022 - 12/27/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1158	GALLS INC	12/16/2022	EFT	0.00	138.04	11675
7150	GEHRKE, CLINT	12/23/2022	Regular	0.00	700.00	122195
6421	GMNP	12/23/2022	Regular	0.00	1,500.00	122196
6920	GOBLIRSCH, ERIC OR EMILY	12/23/2022	Regular	0.00	988.00	122197
1199	GRAHAM TIRE AND AUTOMOTIVE SERVICES	12/16/2022	Regular	0.00	706.13	122168
1201	GRAINGER INC	12/23/2022	EFT	0.00	26.51	11736
6379	GRAPE BEGINNINGS, INC.	12/16/2022	EFT	0.00	710.34	11676
1256	HAWKINS INC	12/16/2022	EFT	0.00	9,220.89	11677
7143	HORVATH PROPERTIES LLC	12/23/2022	Regular	0.00	7,442.00	122198
1311	HYVEE FOOD STORES INC	12/23/2022	Regular	0.00	60.22	122199
1325	ICMA RETIREMENT TRUST #300877	12/23/2022	Regular	0.00	50.00	122200
1399	JOHNSON BROTHERS LIQUOR COMPANY	12/16/2022	EFT	0.00	11,107.86	11678
1399	JOHNSON BROTHERS LIQUOR COMPANY	12/23/2022	EFT	0.00	11,633.81	11740
2036	JOHNSON BROTHERS LIQUOR COMPANY	12/16/2022	EFT	0.00	11,794.81	11680
2036	JOHNSON BROTHERS LIQUOR COMPANY	12/23/2022	EFT	0.00	11,046.80	11738
2605	JOHNSON BROTHERS LIQUOR COMPANY	12/16/2022	EFT	0.00	2,148.80	11679
2605	JOHNSON BROTHERS LIQUOR COMPANY	12/23/2022	EFT	0.00	361.90	11737
5447	JOHNSON BROTHERS LIQUOR COMPANY	12/16/2022	EFT	0.00	512.85	11681
5447	JOHNSON BROTHERS LIQUOR COMPANY	12/23/2022	EFT	0.00	502.40	11739
1400	JOHNSON CONTROLS INC	12/23/2022	Regular	0.00	604.36	122201
5095	KIBBLE EQUIPMENT LLC	12/23/2022	EFT	0.00	299.07	11741
7142	LARSON, DEANNA	12/23/2022	Regular	0.00	1,066.00	122202
1483	LEAGUE OF MINNESOTA CITIES INS TRUST	12/16/2022	Regular	0.00	227.38	122169
1508	LOCKWOOD MOTORS INC	12/16/2022	EFT	0.00	96.17	11682
6878	LYON COUNTY ABSTRACT AND TITLE	12/16/2022	Regular	0.00	573.49	122170
1531	LYON COUNTY AUDITOR-TREASURER	12/16/2022	EFT	0.00	24,837.83	11683
1531	LYON COUNTY AUDITOR-TREASURER	12/23/2022	EFT	0.00	532.67	11742
1545	LYON COUNTY HIGHWAY DEPARTMENT	12/16/2022	EFT	0.00	13,123.42	11684
1552	LYON COUNTY RECORDER	12/16/2022	EFT	0.00	138.00	11685
1555	LYON LINCOLN ELECTRIC COOPERATIVE INC	12/16/2022	Regular	0.00	16.70	122171
1565	MACQUEEN EQUIPMENT INC.	12/23/2022	EFT	0.00	360.18	11743
6292	MADDEN, GALANTER, HANSEN, LLP	12/16/2022	EFT	0.00	500.00	11686
1604	MARSHALL AREA CHAMBER OF COMMERCE	12/16/2022	EFT	0.00	3,420.00	11687
1604	MARSHALL AREA CHAMBER OF COMMERCE	12/23/2022	EFT	0.00	2,560.00	11744
1620	MARSHALL FLORAL	12/16/2022	Regular	0.00	40.00	122172
6500	MARSHALL GOLF CLUB	12/23/2022	Regular	0.00	825.00	122203
6961	MARSHALL GYMNASISTICS BOOSTERS	12/23/2022	Regular	0.00	1,000.00	122204
1623	MARSHALL INDEPENDENT, INC	12/23/2022	Regular	0.00	930.75	122205
5813	MARSHALL LUMBER CO	12/16/2022	EFT	0.00	128.73	11688
5813	MARSHALL LUMBER CO	12/23/2022	EFT	0.00	68.21	11745
1633	MARSHALL MUNICIPAL UTILITIES	12/16/2022	EFT	0.00	10,216.26	11689
1633	MARSHALL MUNICIPAL UTILITIES	12/23/2022	EFT	0.00	19,459.00	11746
1635	MARSHALL NORTHWEST PIPE FITTINGS INC	12/16/2022	EFT	0.00	21.00	11690
1695	MEIER ELECTRIC INC	12/23/2022	EFT	0.00	150.00	11747
4980	MENARDS INC	12/16/2022	EFT	0.00	158.78	11691
4980	MENARDS INC	12/23/2022	EFT	0.00	74.83	11748
7140	METZ, BELYNDA	12/16/2022	Regular	0.00	500.00	122173
7149	MILLER, NATHAN	12/23/2022	Regular	0.00	700.00	122206
1766	MINNESOTA DEPARTMENT OF AGRICULTURE	12/23/2022	Regular	0.00	10.00	122207
1839	MINNESOTA VALLEY TESTING LABS INC	12/16/2022	EFT	0.00	214.40	11692
1864	MONTES ELECTRIC INC	12/16/2022	Regular	0.00	231.28	122174
7148	MORTLAND, MARY	12/23/2022	Regular	0.00	700.00	122208
1877	MOTION INDUSTRIES INC	12/23/2022	EFT	0.00	25.70	11749
7144	MYTTY PROPERTIES NORTH LLC	12/23/2022	Regular	0.00	10,578.00	122209
1945	NORM'S GTC	12/16/2022	Regular	0.00	14.74	122175
1945	NORM'S GTC	12/23/2022	Regular	0.00	247.99	122210
1986	NORTH CENTRAL INTERNATIONAL, INC	12/16/2022	EFT	0.00	332.84	11693
6463	OFFICE OF MNIT SERVICES	12/23/2022	Regular	0.00	695.15	122211
5891	ONE OFFICE SOLUTION	12/16/2022	EFT	0.00	28.75	11694
5891	ONE OFFICE SOLUTION	12/23/2022	EFT	0.00	138.35	11750
3809	O'REILLY AUTOMOTIVE STORES, INC	12/16/2022	EFT	0.00	157.44	11695

Council Check Report

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Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
4060	PAGE, BRIAN	12/16/2022	EFT	0.00	200.00	11696
5205	PAINTED PRAIRIE VINEYARD, LLC	12/23/2022	EFT	0.00	444.00	11751
6917	PANTERA LLP	12/23/2022	Regular	0.00	7,338.00	122212
7147	PARRIE, POLLY	12/23/2022	Regular	0.00	335.00	122213
6923	PARSONS, JOHN OR IONE	12/23/2022	Regular	0.00	1,076.00	122214
1243	PATZERS INC	12/23/2022	EFT	0.00	20.12	11752
2019	PAUSTIS WINE COMPANY	12/16/2022	EFT	0.00	6,448.25	11697
6496	PEARCY ENTERPRISES INC	12/16/2022	Regular	0.00	750.00	122176
2026	PEPSI COLA BOTTLING OF PIPESTONE MN INC	12/16/2022	EFT	0.00	64.00	11698
2034	PETTY CASH	12/16/2022	Regular	0.00	79.78	122177
3557	POMP'S TIRE SERVICE, INC.	12/16/2022	EFT	0.00	29.68	11699
7139	POPOWSKI, MELISSA & ANTHONY	12/16/2022	Regular	0.00	519.97	122178
2064	POWERPLAN	12/16/2022	Regular	0.00	54.60	122179
2064	POWERPLAN	12/23/2022	Regular	0.00	1,057.72	122215
7050	PROVO, MARGARET KELLY	12/23/2022	Regular	0.00	300.00	122216
6166	PULVER MOTOR SVC, LLC	12/16/2022	EFT	0.00	160.00	11700
7025	QWEST CORPORATION	12/23/2022	Regular	0.00	450.00	122217
2112	R AND G CONSTRUCTION COMPANY	12/16/2022	EFT	0.00	88,969.76	11701
6267	RATWIK, ROSZAK & MALONEY, PA	12/23/2022	EFT	0.00	74.00	11753
2190	ROTARY CLUB OF MARSHALL	12/16/2022	Regular	0.00	237.50	122180
5867	ROUND LAKE VINEYARDS & WINERY	12/16/2022	EFT	0.00	150.00	11702
2201	RUNNING SUPPLY, INC	12/16/2022	EFT	0.00	330.68	11703
2248	SCOTT'S TREE SERVICE	12/16/2022	EFT	0.00	1,850.00	11704
4855	SOUTHERN GLAZER'S	12/16/2022	EFT	0.00	37,958.18	11705
4855	SOUTHERN GLAZER'S	12/23/2022	EFT	0.00	1,421.16	11754
2310	SOUTHWEST FIGURE SKATING CLUB	12/23/2022	Regular	0.00	152.00	122218
5922	SRF CONSULTING GROUP, INC.	12/16/2022	EFT	0.00	1,348.35	11707
4522	ST LOUIS MRO INC.	12/16/2022	EFT	0.00	47.50	11708
3315	SUSSNER CONSTRUCTION	12/23/2022	EFT	0.00	45,950.00	11755
6922	SWALBOSKI, BRIAN OR KIM	12/23/2022	Regular	0.00	1,557.00	122219
6137	TEIGS LAWN CARE & LANDSCAPING, LLC	12/23/2022	Regular	0.00	180.00	122220
4734	TESSMAN COMPANY	12/16/2022	EFT	0.00	2,576.22	11709
0875	THE COMPUTER MAN INC	12/16/2022	EFT	0.00	11,436.50	11710
0875	THE COMPUTER MAN INC	12/23/2022	EFT	0.00	331.77	11756
6709	THERMO KING OF SIOUX FALLS INC	12/16/2022	EFT	0.00	341.92	11711
2428	TITAN MACHINERY	12/16/2022	EFT	0.00	69.84	11712
2428	TITAN MACHINERY	12/23/2022	EFT	0.00	303.85	11757
2429	TKDA	12/16/2022	EFT	0.00	17,674.48	11713
7099	TROPHIES PLUS, INC.	12/16/2022	Regular	0.00	263.90	122181
6156	TRUE BRANDS	12/16/2022	EFT	0.00	564.84	11714
6156	TRUE BRANDS	12/23/2022	EFT	0.00	171.60	11758
2511	USA BLUE BOOK	12/16/2022	EFT	0.00	12.75	11715
6370	VANKEULEN, KURTIS	12/23/2022	EFT	0.00	340.94	11759
4489	VERIZON WIRELESS	12/16/2022	EFT	0.00	35.01	11716
4489	VERIZON WIRELESS	12/23/2022	EFT	0.00	1,507.24	11760
2538	VIKING COCA COLA BOTTLING CO.	12/16/2022	EFT	0.00	214.10	11717
2538	VIKING COCA COLA BOTTLING CO.	12/23/2022	EFT	0.00	465.45	11761
4594	VINOCOPIA INC	12/16/2022	EFT	0.00	3,578.89	11718
6921	WILLIAMS, MEGAN	12/23/2022	Regular	0.00	937.00	122221

Council Check Report

Date Range: 12/16/2022 - 12/27/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2632	ZIEGLER INC	12/16/2022	EFT	0.00	3,931.48	11719

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	86	63	0.00	134,886.58
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	214	102	0.00	466,645.60
	300	165	0.00	601,532.18

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	86	63	0.00	134,886.58
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	214	102	0.00	466,645.60
	300	165	0.00	601,532.18

Fund Summary

Fund	Name	Period	Amount
999	POOLED CASH FUND	12/2022	601,532.18
			601,532.18

CITY OF MARSHALL, MINNESOTA
 PRIOR AND CURRENT YEARS CONSTRUCTION CONTRACTS
 12/27/2022

PROJECT #:	Coding	DATE	CONTRACTOR:	ORIGINAL CONTRACT AMOUNT:	CHANGE ORDERS	CURRENT CONTRACT AMOUNT	2019 Prior Payments	2020 Prior Payments	2021 Prior Payments	2022 Prior Payments	PYMTS THIS MEETING:	RETAINAGE	BALANCE:	PERCENT COMPLETE		
W13	602-49500-55120	5/28/2019	WWTF Improvement Project	Magney Construction, Inc.	14,074,300.00	(26,609.74)	14,047,690.26	4,099,265.87	6,918,924.06	3,029,500.33		-	-	100.00%		
CH1	494-43300-55120	11/12/2019	City Hall Renovation	Brennan Companies	5,030,200.00	749,360.00	5,779,560.00		3,039,722.04	2,661,221.96		66,794.00	11,822.00	-	100.00%	
Z83	479-43300-55170	2/23/2021	James Ave/Camden Dr Reconstruction	Kuechle Underground	849,244.50	8,701.86	857,946.36			779,179.36		78,767.00	-	-	100.00%	
Z88	479-43300-55170	4/13/2021	State Aid Overlay	Duininck, Inc	1,924,600.45	(33,840.43)	1,890,760.02			1,879,301.49		11,458.53	-	-	100.00%	
PK-001	401-45200-55130	8/25/2021	Independence Park Trail Replacement	A & C Excavating, LLC	375,659.10	(3,923.49)	371,735.61			109,320.20		262,415.41	-	-	100.00%	
SWM-007	630-49600-55170	10/12/2021	Independence Park Pond Forebay Expansion	Towne & Country Excavating LLC	229,255.50	(1,134.66)	228,120.84					228,120.84	-	-	100.00%	
AP-005	101-43400-55120	10/12/2021	A/D Building Roof Repair	Gag Sheet Metal, Inc.	37,200.00	45,399.00	82,599.00			51,879.00		30,720.00	-	-	100.00%	
ST-002	495-43300-55170	2/8/2022	Bituminous Overlay on Various City Streets	Duininck, Inc	560,573.35	89,903.13	650,476.48					617,952.66	32,523.82	-	0.00	100.00%
ST-003	480-43300-55170	2/8/2022	1st/Greeley/Williams Reconstruction	R & G Construction Co.	1,647,498.69	(5,995.64)	1,641,503.05			1,552,533.29		88,969.76	-	-	100.00%	
ST-001	101-43300-53425	2/22/2022	Chip Seals	Pearson Bros., Inc.	222,455.10	(15,453.10)	207,002.00					207,002.00	-	-	100.00%	
ST-004	480-43300-55170	2/22/2022	Halbur Road Reconstruction	Duininck, Inc	1,142,009.72	41,873.66	1,183,883.38			1,068,756.45		56,250.36	58,876.57	-	95.03%	
ST-006 (Z79)	495-43300-55130	5/10/2022	School Pedestrian Crossing Improvements	Duininck, Inc	480,250.35		480,250.35			376,682.76		19,825.41	83,742.18	-	82.56%	
ST-005	480-43300-55170	5/24/2022	Rose Parking Lot Reconstruction	R & G Construction Co.	140,177.51	19,600.57	159,778.08			159,778.08		-	-	-	100.00%	
ST-023	480-43300-55170	5/24/2022	W. Lyon St.(College to 1st) Reconstruction	R & G Construction Co.	409,645.10	(6,814.85)	402,830.25			402,830.25		-	-	-	100.00%	
ST-024	480-43300-55170	7/12/2022	Baldwin Parking Lot Reconstruction	R & G Construction Co.	159,515.77	(1,866.53)	157,649.24			157,649.24		-	-	-	100.00%	
							27,282,585.14	859,199.78	28,141,784.92	4,099,265.87	9,958,646.10	8,510,402.34	121,493.58	87,897.77	142,618.75	

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Stephanie Falkers and Mitchell Brouse, SRF Consulting Group
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Proposed Adoption of Marshall 2040 Comprehensive Plan
Background Information:	<p>Minnesota State Law (Minnesota Statute §462.351), requires that all communities that wish to adopt and enforce zoning regulations or subdivision regulations shall have a Comprehensive Plan that guides the development and implementation of those official controls. Under State Statute, plans should include a combination of policy statements, goals, standards, and maps that guide the physical, social, and economic development of the community.</p> <p>At its core, the Comprehensive Plan should include policies and recommendations on land use that guide future land use decisions. However comprehensive plans generally include information on other topics, including economic development, utilities and facilities, the environment, cultural resources, and others.</p> <p>The City of Marshall’s existing Comprehensive Land Use Plan https://cms9files.revize.com/marshallmn/Document%20Center/Community%20Planning%20Department/Planning%20&%20Zoning/City-of-Marshall-1996-Comprehensive-Plan.pdf was adopted in 1996 and later amended in 2004. While Minnesota law does not include specific requirements for how often Marshall’s comprehensive must be updated, due to the plans age, it does not provide relevant guidance for Marshall today, nor does it include up to date data and information about the community. This plan update provides the opportunity to:</p> <ul style="list-style-type: none"> • Respond to changes in community demographics and update population projections; • Identify and integrate community input on the future of Marshall; and • Include information about recent development activities within the city. <p>Process</p> <p>This plan was developed over a 15-month planning process that included input from a number of community stakeholders, including a Comprehensive Plan Task Force, City of Marshall staff, local and regional stakeholders, and community members.</p> <ul style="list-style-type: none"> • Comprehensive Plan Task Force – Made up of a variety of community members, the Task Force members were asked to actively participate in the plan’s development, provide input and review, represent the diverse views of the community, and promote the planning process. • Engagement Activities – A variety of community engagement activities were hosted in an effort to understand and incorporate the community opinions into the planning process. Those activities included: 1) a City Kick-Off Event; 2) Task Force Meetings; 3) Community Survey and Open House; 4) Focus Group Meetings; and 5) Draft Plan Open House. <p>Plan development phases included:</p> <ol style="list-style-type: none"> 1) Community Background – initiated the process and produced a summary of existing conditions within Marshall. 2) Community Issue Identification – using the information that was collected during the community background phase, key issues and opportunities were identified and refined through the community survey and open house.

3) Community Goals –issues and opportunities were translated into key themes, goals, and priorities, representing a desired vision for the community.

4) Plan Element Analysis – resulted in a detailed understanding of what the community wants Marshall to become, and how to get there.

5) Plan Development – all information from the phases above were compiled into a draft plan document, that was available for review by city staff, the community, and other stakeholders.

Plan Overview

The plan includes eight chapters that highlight the goals, policies, and recommendations for the community and three appendices that support the plan. The following is an overview of the contents of each chapter within the plan:

Chapter 1: Introduction – Introduces readers to the comprehensive plan, including describing the purpose for a comprehensive plan, providing a brief history of planning in Marshall, and overviewing the planning process.

Chapter 2: Issues and Opportunities – Highlights the issues and opportunities identified throughout the planning process and illustrates how they were used to inform the plan’s goals, key themes, and focus areas.

Chapter 3: Land Use – Provides future development guidance for Marshall, including highlighting existing land uses and zoning districts, outlining future development guidance, and suggesting considerations and actions for the future.

Chapter 4: Utilities and Services – Reviews the existing utility and service infrastructure available within the City of Marshall and highlights tools and strategies for maintaining quality infrastructure while balancing growth opportunities.

Chapter 5: Economic Development – Highlights the existing economic characteristics within Marshall and the greater region, explores changing trends and opportunities, and highlights strategies that will inform future action and implementation.

Chapter 6: Environmental and Cultural Resources - Recognizes the diverse natural and cultural features that contribute to the identity of the community. Identifies tools for enhancing, preserving, and maintaining these resources.

Chapter 7: Communities Facilities – Reviews the existing community facilities and offerings available to Marshall community members, including those both offered by the city and other regional partners.

Chapter 8: Implementation –Identifies a plan for action that will be used to inform investment and growth decision making within the community that supports the goals and key themes identified through community input.

Appendix A: Early Engagement Summary – Provides a summary of the early engagement events and techniques used to inform the planning process and highlights the input heard through each event.

Appendix B: Community Profile – Provides an overview of existing and historic demographic and physical information about the community that informed the planning process. This information is intended to provide a snapshot of the community at the time the plan was drafted.

Appendix C: Zoning Analysis – Summarizes the findings of an analysis of Marshall’s existing zoning code to identify recommended updates and serve as a guide for making code amendments that facilitate implementation of the Comprehensive Plan.

Updates Since November 2022 – Draft

The November 2022 Draft Plan was available for Public Review and comment between November 9, 2022, and December 4, 2022. Based on the comments received during that time, the following changes have been made to the draft plan:

Page 2-3: “Marshall is home to 14,128 ((nearly 14,200)) residents (modified 2020 Census count as described above), of which 75 percent are White Alone, and approximately 25 percent are Hispanic . or Latino, Black or African American, American Indian, or Alaska Native, Asian, some other Race, or a combination of these (see Figure 2).”

Page 2-8 and 5-2: Changed the color of the Economic Development Goal.

Page 3-1: Replaced photograph with a new one.

Page 3-12: Added the following description of changes to the Future Land Use Map and Plan:

Key Updates to Future Land Use Plan/Map

The Future Land Use Map includes some key differences from the one included in the 1996 Comprehensive Land Use Plan:

- 1) Residential Land Use Categories differentiates between residential land uses primarily based on density, including a low, medium, and high-density category, rather than housing type. This will allow a mix of housing types throughout the city.
- 2) The FLUM includes three mixed use categories where multiple use types are allowed in the same locations or on the same lot.
- 3) Identified categories in downtown include Downtown Mixed Use, allowing residential and commercial in the same structure and Neighborhood Mixed Use, allowing residential and commercial uses on neighboring parcels. This is intended to reflect the existing makeup of downtown, while still providing opportunities for development and redevelopment.
- 4) More opportunities exist for “missing middle” residential development that aligns with the look and feel of the existing community. Missing middle housing is focused on providing a mix of housing types, that are moderate density, including duplexes, townhomes, and smaller apartment/condo buildings.

Page 3-14: Updated the Future Land Use Map as follows:

- Change parcels west of the intersection between Highway 23 and Highway 59 from “Neighborhood Mixed Use” to “Commercial”

Page 3-15: Added the following discussion of housing preservation:

Housing Preservation

Many communities have embraced housing preservation and rehabilitation as a key strategy to help address housing affordability concerns and maintain an affordable rental housing stock. Often, preserving an existing home is more affordable than constructing new affordable housing options. According to the National Housing Trust, while more than 100,000 affordable apartments are built each year, nearly twice as many units are lost “annually due to deterioration, abandonment, or conversion to more expensive housing.”

As a community’s housing stock begins to age it is important that efforts are made to preserve the housing stock in good condition to avoid losing those units. Opportunities exist for communities to encourage the rehabilitation and preservation of those units. Programs include:

USDA Housing Preservation Grants – provides grants to sponsoring organizations, such as local governments, for the repair or rehabilitation of housing units that are owned or occupied by low-income individuals.

Low Income Housing Tax Credit – can be used to help property owners invest in historic buildings by converting them into an income producing use, such as low-income housing.

Page 4-3: Update second sentence of last paragraph as follows:

“They provide both ((offers)) bus and dial a ride services.”

Page 4-9: Update section “Fire and Emergency Medical Services (EMS)” as follows:

They assist the Lynd Fire Department on ((all)) structural fires within the shared Lynd/Marshall service area. They serve as primary fire response for ((nearly two thirds of the county)) a substantial portion of Lyon County and, through mutual aid agreements, assists all fire departments in the County.

Page 5-10: Major Employers data has been updated to reflect most current data as reported by the City: https://ci.marshall.mn.us/economic_development/workforce/index.php

Page 7-1: Replaced photographs with new ones.

Page 7-6: Replaced photographs with new ones.

Page 7-11: Added the following additional commentary related to park metrics:

In addition, NERPA recognizes that park and recreation agencies are as diverse as the communities that they serve, and what works well for one agency/city may not be best for another. Therefore, park and recreation professionals need data to identify the best practices to optimally serve th

	<p>community. The service area of the Marshall area for certain park and recreation facilities and amenities is about 40,000 population.</p> <p>Page 8-4: Added the following implementation action related to housing preservation: HOUSING PRESERVATION: In coordination with adoption and implementation of housing rental code, prioritize the preservation and rehabilitation of Marshall's existing housing stock through the use of funding programs, such as USDA Housing Preservation Grants and Low-Income Housing Tax Credits, and development of local programming and regulations that encourage rehabilitation over reconstruction.</p>
Fiscal Impact:	None known
Alternative/ Variations:	None recommended
Recommendations:	<p>Consulting staff recommends a motion to approve of the Marshall 2040 Comprehensive Plan https://cms9files.revize.com/marshallmn/Marshall%202040%20Comprehensive%20Plan_Public%20Hearing%20Draft.pdf and associated appendices https://cms9files.revize.com/marshallmn/Marshall%202040%20Comprehensive%20Plan%20Appendix_Public%20Hearing%20Draft.pdf</p>

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Karla Drown
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider approval of 2023 Workers Compensation Insurance
Background Information:	<p>The premium for 2023 is attached. The renewal is effective January 1, 2023, with the League of Minnesota Cities Insurance Trust.</p> <p>The workers compensation insurance covers City employees, elected and appointed officials, volunteer firefighters, all other volunteers, Library employees and Marshall Municipal Utilities employees.</p> <p>Workers' compensation rates for 2023 have increased an average of 3% overall, an additional 3% for the volunteer firefighter job class, and as a result of increased payroll in 2022 and anticipated in 2023.</p> <ul style="list-style-type: none"> For more information regarding 2023 rate changes: https://www.lmc.org/insurance-trust/coverages/coverages-changes/premium-rates/ <p>The Safety Committee continues to meet and discuss safety improvements and/or changes on a regular basis. Along with the continued safety training required for staff on an annual basis, creates a safe workplace environment for staff.</p> <p>Staff recommends keeping the medical costs deductible at \$5,000, which is a middle of the road approach to the risk assessment of insurance claims. This approach has worked well for the city in the past for managing claim payouts. This will be a \$25,039 credit amount for a total premium of \$378,918 in 2023.</p> <p>This is a \$28,121 or 8% increased from 2022. This is lower than the increase of \$108,469 or 45% seen from 2021. Again, this is a result increase to firefighter's job class, current payroll, and an overall rate increase.</p>
Fiscal Impact:	The annual 2023 premium is \$378,918
Alternative/ Variations:	
Recommendations:	Approve renewal of the 2023 City's Workers Compensation Insurance with the League of Minnesota Cities Insurance Trust.

League of Minnesota Cities Insurance Trust
Group Self-Insured Workers' Compensation Plan
 145 University Avenue West St. Paul, MN 55103-2044 Phone (651) 215-4173

Notice of Premium Options for Standard Premiums of \$300,000 - \$500,000

MARSHALL, CITY OF
 344 WEST MAIN ST
 MARSHALL, MN 56258-1313

Agreement No.: WC 1001144_Q-7
 Agreement Period:
 From: 01/01/2023
 To: 01/01/2024

Enclosed is a quotation for workers' compensation deposit premium. **Note: Renewal Coverage will be bound as per the expiring coverage arrangement, including coverage for elected and appointed officials, with the premium indicated on the quote, unless the member or agent sends a written request not to bind renewal coverage.**

<u>PAYROLL DESCRIPTION</u>	<u>CODE</u>	<u>RATE</u>	<u>ESTIMATED PAYROLL</u>	<u>DEPOSIT PREMIUM</u>
----------------------------	-------------	-------------	--------------------------	------------------------

SEE ATTACHED SCHEDULE FOR DETAILS

Manual Premium	591,244
Experience Modification	0.77
Standard Premium	-135,986
Deductible Credit	0.00% 5.50%
Premium Discount	-25,039 0
Net Deposit Premium	\$378,918 \$403,957
Adjustment for Commission*	0
Total Net Deposit Premium	\$378,918 \$403,957

*Workers compensation rates assume a 2% standard commission. The commission adjustment accounts for the commission difference, above or below 2%.

Agent:
 00449 North Risk Partners LLC
 622 Roosevelt Rd Ste 240
 Saint Cloud, MN 56301-6363

Notice of Premium Options for Standard Premiums of \$300,000 - \$500,000 (Con't)

OPTIONS

Please indicate below the premium option you wish to select. You may choose only one option and you cannot change options during the agreement period.

1.	<input type="checkbox"/> Regular Premium Option	Net Deposit Premium	Commission Adjustment	Total Net Deposit Premium
		403,957	0	403,957

2. **Deductible Premium Option**
 Deductible options are available in return for a premium credit applied to your estimated standard Premium of \$ 455,258. The deductible will apply per occurrence to paid medical costs only. There is no aggregate limit.

	Deductible per Occurrence	Premium Credit	Credit Amount	Net Deposit Premium	Commission Adjustment	Total Net Deposit Premium
<input type="checkbox"/>	\$250	0.70%	-3,187	400,770	0	400,770
<input type="checkbox"/>	\$500	1.20%	-5,463	398,494	0	398,494
<input type="checkbox"/>	\$1,000	2.00%	-9,105	394,852	0	394,852
<input type="checkbox"/>	\$2,500	3.50%	-15,934	388,023	0	388,023
<input checked="" type="checkbox"/>	\$5,000	5.50%	-25,039	378,918	0	378,918
<input type="checkbox"/>	\$10,000	8.00%	-36,421	367,536	0	367,536
<input type="checkbox"/>	\$25,000	12.50%	-56,907	347,050	0	347,050
<input type="checkbox"/>	\$50,000	17.50%	-79,670	324,287	0	324,287

3. **Retrospective Rates Premium Option**

	Retro-Rated Minimum Factor	Est. Minimum Premium	Retro-Rated Maximum Factor	Est. Maximum Premium
<input type="checkbox"/>	0.431 %	196,216	1.300 %	591,835
<input type="checkbox"/>	0.384 %	174,819	1.500 %	682,887
<input type="checkbox"/>	0.311 %	141,585	2.000 %	910,516

This quotation is for a deposit premium based on your estimate of payroll and selected options. Your final actual premium will be computed after an audit of payroll subsequent to the close of your agreement year and will be subject to revisions in rates, payrolls and experience modification. While you are a member of the LMCIT Workers' Compensation Plan, you will be eligible to participate in dividend distributions from the Trust based upon claims experience and earnings of the Trust.

If you desire the coverage offered above, please return this signed document for the option you have selected.

This quotation should be signed by an authorized representative of the city requesting coverage.

_____ Signature	Mayor _____ Title	_____ Date
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		Page 68

**Notice of Premium Options for Standard Premiums of \$300,000 - \$500,000
(Con't)**

CONTINUATION SCHEDULE FOR QUOTATION PAGE

<u>REMUNERATION</u>	<u>RATE</u>	<u>CODE</u>	<u>DESCRIPTION</u>	<u>EST. PREM</u>
623,394	9.66	5506	STREET CONSTRUCTION	60,220
225,840	6.85	7403	AIRPORT OPERATIONS	15,470
536,536	4.06	7520	WATERWORKS	21,783
1,207,336	3.52	7539	ELECTRIC & STEAM PLANT	42,498
853,867	4.87	7580	SEWAGE DISPOSAL PLANT	41,583
150,853	0.38	7610	RADIO OR TELE BRDCSTING STATION-ALL EMPLOYEES	573
POP 15,163	253.34	7718	FIREFIGHTERS (VOLUNTEER)NON SMOKING	38,414
2,143,627	9.97	7721	POLICE-NON SMOKING	213,720
429,731	4.24	8017	OFF SALE LIQUOR STORE	18,221
695,651	0.76	8810	LIBRARY OR MUSEUM-PROF & CLERICAL	5,287
1,480,018	0.76	8810	PUBLIC UTILITIES CLERICAL	11,248
1,303,221	0.76	8810	CLERICAL OFFICE EMPLOYEES NOC	9,904
22,760	4.00	8831	ANIMAL CONTROL	910
53,959	7.54	9015	PU MAINTENANCE	4,069
90,000	7.54	9015	SWIMMING POOL OR BEACH OPERATIONS	6,786
176,214	7.54	9015	BUILDINGS-OPER BY OWNER	13,287
61,643	2.66	9063	COMM. CENTERS-ALL EMPLOYEES & CLERICAL	1,640
795,889	7.91	9102	PARKS	62,955
6,000	6.23	9156	CITY BAND	374
258,734	4.38	9182	CITY ARENA-OPERATIONS	11,333
1,144,674	0.95	9410	MUNICIPAL EMPLOYEES	10,874
18,200	0.52	9411	ELECTED OR APPOINTED OFFICIALS	95
Manual Premium				591,244

League of Minnesota Cities Insurance Trust
Group Self-Insured Workers' Compensation Plan
145 University Avenue West St. Paul, MN 55103-2044 Phone (651) 215-4173

DEFINITION OF CITY ENDORSEMENT

It is agreed and understood the "City" named in item 1 of the Information Page is amended to include:

Marshall Municipal Utilities

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project ST-002-2023: Bituminous Overlay on Various City Streets - Consider Memorandum of Understanding with ADM for North 7 th Street Resurfacing.
Background Information:	<p>Attached please find a Memorandum of Understanding (MOU) between the City of Marshall and Archer Daniels Midland Company (ADM) for the above-referenced project.</p> <p>Per the MOU, City staff is proposing to include the resurfacing of North 7th Street with the ST-002-2023 project. City staff has communicated with ADM staff regarding the simultaneous resurfacing of the truck stacking lane to the east of North 7th Street that serves ADM truck traffic. City staff and ADM staff believe that it makes sense to resurface these areas at the same time to ensure the best, most uniform final product. The project is proposed as a bituminous mill and overlay, likely at a 2" depth.</p> <p>The City of Marshall Engineering Department will provide engineering services related to construction project administration for ST-002-2023. The construction project administration duties will include project design, bidding, inspection, testing and general construction project administration for the ST-002-2023 construction project. The ADM truck stacking lane area will be included within the scope of the ST-002-2023 construction project. The City of Marshall will cover all costs associated with construction project administration, as identified above.</p>
Fiscal Impact:	ADM will provide financial support for the resurfacing of the pavement in the truck stacking lane area as shown on the MOU exhibit. The City is providing an initial cost estimate of \$115,065 for the pavement mill and overlay of the truck stacking lane area. This cost is an estimate for budgeting purposes only, and the actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the Council authorize the execution of the attached Memorandum of Understanding with Archer Daniels Midland Company for ADM to provide financial support for the resurfacing of the pavement in the truck stacking lane area included in the above-referenced project.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
ARCHER DANIELS MIDLAND COMPANY
AND
CITY OF MARSHALL**

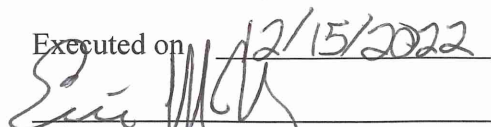
THIS AGREEMENT, as set forth herein between **Archer Daniels Midland Company (ADM)** and the **City of Marshall (City)** represents a mutual understanding as financial partners in a portion of City Project ST-002-2023: Bituminous Overlay on Various City Streets. The purpose for this city project is to resurface various city streets with a bituminous mill and overlay treatment.

City staff is proposing to include the resurfacing of North 7th Street with the ST-002-2023 project. City staff has communicated with ADM staff regarding the simultaneous resurfacing of the truck stacking lane to the east of North 7th Street that serves ADM truck traffic. City staff and ADM staff believe that it makes sense to resurface these areas at the same time to ensure the best, most uniform final product. The project is proposed as a bituminous mill and overlay, likely at a 2" depth.

Understanding shared interests with the resurfacing project adjacent to the ADM facility, both parties agree to the following:

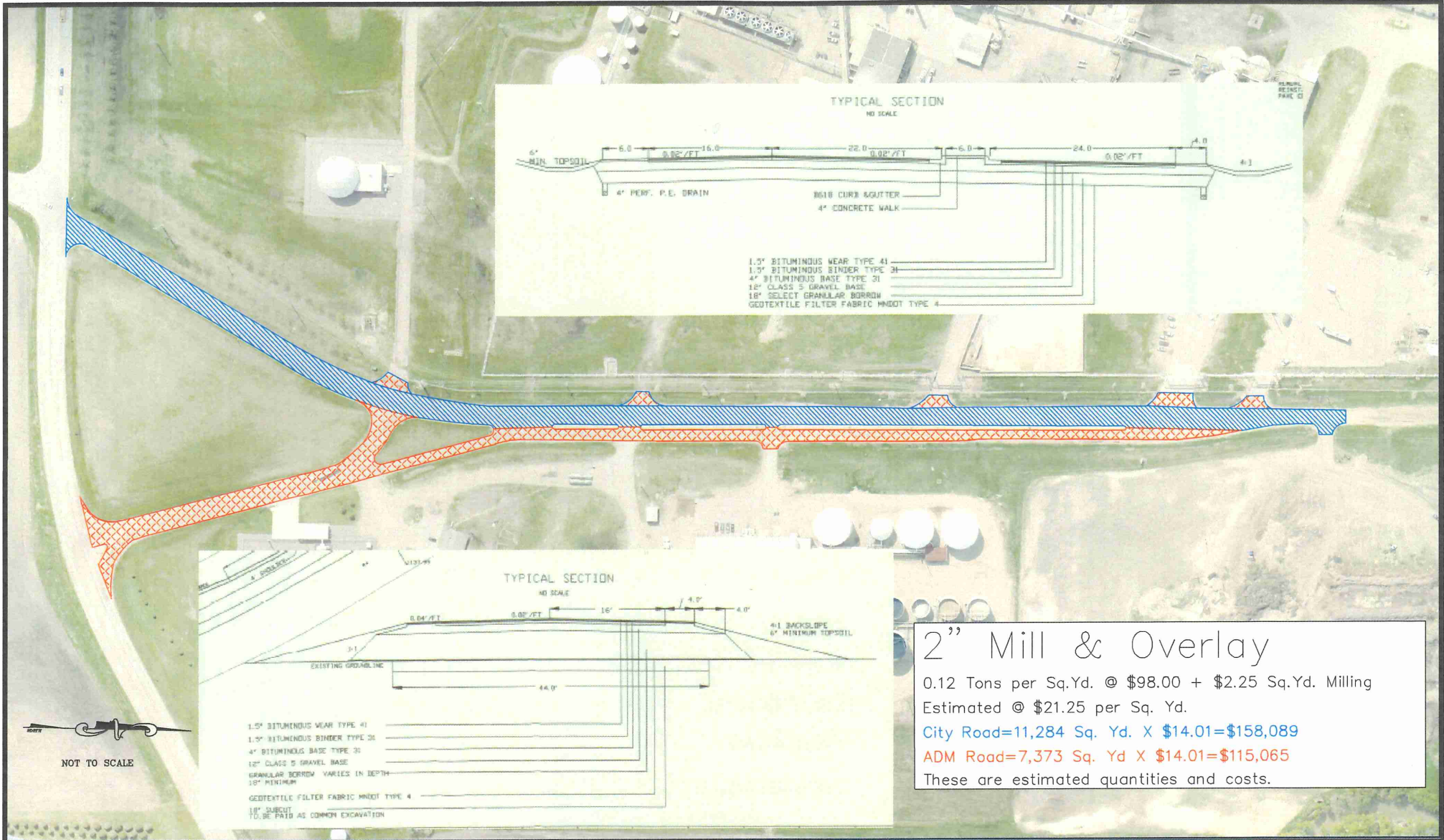
- 1) The City of Marshall Engineering Department will provide engineering services related to construction project administration for ST-002-2023. The construction project administration duties will include project design, bidding, inspection, testing and general construction project administration for the ST-002-2023 construction project. The ADM truck stacking lane area will be included within the scope of the ST-002-2023 construction project. The City of Marshall will cover all costs associated with construction project administration, as identified above.
- 2) ADM will provide financial support for the resurfacing of the pavement in the truck stacking lane area. The truck stacking lane area is identified visually in attached exhibit titled "MILL & OVERLAY N. 7TH/ADM" dated 10/17/2022. The City is providing an initial cost estimate of \$115,065 for the pavement mill and overlay of the truck stacking lane area. This cost is an estimate for budgeting purposes only and the actual project quantities and costs will be utilized for determination of costs to be billed to and paid by ADM.
- 3) At the request of ADM, City of Marshall staff will make their best effort to see that the project contractor bills ADM directly for the construction project costs in the truck stacking lane area (identified as the red hatched areas on the attached map). City of Marshall Engineering staff will work in coordination with the project contractor to agree upon the amount of project costs that will be billed to ADM prior to the contractor invoicing ADM. In the event that this billing process is not feasible or otherwise becomes unworkable for the City and/or its contractor, it is the requirement that ADM will pay the City of Marshall directly for the construction costs incurred for the resurfacing of the truck stacking lane area. Payment shall be made by ADM within 30 days of the invoice date as submitted to ADM by the City.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed intending to be bound thereby.

Executed on 12/15/2022

Eric McVey, General Manager
Archer Daniels Midland Company

Executed on _____

Robert J. Byrnes, Mayor
City of Marshall



2" Mill & Overlay
 0.12 Tons per Sq.Yd. @ \$98.00 + \$2.25 Sq.Yd. Milling
 Estimated @ \$21.25 per Sq. Yd.
 City Road=11,284 Sq. Yd. X \$14.01=\$158,089
 ADM Road=7,373 Sq. Yd X \$14.01=\$115,065
 These are estimated quantities and costs.

DESIGNED BY: _____	DATE: _____	REVISIONS	INIT.
DRAWN BY: GJS			
APPROVED BY: JRA			
SCALE: NA			


MARSHALL
 ENGINEERING DEPARTMENT
 344 WEST MAIN STREET
 MARSHALL, MINNESOTA
 56258

MILL & OVERLAY N.7TH/ADM
 2" MILL & OVERLAY

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
 DATE: _____ LICENSE NO. 53322

CITY PROJECT NO. N/A	DATE 10/17/2022
STATE AID PROJECT NO. N/A	SHEET NO. 10F1

**CITY OF MARSHALL
AGENDA ITEM REPORT**

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Appointment of Members to the Joint Airport Zoning Board.
Background Information:	<p>The City of Marshall is in the process of updating the Airport Zoning Ordinance for the Southwest Minnesota Regional Airport (MML) to match the Airport Layout Plan (ALP). The purpose of updating the Airport Zoning Ordinance is to restrict land uses which may be hazardous to the operational safety of aircraft using the airport and to protect the safety and property of people on the ground in the area near the airport.</p> <p>At their meeting on January 11, 2022, the City Council authorized entering into a professional services agreement with TKDA for update to the Airport Zoning Ordinance in the amount of \$49,500.</p> <p>At their meeting on March 22, 2022, the City Council authorized execution of Mn/DOT Grant Agreement No. 1049819 (S.P. A4201-104) for the Airport Zoning Ordinance Update in the amount of \$51,500 with participation rates of 70% State (\$36,050)/30% local (\$15,450).</p> <p>A part of the Zoning Ordinance update process includes the re-establishment of the Joint Airport Zoning Board (JAZB) in accordance with attached Minnesota Statutes Section 360.063, Subdivision 3, which indicates appointment of up to two individuals from each jurisdiction. Request letters for appointment of members were sent to Lyon County, City of Minnesota, City of Ghent and the 10 affected townships as shown on the attached Affected Jurisdictions Map. Responses are shown in attached table.</p> <p>Also attached is the affected jurisdiction map, the current 1978 Airport Zoning Ordinance, the 1973 City resolution and the 1973 County resolution establishing the JAZB.</p> <p>City appointees cannot be elected officials or staff that is involved with decision-making for the airport or the City. City staff recommends that the City Council appoint an Airport Commission member and a Planning Commission member to represent the City on the JAZB. Staff has had conversation with Ron Halgerson, Airport Commission, and Larry Doom, Planning Commission, and both have expressed their willingness to serve the City of Marshall on the JAZB.</p> <p>Others appointed to the JAZB: Lyon County has appointed Mike Mortier and Deena Prellwitz and the City of Ghent and Grandview Township have both expressed their desire to have Dawn Vlamincik appointed. TKDA has reviewed all of these appointments and they believe that the City has done their due diligence in outreach to affected cities and</p>

	townships and that all appointed members will reasonably satisfy statutory requirements. The Final JAZB will have 5 voting members, and 1 non-voting Board Chair. The Board Chair must be appointed by the JAZB at the first meeting.
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendations:	that the City Council appoint the following members to the MML Joint Airport Zoning Board: Ron Halgerson (Airport Commission) and Larry Doom (Planning Commission).

360.063 AIRPORT ZONING; AUTHORITY, PROCEDURE.

Subdivision 1. **Enforcement under police power.** (a) In order to prevent the creation or establishment of airport hazards, every municipality having an airport hazard area within its territorial limits may, unless a joint airport zoning board is permitted under subdivision 3, adopt, amend from time to time, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed, airport zoning regulations for such airport hazard area, which regulations may divide such area into zones, and, within such zones, specify the land uses permitted and regulate and restrict the height to which structures and trees may be erected or allowed to grow.

(b) In order to promote health, safety, order, convenience, prosperity, and general welfare and to conserve property values and encourage the most appropriate use of land, the municipality may regulate in airport hazard areas: (1) land use; (2) height restrictions; (3) the location, size, and use of buildings; and (4) the density of population.

(c) The powers granted by this subdivision may be exercised by metropolitan airports commissions in contiguous cities of the first class in and for which they have been created.

(d) In the case of airports owned or operated by the state of Minnesota such powers shall be exercised by the state airport zoning boards or by the commissioner of transportation as authorized herein.

Subd. 2. [Repealed, 1976 c 255 s 6]

Subd. 3. **Joint airport zoning board.** (a) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport may request a county or municipality in which an airport hazard area is located:

(1) to adopt and enforce airport zoning regulations for the area in question under sections 360.0655 and 360.0656; or

(2) to join in creating a joint airport zoning board pursuant to paragraph (b). The owning or controlling municipality shall determine which of these actions it shall request, except as provided in paragraph (e) for the Metropolitan Airports Commission. The request shall be made by certified mail to the governing body of each county and municipality in which an airport hazard area is located.

(b) Where an airport is owned or controlled by a municipality and an airport hazard area appertaining to the airport is located within the territorial limits of another county or municipality, the municipality owning or controlling the airport and the county or other municipality within which the airport hazard area is located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question as that vested by subdivision 1 in the municipality within which the area is located. A joint board shall have as members two representatives appointed by the municipality owning or controlling the airport and two from the county or municipality, or in case more than one county or municipality is involved two from each county or municipality, in which the airport hazard is located, and in addition a chair elected by a majority of the members so appointed. All members shall serve at the pleasure of their respective appointing authority. Notwithstanding any other provision of law to the contrary, if the owning and controlling municipality is a city of the first class it shall appoint four members to the board, and the chair of the board shall be elected from the membership of the board.

(c) If a county or municipality, within 60 days of receiving a request from an owning or controlling municipality pursuant to paragraph (a), fails to adopt, or thereafter fails to enforce, the zoning regulations

or fails to join in creating a joint airport zoning board, the owning or controlling municipality, or a joint airport zoning board created without participation by the subdivisions which fail to join the board, may itself adopt, administer, and enforce airport zoning regulations for the airport hazard area in question. In the event of conflict between the regulations and airport zoning regulations adopted by the county or municipality within which the airport hazard area is located, section 360.064, subdivision 2, applies.

(d) "Owning or controlling municipality," as used in this subdivision, includes:

(1) a joint airport operating board created pursuant to section 360.042 that has been granted all the powers of a municipality in zoning matters under the agreement creating the board;

(2) a joint airport operating board created pursuant to section 360.042 that has not been granted zoning powers under the agreement creating the board; provided that the board shall not itself adopt zoning regulations nor shall a joint airport zoning board created at its request adopt zoning regulations unless all municipalities that created the joint operating board join to create the joint zoning board; and

(3) the Metropolitan Airports Commission established and operated pursuant to chapter 473.

(e) The Metropolitan Airports Commission shall request creation of one joint airport zoning board for each airport operated under its authority.

Subd. 4. MS 2018 [Repealed, 1Sp2019 c 3 art 3 s 140]

Subd. 5. [Repealed, 1976 c 255 s 6]

Subd. 6. **Procedure when zoning board fails to act.** If a municipality, county, or joint airport zoning board fails to adopt within a reasonable time airport zoning regulations in accordance with the provisions of sections 360.011 to 360.076, or adopts regulations or amendments which do not conform to the standard prescribed by the commissioner, the commissioner may, for the protection of the public safety, adopt or supplement and from time to time as may be necessary amend, supplement, or repeal the regulations for the municipality or county until airport zoning rules provided for in sections 360.011 to 360.076, are adopted by the municipality, county, or joint airport zoning board. The commissioner shall have the same powers with reference to the airport zoning regulations as are granted in sections 360.011 to 360.076, to municipalities, administrative boards, and boards of adjustment. An action of the commissioner taken under this subdivision is subject to review by the courts as provided in section 360.072.

Subd. 6a. **Review of variance when board of adjustment fails to act.** On receiving notice that an airport zoning variance has been granted by reason of the failure of a board of adjustment to act on the variance as provided in section 360.067, subdivision 2, the commissioner shall review the application and may amend or rescind the variance on finding that this action is required to protect the public safety. No action of the commissioner pursuant to this subdivision shall be effective unless the commissioner notifies the applicant of that action within 60 days after receiving notice that the variance was granted. Any action taken by the commissioner pursuant to this subdivision shall be subject to review by the courts as provided in section 360.072.

Subd. 7. **Airport zoning board for each airport.** (a) Where an airport is owned or operated by the state of Minnesota, a state airport zoning board shall be created for each airport, which board shall have the same power to adopt, administer, and enforce airport zoning rules applicable to the airport hazard area of such airport as that vested by subdivision 1 in the municipality. Each board shall consist of the commissioner of transportation, or a member of staff appointed by the commissioner, who shall be chair; one member appointed by the county board who may be a member of the county board, of each county in which an airport hazard area is located; and one member appointed by the governing body of each municipality located within the

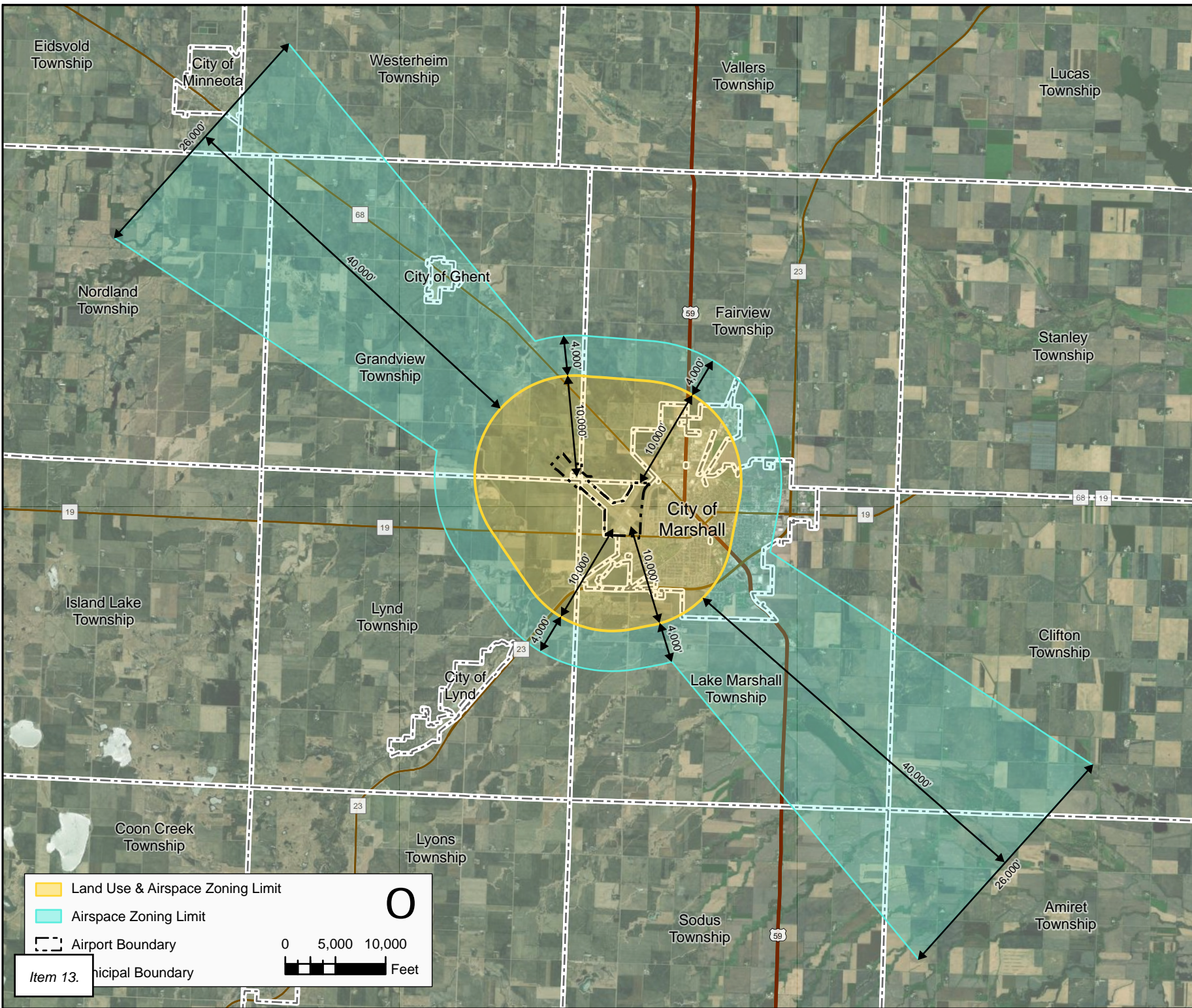
area to be zoned. If the area to be zoned is located entirely within one county and no municipality is located within the area to be zoned, then the duly designated members shall select a third member who shall be a resident of the county. The members of such board shall serve for a period of three years beginning January 1 following their appointment and until their successors are appointed and qualified.

(b) The zoning rules shall be adopted by an order of the board signed by a majority of its members. Such order shall be published once in a legal newspaper in the county in which the airport is located and shall become effective ten days following the date of its publication. A copy of such order shall be filed in the office of the commissioner of transportation and with the county recorder in each county in which a zoned area is located.

(c) Any person appointed to serve on a state airport zoning board shall be entitled to reimbursement for travel and other necessary expenses incurred in performance of duties on such board which shall be paid from the appropriations made to the Department of Transportation.

Subd. 8. Airport zoning board authority after failure to appoint member. If any county board or municipality fails to appoint the member to be appointed by it in the creation of a state airport zoning board within 30 days after requested to do so by the commissioner of transportation, the state airport zoning board, consisting of the remaining members in case more than one county is involved, or the commissioner of transportation in case no board is created, shall have the same power to adopt, administer, and enforce airport zoning rules applicable to an airport hazard area in such county as that conferred upon the commissioner in subdivision 6.

History: 1945 c 303 s 26; 1951 c 116 s 2-4; 1957 c 610 s 1; 1976 c 166 s 7; 1976 c 181 s 2; 1976 c 255 s 1,2; 1977 c 236 s 1; 1978 c 674 s 58; 1979 c 302 s 2; 1983 c 326 s 4-6; 1985 c 248 s 70; 1986 c 444; 1Sp2019 c 3 art 3 s 94,95



Land Use & Airspace Zoning Limit
 Airspace Zoning Limit
 Airport Boundary
 Municipal Boundary

0 5,000 10,000
 Feet

Item 13. Municipal Boundary

JAZB MML - JURISDICTION RESPONSES

	Jurisdiction	Response
1	Lyon County	Resolution 2022-28
2	City of Minneota	
3	City of Ghent	Resolution #10-11-22
4	Amiret Township	
5	Clifton Township	Waiver Letter 10-10-2022
6	Eidsvold Township	Waiver Letter 11-01-2022
7	Fairview Township	
8	Grandview Township	(Resent letter-member selected already appointed.)
9	Lake Marshall Township	Waiver Letter 10-05-2022
10	Lynd Township	
11	Nordland Township	
12	Sodus Township	Waiver Letter 11-17-2022
13	Westerheim Township	Waiver Letter 11-14-2022

1978
MARSHALL MUNICIPAL AIRPORT
ZONING ORDINANCE

(Created by the City of Marshall - County of Lyon Joint Airport Zoning Board)

MARSHALL MUNICIPAL AIRPORT
ZONING ORDINANCE
CREATED BY THE
CITY OF MARSHALL - COUNTY OF LYON JOINT AIRPORT
ZONING BOARD

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE MARSHALL MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE MARSHALL MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

IT IS HEREBY ORDAINED BY THE CITY OF MARSHALL - COUNTY OF LYON JOINT AIRPORT ZONING BOARD PURSUANT TO THE AUTHORITY CONFERRED BY MINNESOTA STATUTES 360.061 - 360.074, AS FOLLOWS:

ZONING ORDINANCE FOR MARSHALL MUNICIPAL AIRPORT

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3. Conical
4. Approach
5. Transitional

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SECTION VIII: Permits

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B. Existing Uses

C. Nonconforming Uses Abandoned or Destroyed

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- SECTION XVI: Conflicts
- SECTION XVII: Severability
- SECTION XVIII: Effective Date

SECTION I: PURPOSE AND AUTHORITY

The City County Joint Airport Zoning Board, created and established by joint action of the Common Council of the City of Marshall and the Board of County Commissioners of Lyon County pursuant to the provisions and authority of Minnesota Statutes 360.063, hereby finds and declares that:

- A. An airport hazard endangers the lives and property of the users of the Marshall Municipal Airport, and property or occupants of land in its vicinity, and also if of the obstructive type, in effect reduces the size of the area available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Marshall Municipal Airport and the public investment therein.
- B. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Marshall Municipal Airport.
- C. For the protection of the public health, safety, order, convenience, prosperity and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards.
- D. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
- E. The prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds.

SECTION II: SHORT TITLE:

This ordinance shall be known as "Marshall Municipal Airport Zoning Ordinance." Those sections of land affected by this Ordinance are indicated in "Exhibit A" which is attached to this Ordinance.

SECTION III: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

"AIRPORT" means the Marshall Municipal Airport located in Section 6, Township 111 North, Range 41 West.

"AIRPORT ELEVATION" means the established elevation of the highest point on the usable landing area which elevation is established to be 1180 feet above mean sea level.

"AIRPORT HAZARD" means any structure or tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport; and any use of land which is hazardous to persons or property because of its proximity to the airport.

"DWELLING" means any building or portion thereof designed or used as a residence or sleeping place of one or more persons.

"HEIGHT" For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"LANDING AREA" means the area of the airport used for the landing, taking off or taxiing of aircraft.

"NONCONFORMING USE" means any pre-existing structure, tree, natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment hereto.

"NONPRECISION INSTRUMENT RUNWAY" means a runway having an existing or planned straight-in instrument approach procedure utilizing air navigation facilities with only horizontal guidance, and for which no precision approach facilities are planned or indicated on an approved planning document.

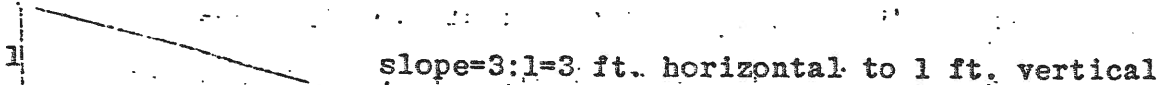
"PERSON" means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

"PLANNED" as used in this Ordinance refers only to those proposed future airport developments that are so indicated on a planning document having the approval of the Federal Aviation Administration, the Department of Aeronautics, and the City of Marshall, Minnesota.

"PRECISION INSTRUMENT RUNWAY" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). Also, a runway for which a precision instrument approach system is planned and is so indicated on an approved planning document.

"RUNWAY" means any existing or planned paved surface or turf covered area of the airport which is specifically designated and used or planned to be used for the landing and/or take-off of aircraft.

"SLOPE" means an incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude.



"STRUCTURE" means an object constructed or installed by man, including but without limitations, buildings, towers, smokestacks, and overhead transmission lines.

"TRAVERSE WAYS" for the purpose of determining height limits as set forth in this Ordinance shall be increased in height by 17 feet for interstate highways; 15 feet for all other public roadways; 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for private roads; 23 feet for railroads; and for waterways and all other traverse ways not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it.

"TREE" means any object of natural growth.

"UTILITY RUNWAY" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

"VISUAL RUNWAY" means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

"WATER SURFACES" For the purpose of this Ordinance shall have the same meaning as land for the establishment of protected zones.

SECTION IV: AIRSPACE OBSTRUCTION ZONING

A. AIRSPACE ZONES: In order to carry out the purposes of this Ordinance, as set forth above, the following airspace zones are hereby established: Primary Zone, Horizontal Zone, Conical Zone Approach Zone, and Transitional Zone and whose locations and dimensions are as follows:

1. PRIMARY ZONE: All that land which lies directly under an imaginary primary surface longitudinally centered on a runway and extending 200 feet beyond each end of all runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is: 1,000 feet for Runway 12/30 and 500 feet for Runway 2/20.
2. HORIZONTAL ZONE: All that land which lies directly under an imaginary horizontal surface 150 feet above the established airport elevation, or a height of 1,332 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: 10,000 feet for all runways.
3. CONICAL ZONE: All that land which lies directly under an imaginary conical surface extending upward and outward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
4. APPROACH ZONE: All that land which lies directly under an imaginary approach surface longitudinally centered on the extended centerline at each end of all runways. The inner edge of the approach surface is at the same width and elevation as, and coincides with, the primary surface. The approach surface inclines upward and outward at a slope of 40 to 1 for all runways. The approach surface expands uniformly to a width of: 4,000 feet for Runway 12 and 3,500 feet for Runways 2, 20, and 30 at a distance of 10,000 feet, and then continuing at the same rate of divergence to the

periphery of the conical surface.

5. TRANSITIONAL ZONE: All that land which lies directly under an imaginary surface extending upward and outward at right-angles to the runway centerline extended at a slope of 7 to 1 from the sides of the primary surfaces and from the sides of the approach surfaces until they intersect the horizontal surface or the conical surface.
- B. HEIGHT RESTRICTIONS: Except as otherwise provided in this Ordinance, and except as necessary and incidental to Airport operations, no structure or tree shall be constructed, altered, maintained, or allowed to grow in any airspace zone created in Sub Section IV A so as to project above any of the imaginary airspace surfaces described in said Sub Section IV A hereof. Where an area is covered by more than one height limitation, the more restrictive limitations shall prevail.
- C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not exceeding two miles from the airport boundary and by height restriction zoning for a distance not to exceed one and one-half miles from the airport boundary.

SECTION V: LAND USE SAFETY ZONING

- A. SAFETY ZONE BOUNDARIES: In order to carry out the purpose as set forth above and also, in order to restrict those uses which may be hazardous to the operational safety of aircraft operating to and from the Marshall Municipal Airport, and furthermore to limit population and building density in the runway approach areas, thereby creating sufficient open space so as to protect

life and property in case of an accident, there are hereby created and established the following land use safety zones.

1. SAFETY ZONE A: All that land in that portion of the approach zones of a runway as defined in Subsection IV A hereof, which extends outward from the end of the primary surface a distance equal to two-thirds of the planned length of the runway, which distance shall be:
 - a. 3,733 feet for Runway 12 and 30
 - b. 2,667 feet for Runway 2 and 20
2. SAFETY ZONE B: All that land in that portion of the approach zones, as defined in Sub Section IV A hereof, which extends outward from Safety Zone A a distance equal to one-third of the planned length of the runway, which distance shall be:
 - a. 1,867 feet for Runway 12 and 1,866 feet for Runway 30, or to Country Club Drive, whichever is the least distance.
 - b. 1,333 for Runway 2 and 20
3. SAFETY ZONE C: All that land which is enclosed within the perimeter of the horizontal zone as defined in Sub Section IV A hereof, and which is not included in Zone A or Zone B.

B. USE RESTRICTIONS:

1. GENERAL: Subject at all times to the height restrictions set forth in Subsection IV B, no use shall be made of any land in any of the safety zones defined in Subsection V A which creates or causes interference with the operations of radio or electronic facilities on the airport or with radio

electronic communications between the airport and aircraft, makes it difficult for pilots to distinguish between airport lights and other lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

2. ZONE A: Subject at all times to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B-1, areas designated as Zone A shall contain no buildings or temporary structures, exposed transmission lines, or other similar above-ground land use structural hazards, and shall be restricted to those uses which will not create, attract, or bring together an assembly of persons thereon. Permitted uses may include, but are not limited to, such use as agriculture (seasonal crops), horticulture, animal husbandry, raising of livestock, wildlife habitat, light outdoor recreation (non-spectator), cemeteries and auto parking.
3. ZONE B: Subject at all times to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B-1, areas designated as Zone B shall be restricted in use as follows:
 - a. Each use shall be on a site whose area shall not be less than three acres.
 - b. Each use shall not create, attract, or bring together a site population that would exceed 15 times that of the site acreage.

c. Each site shall have no more than one building plot upon which any number of structures may be created.

d. A building plot shall be a single, uniform and non-contrived area, whose shape is uncomplicated and whose area shall not exceed the following minimum ratios with respect to the total area:

At Least (Acres)	But Less Than (Acres)	Ratio of Site Area to 1st Floor Bldg. Area	1st Floor Bldg. Area (sq. ft.)	Max. Site Population (15 persons per Acre)
3		12:1	10,900	45
	4	12:1		
4		10:1	17,400	60
	6	10:1		
6		8:1	32,700	90
	10	8:1		
10		6:1	72,500	150
	20	6:1		
20	and up	4:1	218,000	300

e. The following uses are specifically prohibited in

Zone B: Churches, hospitals, schools, theatres, stadiums, hotels and motels, trailer courts, camp grounds, and other places of public or semi-public assembly.

4. ZONE C: Zone C is subject only to the height restrictions set forth in Subsection IV B, and to the general restrictions contained in Subsection V B-1.

C. BOUNDARY LIMITATIONS: The municipality may regulate the location, size, and use of buildings and the density of population in that portion of an airport hazard area under the approach zones for a distance not to exceed two miles from the airport boundary and in other portions of an airport hazard area not to exceed one mile from the airport boundary.

SECTION VI: AIRPORT ZONING MAP

The several zones herein established are shown on the Marshall Municipal Airport Master Plan and Zoning Map consisting of 3 sheets, prepared by Howard, Needles, Tammen and Bergendoff, Consulting Engineers, and dated February 27, 1975, attached hereto and made a part hereof, which map, together with such amendments thereto as may from time to time be made, and all notations, references, elevations, data, zone boundaries, and other information thereon, shall be and the same is hereby adopted as part of this Ordinance.

SECTION VII: NONCONFORMING USES

Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this ordinance, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted and completed within two years thereof.

SECTION VIII: PERMITS

A. FUTURE USES: Except as specifically provided in Paragraphs 1 and 2 hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted by the zoning administrator hereinafter provided for. Each application

for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

- 1. However, a permit for a tree or structure of less than 75 feet of vertical height above the ground shall not be required in the horizontal and conical zones or in any approach and transitional zones beyond a horizontal distance of 4,200 feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the respective zone.
- 2. Nothing contained in this foregoing exception shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limitations established by this Ordinance as set forth in Section IV.

B. EXISTING USES: Before any existing use or structure may be replaced, substantially altered or repaired, or rebuilt within any zone established herein, a permit must be secured authorizing such replacement, change, or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

C. NONCONFORMING USES ABANDONED OR DESTROYED. Whenever the Zoning

Administrator determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, physically deteriorated, or decayed no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. Whether application is made for a permit under this paragraph or not, the Zoning Administrator may order the owner of the abandoned or partially destroyed nonconforming structure, at his own expense, to lower, remove, reconstruct, or equip the same in the manner necessary to conform to the provisions of this ordinance. In the event the owner of the nonconforming structure shall neglect or refuse to comply with such order for ten days after receipt of written notice of such order, the Zoning Administrator may, by appropriate legal action, proceed to have the abandoned or partially destroyed nonconforming structure lowered, removed, reconstructed, or equipped and assess the cost and expense thereof against the land on which the structure is or was located. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner of the land, the sum shall bear interest at the rate of eight per cent per annum from the date the cost and expense is incurred until paid, and shall be collected in the same manner as are general taxes.

SECTION IX: VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with the regulations prescribed in this ordinance, may apply to the Board of Adjustment, hereinafter provided for, for a variance from such regulations. If a person submits an application for a

variance by certified mail to the members of the Board and the Board fails to grant or deny the variance within four months after the last member receives the application, the variance shall be deemed to be granted by the Board. When the variance is granted by reason of the failure of the Board to act on the variance, the person receiving the variance shall notify the Board and the Commissioner of Transportation by certified mail that the variance has been granted. The applicant shall include a copy of the original application for the variance with this notice to the Commissioner. The variance shall be effective 60 days after this notice is received by the Commissioner subject to any action taken by the Commissioner pursuant to Section 360.063, Subdivision 6. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance; provided any variance so allowed may be subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this ordinance.

SECTION X: HAZARD MARKING AND LIGHTING

A. NONCONFORMING USES: The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Zoning Administrator to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City of Marshall, Minnesota.

B. PERMITS AND VARIANCES: Any permit or variance granted by the

Zoning Administrator or Board of Adjustment as the case may be, may, if such action is deemed advisable to effectuate the purpose of this ordinance and be reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question at his own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

SECTION XI: AIRPORT ZONING ADMINISTRATOR

It shall be the duty of the City Engineer to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the City Engineer upon a form furnished by him. Permit applications shall be promptly considered and granted or denied by him. Variance applications shall be forthwith transmitted by the City Engineer for action by the Board of Adjustment hereinafter provided for.

SECTION XII: BOARD OF ADJUSTMENT

- A. ESTABLISHMENT: The City-County Joint Airport Zoning Board shall serve as the Board of Adjustment for the Marshall Municipal Airport Zoning Ordinance.
- B. POWERS: The Board of Adjustment shall have and exercise the following powers:
1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator, in the enforcement of this Ordinance.
 2. To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass.
 3. To hear and decide specific variances.

C. PROCEDURES:

1. The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Zoning Administrator and shall be a public record.
2. The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.
3. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance.

SECTION XIII: APPEALS

- A. Any person aggrieved, or any taxpayer affected by any decision of

the Zoning Administrator made in his administration of this Ordinance may appeal to the Board of Adjustment. Such appeals may also be made by any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the zoning administrator is an improper application of this ordinance as it concerns such governing body or board.

- B. All appeals hereunder must be commenced within 30 days of the Zoning Administrator's decision, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. In addition, any person aggrieved, or any taxpayer affected by any decisions of the Zoning Administrator made in his administration of this ordinance who desires to appeal such decision shall submit an application for a variance by certified mail to the members of the Board of Adjustment in the matter set forth in Minnesota Statute 360.067, Subdivision 2.
- C. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceeding shall not be stayed except by order of the Board of Adjustment on notice to the Zoning Administrator and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. The Board of Adjustment may, in conformity with the provisions of this ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination, as may be appropriate under the circumstances, and to that end shall have all the powers of the Zoning Administrator.

SECTION XIV: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected by any decision of the Board of Adjustment, or any governing body of a municipality, county, or airport zoning board, which is of the opinion that a decision of the Board of Adjustment is illegal may present to the District Court of Lyon County a verified petition setting forth that the decision or action is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the decision is filed in the office of the Board of Adjustment. The petitioner must exhaust the remedies provided in this Ordinance before availing himself of the right to petition a court as provided by this section.

SECTION XV: PENALTIES

Every person who shall construct, establish, substantially change, alter or repair any existing structure or use, or permit the growth of any tree without having complied with the provision of this ordinance or who, having been granted a permit or variance under the provisions of this Ordinance, shall construct, establish, substantially change or substantially alter or repair any existing growth or structure or permit the growth of any tree, except as permitted by such permit or variance, shall be guilty of a misdemeanor and shall

be punished by fine of not more than \$300 or imprisonment for not more than 90 days or by both. Each day a violation continues to exist shall constitute a separate offense. The Airport Zoning Administrator may enforce all provisions of this ordinance through such proceedings for injunctive relief and other relief as may be proper under the laws of Minnesota Statute 360.073 and other applicable law.

SECTION XVI: CONFLICTS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

SECTION XVII: SEVERABILITY

- A. In any case in which the provisions of this Ordinance, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent, or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the constitution of this state or the constitution of the United States, such holding shall not affect the application of this Ordinance as to other structures and parcels of land, and to this end the provisions of this Ordinance are declared to be severable.
- B. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the parts so declared to be unconstitutional or invalid.

SECTION XVIII: EFFECTIVE DATE

This Ordinance shall be published on Friday, January 13, 1978 in the Independent, the official newspaper of Marshall, Minnesota, and shall take effect on the 2nd day of February, 1978. Copies thereof shall be filed with the Commissioner of Aeronautics, State of Minnesota, and the Register of Deeds, Lyon County, Minnesota.

Passed and adopted after public hearing by the City of Marshall-County of Lyon Joint Airport Zoning Board this 1st day of February, 1978.

Douglas R. Bultman
Chairman

Reggie G. Hummel
Member

Emil E. Doorn
Member

Paul Kinchlaugh
Member

Member

EXHIBIT A
MARSHALL MUNICIPAL AIRPORT
ZONING ORDINANCE

This Ordinance affects all or a portion of the following sections of land:

NAME AND NUMBER OF TOWNSHIP	AIRSPACE OBSTRUCTION ZONING Section IV of Ordinance Pages <u>3-5</u> of Zoning Map	LAND USE SAFETY ZONING Section V of Ordinance Page <u>5-8</u> of Zoning Map
<u>Lake Marshall</u>		
Township T 111N R 41W.	Sections: 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21.	Sections: 3, 4, 5, 6, 7, 8, 9, 16, 17, 18.
<u>Fairview</u>		
Township T 112N R 41W	Sections: 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, 34.	Sections: 28, 29, 30, 31, 32, 33.
<u>Grandview</u>		
Township T 112 N R 42W	Sections: 23, 24, 25, 26, 27, 34, 35, 36.	Sections: 25, 26, 35, 36.
<u>Lynd</u>		
Township T 111N R 42W	Sections: 1, 2, 3, 10, 11, 12, 13, 14, 24.	Sections: 1, 2, 11, 12, 13.

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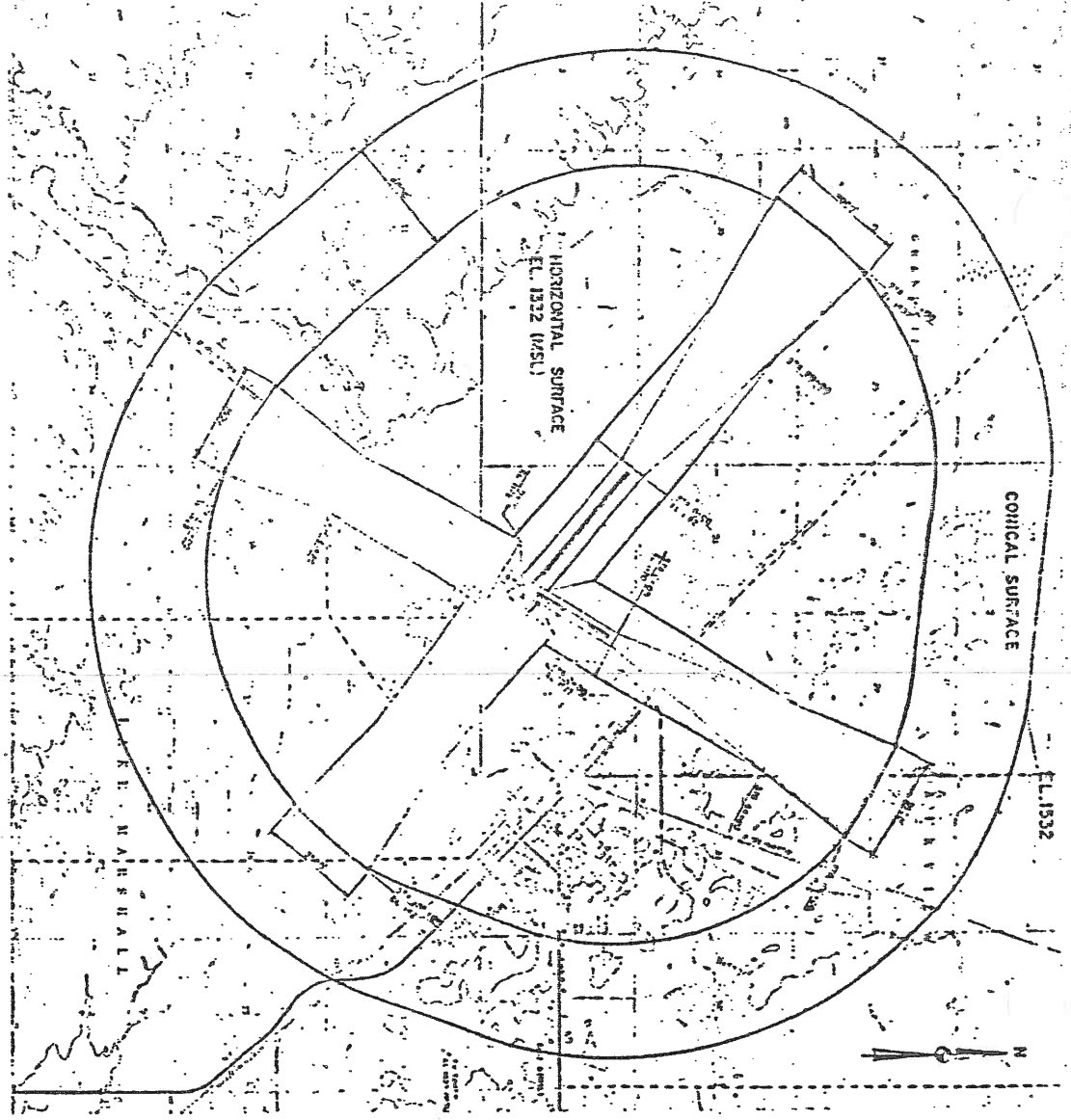
PHOTO
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OFFICE OF COUNTY RECORDER }
County of Lyon, Minn. }

I hereby certify that the within instrument was filed
in the office for record on the 7th day of
February A.D. 19 78 at 9:15 o'clock
A.M. and was duly recorded in Book 38
of Miscellaneous Page 284

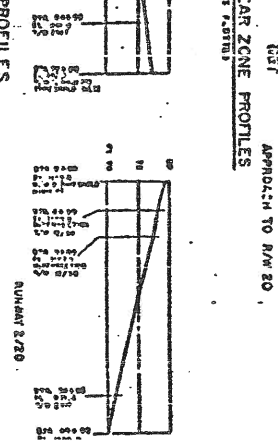
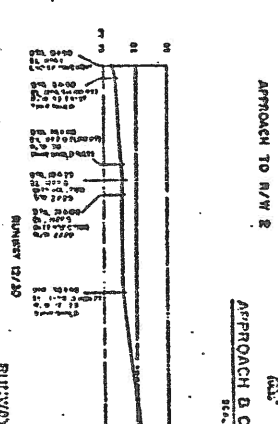
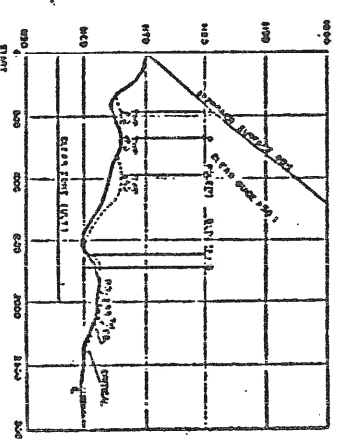
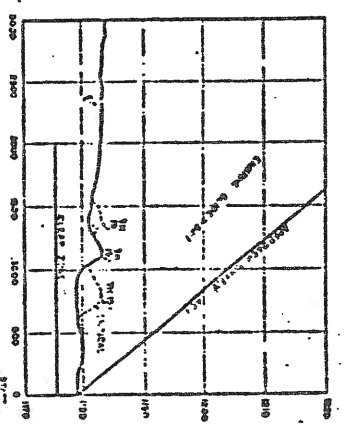
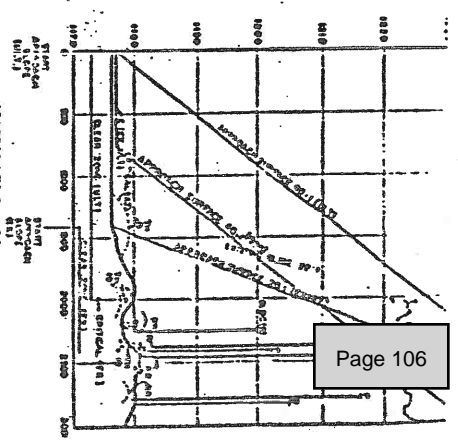
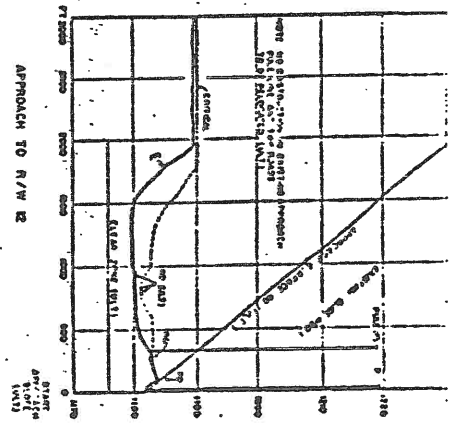
Madison Duggan
County Recorder

by Yois A. Black, deputy



APPROACH & CLEAR ZONE PLAN
 SCALE: 1" = 100'

Notes:
 1. All work on this project shall conform to the standards and specifications of the Minnesota Department of Transportation (MNDOT) and the Federal Aviation Administration (FAA).
 2. All work shall be done in accordance with the approved plans and specifications.
 3. All work shall be done in accordance with the approved plans and specifications.
 4. All work shall be done in accordance with the approved plans and specifications.
 5. All work shall be done in accordance with the approved plans and specifications.



RUNWAY PROFILES
 SCALE: 1" = 100'

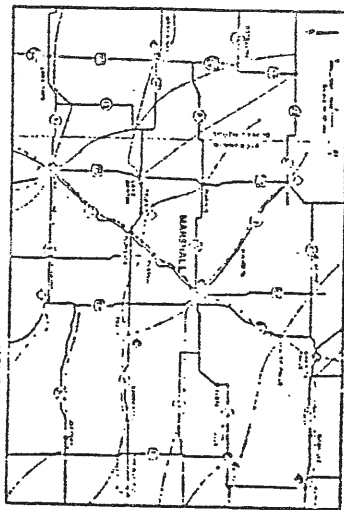
CITY OF MARSHALL
Marshall Municipal Airport
 MARSHALL, MINNESOTA

Approach & Clear Zone Plan & Profiles

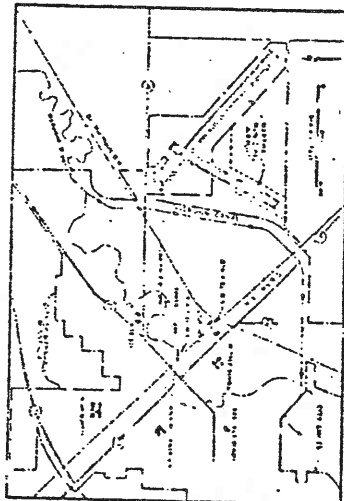
PROJECT NO. 12345
 DATE: 12/31/2023

DESIGNED BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

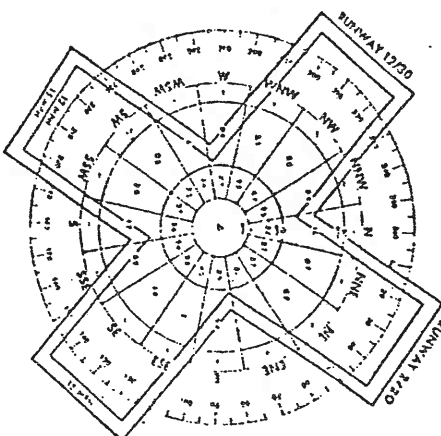
MARSHALL MUNICIPAL AIRPORT



Location Map



Vicinity Map

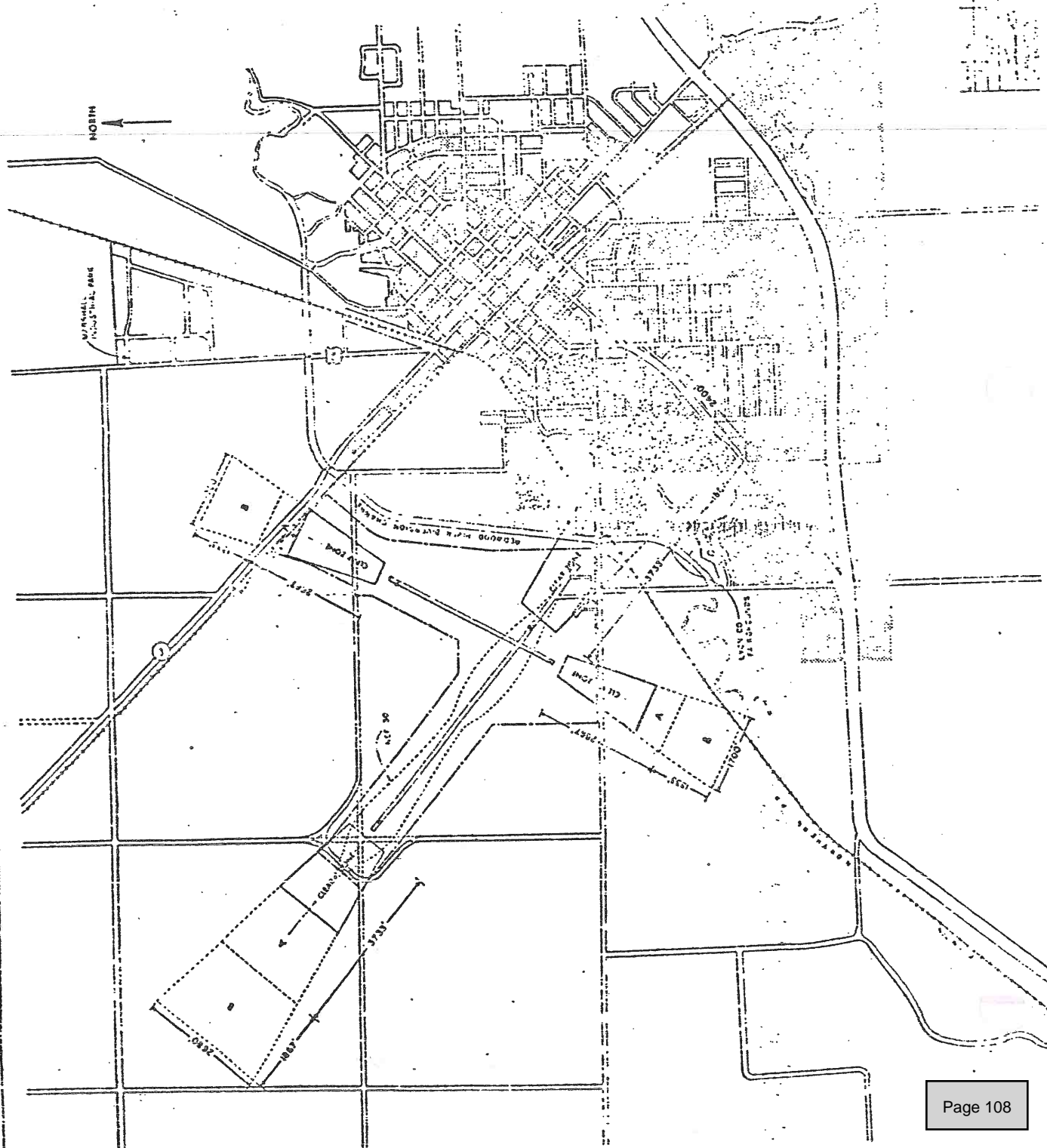


All Weather Wind Rose
(% Distribution)

Source: U.S. Weather Bureau
 Revised 12/14/66
 Color and Gr. and S.P.S.
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 Marshall, 20.3 12 mi., 71.5°
 @ 15 m.p.h. 80.3°
 Marshall, 20.3 12 mi., 71.5°
 @ 15 m.p.h. 81.5°
 515.000 92.2°

Port Data Table		Index of Drawings		Drawing No.	City Approval	Date	Revisions	By
Port elevation (mll)	1179'	1. Title Sheet			DUDLEY B. ADEN, CITY ENGINEER FEBRUARY 27, 1976 FAA Project No. A-27-0055-01			
Port reference point	44° 54' 45" N 89° 41' 15" W	2. Airport Layout Plan						
Port elevation (mll)	837'	3. Approach & Clear Zone Plan & Flight						
Port reference point	44° 54' 45" N 89° 41' 15" W	4. Terminal Area Plan						
Port elevation (mll)	1179'	5. General and Future Land Use (1973)						
Port reference point	44° 54' 45" N 89° 41' 15" W							

CITY OF MARSHALL
 Marshall Municipal Airport
 MARSHALL, MISSISSIPPI
 Title Sheet
 HOWARD ARNETT, TOWN & COUNTRY ENGINEERS
 HNTB



LAND USE SAFETY ZONES

Zones (A) and (B) are shown
Refer to chapter VIII of Airport Master Plan
Report for discussion of these zones.

NOISE EXPOSURE FORECAST CONTOURS

The AEP 30 contour for 1993 is plotted on
runway 12-30. Noise impact is discussed in
chapters VII and VIII of Airport Master Plan
Report.

LEGEND

- General Business District
- Residential
- Commercial
- Industrial
- Public & Semi-Public
- Park & Recreational
- Agricultural & Unplanned

100' 1" = 100' SCALE 1993

The Department of Transportation...
Marshall Municipal Airport
Generalized Future Land Use (1993)

CITY OF MARSHALL
Marshall Municipal Airport
Generalized Future Land Use (1993)
For Airport Master Plan
Report

RESOLUTION NO. 1254

RESOLUTION AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

WHEREAS, The City of Marshall, Minnesota, owns and controls an airport; and

WHEREAS, Portions of airport hazard area to such airport are located outside the territorial limits of the City of Marshall but within the territorial limits of the County of Lyon; and

WHEREAS, This Municipality deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above County pursuant to Minn. Stats. 360.063, Subd. 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute provides that this Municipality has the right to appoint two persons to said Board; and

WHEREAS, Subd. 8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Aeronautics of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

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

1. That there is hereby created in cooperation with the foregoing County a Joint Airport Zoning Board to be composed of representatives of the undersigned Municipality and representatives of the foregoing County pursuant to Minn. Stat. 360.063, Subd. 3.

2. That the undersigned Municipality will appoint two representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned Municipality.

Passed and adopted by the Common Council this 15th day of October, 1973.

THE COMMON COUNCIL

By Gene Romantz
Mayor of the City of Marshall

ATTEST: G.W. Hansen
City Clerk

VACUUM SWEEPING ATTACHMENT FOR "VAC-ALL" Truck; MacQueen Equipment Company of St. Paul, Minnesota, \$8,180.00. No other bids were received. A decision on this equipment was tabled until the November 5th meeting.

TRUCK DUMP BODY FOR STREET DEPARTMENT: Roy F. Drake Body & Equipment Company of Sioux Falls, South Dakota, \$1,480.00; Charles Olson and Sons, of Minneapolis, Minnesota, \$2,225.57 and MacQueen Equipment Company of St. Paul, Minnesota, \$2,006.00. No action was taken on this bid which will be considered on November 5th.

TWO SNOW BOXES FOR STREET DEPARTMENT: Fair Manufacturing Company of Menno, South Dakota, \$2,700.00. Bid action on this item was deferred until the November 5th meeting.

Hirmer moved, Warner seconded, the adoption of Ordinance No. 529 and that the reading of the ordinance be waived. All voted in favor of the motion. Ordinance No. 529 is an ordinance establishing new rates for the use of the sanitary sewer works.

Regnier moved, Abrahamsen seconded, the adoption of Ordinance No. 530 and that the reading of the ordinance be waived. All voted in favor of the motion. Ordinance No. 530 is an ordinance establishing a rural service district for property owned by John McKigney.

The City Attorney reviewed with the Council the State Attorney Generals' opinion confirming the City of Marshall as a city of the third class pursuant to an order issued by the Minnesota Municipal Commission dated June 28, 1973. No action was taken on this item.

Bultman moved, Hirmer seconded, that the proper city officials be authorized and directed to execute an agreement on behalf of the City of Marshall with American Consulting Services for an infiltration and inflow analysis study of the sewer collection system. All voted in favor of the motion.

The hearing to consider the issuance of six liquor licenses for the license year commencing January 1, 1974 was held as scheduled. No person appeared in opposition to the issuance of the licenses. Regnier moved, Warner seconded, that liquor licenses be issued to Ramada Inn, The Chalet, Corner Bar and Lounge, American Legion Club, Marshall Golf Club and Fraternal Order of Eagles for the license year commencing January 1, 1974. All voted in favor of the motion. See page 2775 for correction.

A discussion was held on the proposition of scheduling a public hearing for the issuance of two additional on-sale liquor licenses. Councilman Hirmer suggested that the matter be postponed for thirty days at which time the Council would then schedule the hearing. Following a discussion, Regnier moved, Abrahamsen seconded, that the public hearing be scheduled for the first meeting in December which date is December 3, 1973. All voted in favor of the motion.

A discussion was held on the terms that would be established for rental of space in the addition to the main parking lot. Approximately two-thirds of the lot extension will be available for contract parking according to the City Administrator. It was suggested that the City Administrator and a Council Committee approach the Chamber of Commerce and request their recommendations as to a formula which recommendations would be considered at the November 5th meeting.

Upon the recommendation of the Librarian and Library Board, Warner moved, Bultman seconded, that \$15,000.00 be made available to the library from general revenue sharing monies for remodeling and completion of part of the building. All voted in favor of the motion.

Abrahamsen moved, Regnier seconded, the introduction of an ordinance which would change no-parking restrictions on Walnut Street from College Drive to one-half block north, and that the reading of the ordinance be waived. All voted in favor of the motion.

Hirmer moved, Warner seconded, the adoption of Resolution No. 1254 and that the reading of the resolution be waived. All voted in favor of the motion. Resolution No. 1254 is a resolution establishing a ^{Joint} Airport Zoning Board, with Lyon County.

The minutes of the Airport Commission meeting of October 3rd and 10th were read and ordered filed.

Item 13. The minutes of the Planning Commission meeting of October 10, 1973, were read and ordered filed.

RESOLUTION

AUTHORIZING THE CREATION OF A JOINT AIRPORT ZONING BOARD

At a meeting of the Board of Commissioners of Lyon County, hereinafter called the County, on Nov. 6, 1973, Commissioner Anderson seconded by Commissioner Lerschen introduced the following resolution and moved its adoption.

WHEREAS, the City of Marshall, hereinafter called the Municipality, owns and controls an airport; and

WHEREAS, Portions of the airport hazard area to such airport are located outside the territorial limits of said Municipality but within the territorial limits of this County; and

WHEREAS, The above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

WHEREAS, This County deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minn. Stat. 360.063, Subd. 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute provides that this County has the right to appoint two persons to said Board; and

WHEREAS, Subd. 8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Aeronautics of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED By the undersigned County as follows:

1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of the undersigned County and representatives of the above Municipality pursuant to Minn. Stat. 360.063, Subd. 3.
2. That the undersigned County will appoint two representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned County.

ROLL CALL

Commissioners voting aye: Anderson, Hively, Knoblauch, Lerschen, Rewerts

Item 13. Commissioners voting nay: None

Resolution declared passed:

Don Hively
Don Hively, Chairman

Attest: Walter B. Kendrick

I hereby certify that the foregoing resolution is a true and correct copy of the original resolution and is now on file in my office and is recorded in Book K Commissioner's Record .

Walter B. Kendrick
Auditor

MINUTES, COMMISSIONERS' MEETING—Lyon County, Minn.

Sullivan & Wilttrout
Courtroom furniture

Dave Sullivan and Tom Osterberg of Stegner, Hendrickson, McNutt and Sullivan and Judge Irving Wilttrout met with the Board. Furniture for courtrooms was discussed. Reverts moved, seconded by Anderson that Stegner, Hendrickson, McNutt and Sullivan be authorized to issue advertisements for bids and contract documents to interested bidders for:
A. Courtroom seating
B. Courtroom millwork items

All voted in favor.

Creation of Joint Airport

Ray Korda and Duane Aden, met with the Board. There was a discussion authorizing the creation of a Joint Airport Zoning Board. Anderson moved, seconded by Lerschen, that the following resolution be adopted:

RESOLUTION

Resolution

At a meeting of the Board of Commissioners of Lyon County, hereinafter called the County, on November 6th, 1973, Commissioner Anderson, seconded by Commissioner Lerschen introduced the following resolution and moved its adoption.

Joint Airport Zoning Board

WHEREAS, The City of Marshal, hereinafter called the Municipality, owns and controls an airport; and

WHEREAS, Portions of the airport hazard area to such airport are located outside the territorial limits of said Municipality but within the territorial limits of this County; and

WHEREAS, The above Municipality has requested in writing that we join with them in the creation of a Joint Airport Zoning Board; and

WHEREAS, This County deems it necessary and expedient to create a Joint Airport Zoning Board in cooperation with the above Municipality pursuant to Minn.. Stat. 360.063, Subd. 3, and other applicable laws for the purpose of establishing, administering and enforcing zoning laws for the areas surrounding the airport and for the protection of the airport and the public; and

WHEREAS, The above statute provides that this County has the right to appoint two persons to said Board; and

WHEREAS, Subd.8 of Section 32 of the Appropriations Bill passed by the Minnesota Legislature effective July 1, 1973, provides that no moneys shall be expended by the Commissioner of Aeronautics of the State of Minnesota to improve and maintain an airport unless the governmental unit owning the airport has or is establishing a zoning authority for the airport.

NOW, THEREFORE, BE IT RESOLVED By the undersigned County as follows:

1. That there is hereby created in cooperation with the above Municipality a Joint Airport Zoning Board to be composed of representatives of the undersigned County and Representatives of the above Municipality pursuant to Minn. Stat. 360.063, Subd. 3.
2. That the undersigned County will appoint two representatives on said Board, said persons to serve for an indefinite term until they resign or are replaced by the undersigned County.

All voted in favor.

ATTEST: Weston B. Hendrickson
Weston B. Hendrickson
Lyon County Auditor

Donald Hively
Donald Hively, Chairman, County
Board of Commissioners

Knoblauch moved, seconded by Lerschen, that the following resolution be adopted:

RESOLUTION

Resolution Tax Delq. Forfeiture Tracy

WHEREAS, The tax delinquent forfeiture of Ely 55' Lots 14,15, & 16 Block 38, 2nd Railway addition, City of Tracy, has created hardships and

deleted from Tax Land Roll

WHEREAS, information was not properly given

THEREFORE BE IT RESOLVED, That the above described property valuation be reduced from \$2,145.00 to \$939.08 which is

November
6th
1973

**CITY OF MARSHALL
AGENDA ITEM REPORT**

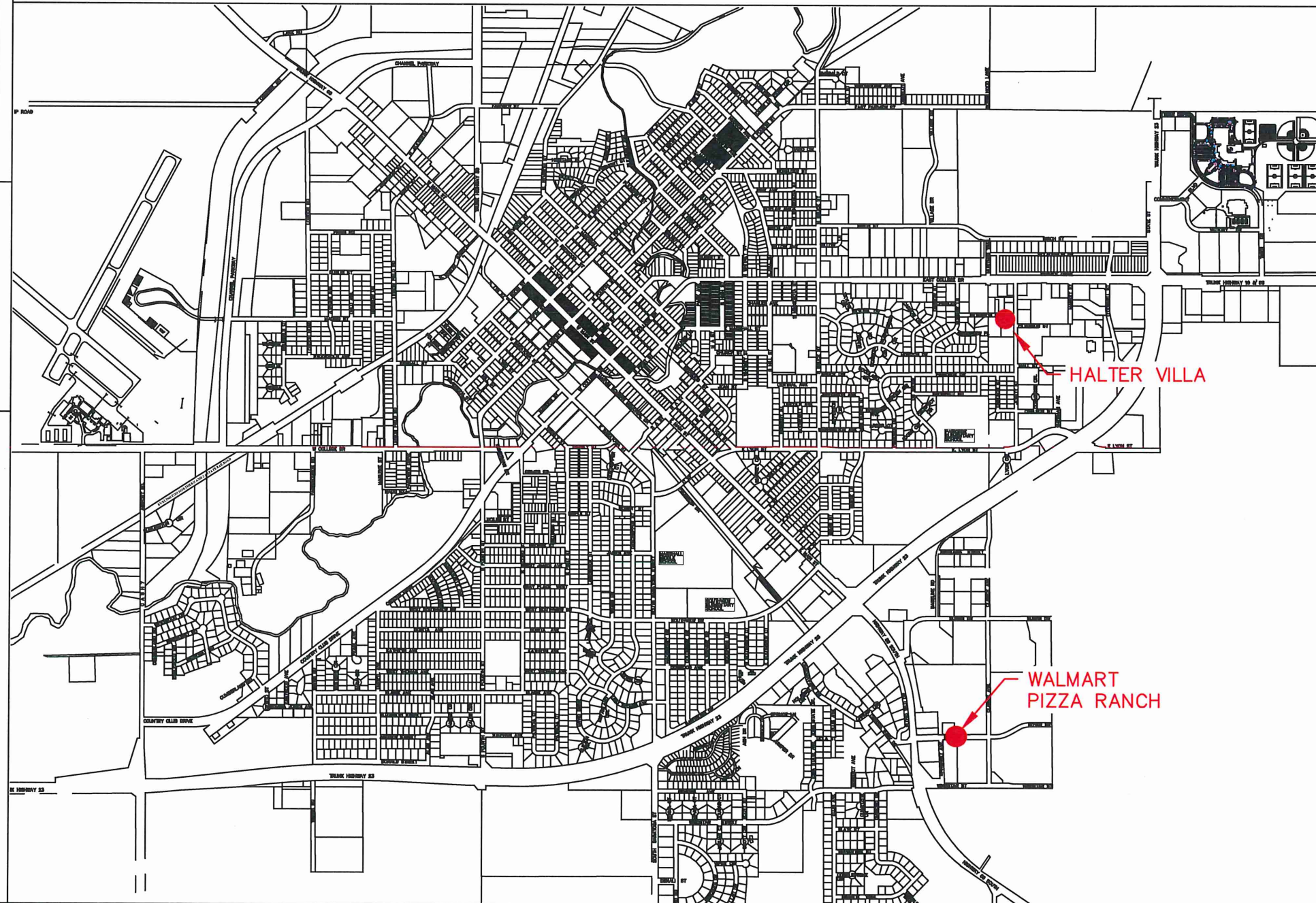
Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Resolution of Intent to Apply for the Minnesota Active Transportation State Infrastructure Program
Background Information:	<p>MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grants must be expended in 2023 or 2024.</p> <p>Community Transit of United Community Action Partnership (UCAP) has already submitted a letter of intent to submit a grant application, as required by the program. UCAP is now seeking to submit their full grant application for AT grant funding. UCAP needs the City of Marshall to serve as the sponsoring agency of their grant application. Grant applications are due by December 30th.</p> <p>The City of Marshall has some past precedence acting as the sponsoring agency for UCAP. Recently, Project Z52/SP139-090-005/MinnProj TA4219(231) UCAP Transit ADA Bus Access Project was completed in 2020 in the amount of \$182,655.20. The project resulted in the completion of bus shelter installation and sidewalk improvements at S. 4th/Stephen, N. 4th/Redwood, and Birch Street, including bus bump out on S. 4th Street.</p> <p>City staff has already worked up cost estimates and preliminary drawings bus stop improvements at locations near Walmart, Pizza Ranch, and Halta Villa Apartments, per UCAP request. These locations were all supposed to be included with a prior grant appropriation to UCAP that was unable to be fulfilled. The grant request is for the entire construction cost amount of \$203,499. Engineering fees are not a grant eligible expense. City staff plans to work with UCAP to determine if some engineering fees may be paid from UCAP to the City to help cover staff costs.</p>
Fiscal Impact:	No direct fiscal impact to the City. Engineering fees will consist of the City Engineering Department staff time, estimated at \$33,300. City staff will work with UCAP to determine if some or all engineering fees can be paid to the City to cover our costs.
Alternative/Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt RESOLUTION NUMBER 22-106, which is the “Resolution of Intent to Apply for the Minnesota Active Transportation State Infrastructure Program to Upgrade and Improve Transit and Passenger Stops Throughout the City of Marshall.”

State Of Minnesota City of Marshall, Minnesota Project Number ST-???

Construction Plans for Sidewalk, Curb and Gutter, Bus Stop Construction, and Miscellaneous Work

UCAP Bus Shelter Construction Project

Various Locations in Sections 3, 4, 5, 9, and 10
T111N, R41W



INDEX

SHEET NO.	DESCRIPTION
1	Title Sheet
2	Estimated Quantities
3	Construction Notes
4	Quantity Tables
5	Typical Sections and Details
6	SWPPP Details
7	Traffic Control Sheet
8	Wal-Mart / Pizza Ranch
9	Plan Sheets
22-27	Pedestrian Curb Ramp Details
28-31	Driveway and Sidewalk Details

LEGEND

EXISTING GAS LINE	
EXISTING FIBER LINE	
EXISTING UNDERGROUND POWER	
EXISTING STREET LIGHT	
EXISTING CATCH BASIN	
EXISTING STORM MANHOLE	
EXISTING SANITARY MANHOLE	
EXISTING WATER VALVE	
TRUNCATED DOMES	
PROPOSED CURB & GUTTER	
LANDING AREA (4' x 4' MIN. DIMENSIONS AND MAX 2.0% SLOPE IN ALL DIRECTIONS)	
PEDESTRIAN RAMP (SLOPE SHALL BE BETWEEN 5.0% MIN. AND 8.3% MAX. IN THE DIRECTION SHOWN AND CROSS SLOPE SHALL NOT EXCEED 2.0%)	
BITUMINOUS PATCHING	
SIDEWALK EASEMENT	

SPECIFICATION REFERENCE

THE 2020 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

ALL TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE LATEST EDITION OF THE MINNESOTA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, INCLUDING THE LATEST FIELD MANUAL FOR TEMPORARY TRAFFIC CONTROL ZONE LAYOUTS.

THE CITY OF MARSHALL STANDARD SPECIFICATIONS AND SPECIAL PROVISIONS.

DESIGN DATA

DESIGN SPEED 30 MPH
STOPPING SIGHT DISTANCE BASED ON
3.5' HEIGHT OF EYE
0.5' HEIGHT OF OBJECT

SCALES

PLAN	VAR.
PROFILE	N/A
INDEX MAP	1"=100'

DISCLAIMER: AERIAL IMAGERY SHOWN ON REMOVAL AND PLAN SHEETS ARE FOR REFERENCE PURPOSES ONLY. IMAGERY SHOWN MAY NOT MATCH SURVEY DATA.

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSE PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

APPROVED: CITY ENGINEER, MARSHALL MINNESOTA DATE 12/19/2022
REG NO 53322

APPROVED: TRANSPORTATION DIRECTOR, UCAP DATE

DESIGNED BY: J.R.A.	DATE	REVISIONS	INIT.
G.J.S.			
Item 14. G.J.S.			
SCALE: 1"=101'			



ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

UCAP BUS SHELTER CONSTRUCTION PROJECT

TITLE SHEET

CITY PROJECT NO.	DATE 12/19/2022
STATE AID PROJECT NO.	SHEET NO. 1 OF 3

Walmart

Walmart
1221 E. Main Street

Private Drive

Item	1	2
Remove Curb & Gutter	100 LF	15 LF
Remove Pavement	23 SY	3 SY
Remove Sidewalk	551 SF	

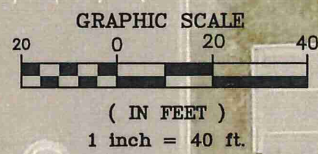
①

Boyer Drive

②

Item	
Remove Sidewalk	118 SF

Pizza Ranch
1420

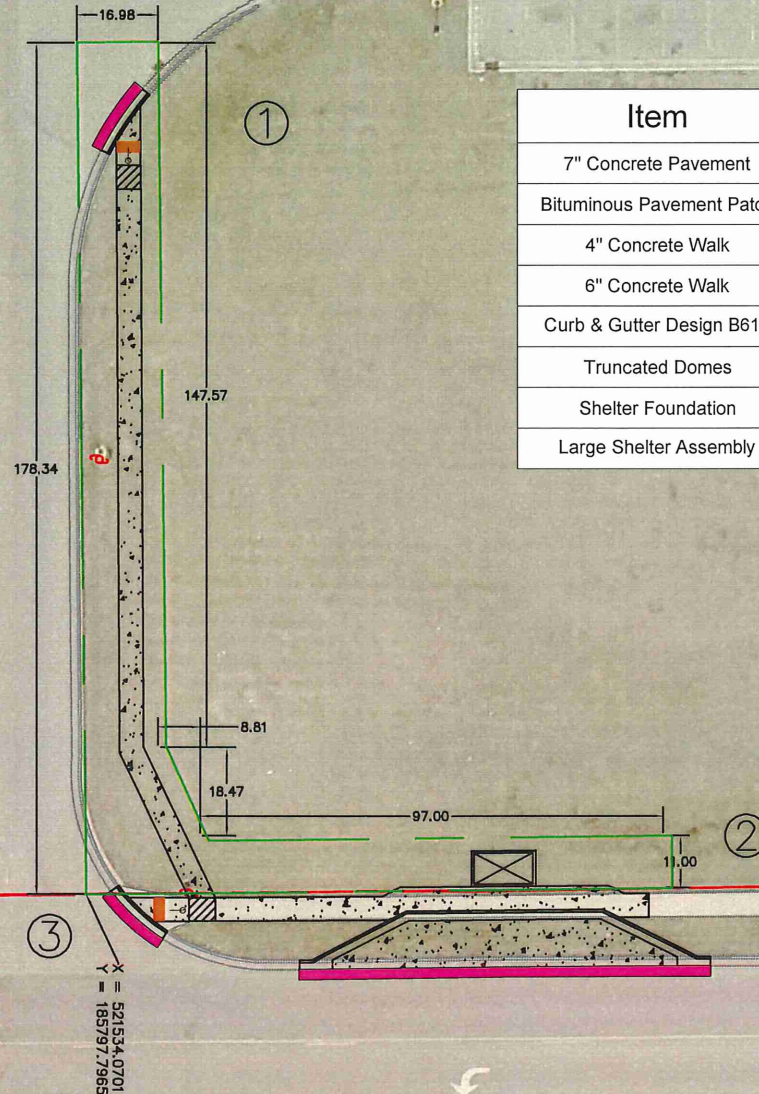


Walmart
1221 E. Main Street

Private Drive

Item	1	2	3
7" Concrete Pavement		66 SY	
Bituminous Pavement Patch	31 SF	168 SF	30 SF
4" Concrete Walk	761 SF	458 SF	
6" Concrete Walk	70 SF		79 SF
Curb & Gutter Design B618	15 LF	91 LF	14 LF
Truncated Domes	9 SF		9 SF
Shelter Foundation		1 EA	
Large Shelter Assembly		1 EA	

①

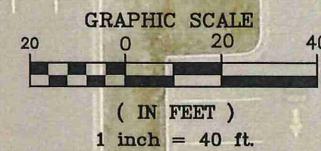


③

Boyer Drive

Item	
4" Concrete Walk	185 SF
Shelter Foundation	1 EA
Small Shelter Assembly	1 EA

Pizza Ranch
1420



DESIGNED BY: G.J.S.	DATE	REVISIONS	INT.
Item 14. J.R.A.			
SCALE: 1:40			



ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

UCAP BUS SHELTER PROJECT
WAL-MART / PIZZA RANCH

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

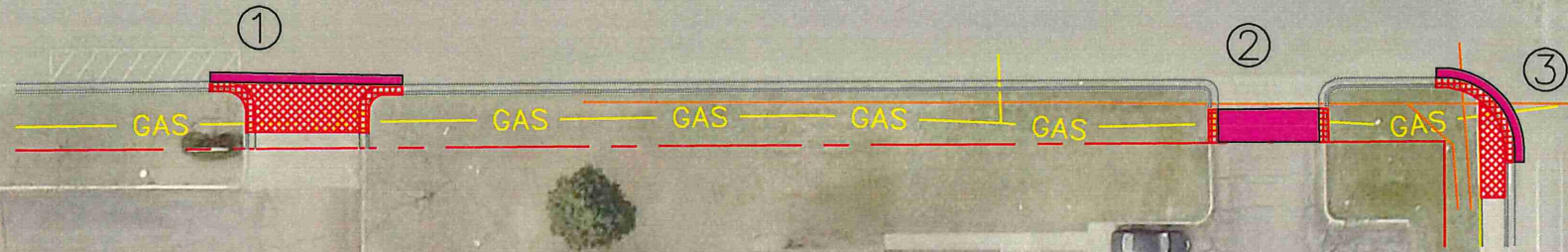
DATE _____ LICENSE NO. 53322

CITY PROJECT NO.	DATE 12/19/2022
STATE AID PROJECT NO.	Page 116

Halter Villa

Peterson Street

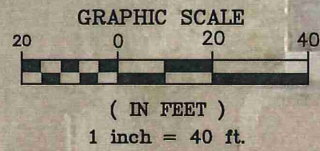
Jewett Street



Item	1	2	3
Remove Curb & Gutter	28 LF	14 LF	25 LF
Remove Pavement	36 SY	16 SY	6 SY
Remove Sidewalk			89 SF

Halter Villa I Apts.
1400

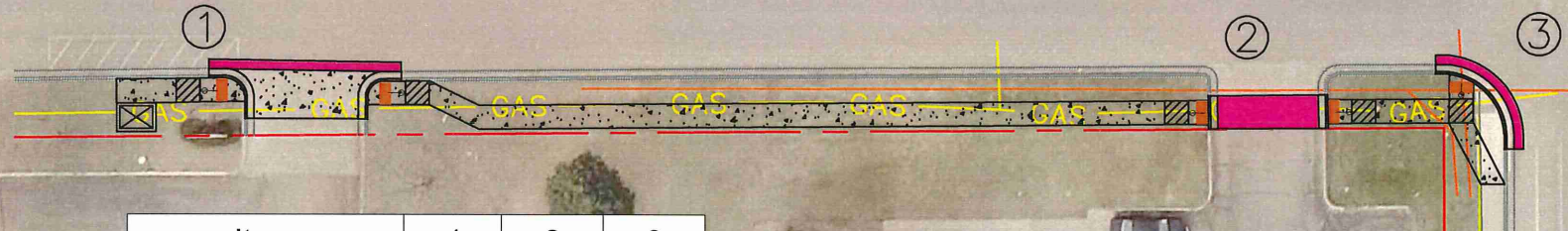
Halter Villa II Apts.
302 Jewett St.



Halter Villa

Peterson Street

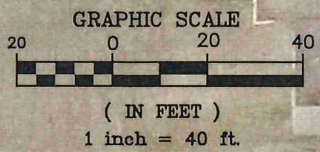
Jewett Street



Item	1	2	3
7" Concrete Pavement	27 SY		
Bituminous Pavement Patch	81 SF	149 SF	59 SF
4" Concrete Walk	64 SF	777 SF	144 SF
6" Concrete Walk	69 SF	108 SF	100 SF
Curb & Gutter Design B618	14 LF	21 LF	32 LF
Truncated Domes	9 SF	18 SF	18 SF
Shelter Foundation	1 EA		
Small Shelter Assembly	1 EA		

Halter Villa I Apts.
1400

Halter Villa II Apts.
302 Jewett St.



DESIGNED BY: G.J.S.	DATE	REVISIONS	INIT.
Item 14.			
SCALE: 1:40			

MARSHALL
ENGINEERING DEPARTMENT
344 WEST MAIN STREET
MARSHALL, MINNESOTA
56258

UCAP BUS SHELTER PROJECT
HALTER VILLA / PETERSON STREET

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
DATE _____ LICENSE NO. 53322

CITY PROJECT NO. _____ DATE 12/19/2022
STATE AID PROJECT NO. _____ SH Page 117
30FS

Proposed Bus Stop Locations

Item	Units	Estimated Unit Price	Entire Contract		Location					
			Quantity	Ext. Price	Walmart		Pizza Ranch		Halter Villa (Peterson)	
					Quantity	Ext. Price	Quantity	Ext. Price	Quantity	Ext. Price
Mobilization	LS	\$20,000.00	1	\$20,000	0.34	\$6,800	0.33	\$6,600	0.33	\$6,600
Remove C & G	LF	\$20.00	182	\$3,640	115	\$2,300	0	\$0	67	\$1,340
Remove Pavement	SY	\$28.00	84	\$2,352	26	\$728	0	\$0	58	\$1,624
Remove Sidewalk	SF	\$5.00	744	\$3,720	551	\$2,755	104	\$520	89	\$445
Common Excavation	CY	\$65	89	\$5,785	51.2	\$3,326	4.5	\$293	33.3	\$2,166
7" Concrete Pavement	SY	\$85.00	93	\$7,905	66	\$5,610	0	\$0	27	\$2,295
Bituminous Mix for Patching	SF	\$22.00	518	\$11,396	229	\$5,038	0	\$0	289	\$6,358
4" Concrete Walk	SF	\$17.00	2376	\$40,392	1219	\$20,723	172	\$2,924	985	\$16,745
6" Concrete Walk	SF	\$19.00	426	\$8,094	149	\$2,831	0	\$0	277	\$5,263
Curb & Gutter B618	LF	\$55	187	\$10,285	120	\$6,600	0	\$0	67	\$3,685
Truncated Domes	SF	\$70	63	\$4,410	18	\$1,260	0	\$0	45	\$3,150
Traffic Control	LS	\$15,000	1	\$15,000	0.340	\$5,100	0.330	\$4,950	0.330	\$4,950
Storm Drain Inlet Protection	EACH	\$600	6.0	\$3,600	0	\$0	2	\$1,200	0	\$0
Boulevard Topsoil Borrow	CY	\$50	8.4	\$420	0	\$0	0.6	\$30	0	\$0
Site Restoration	EACH	\$500	3	\$1,500	1	\$500	1	\$500	1	\$500
Shelter Foundation	EACH	\$5,000	3	\$15,000	1	\$5,000	1	\$5,000	1	\$5,000
Small Shelter	EACH	\$9,500	2	\$19,000	0	\$0	1	\$9,500	1	\$9,500
Large Shelter	EACH	\$12,500	1	\$12,500	1	\$12,500	0	\$0	0	\$0
			Construction Total	\$184,999		\$81,071		\$31,517		\$69,621
Contingency	10%			\$18,500		\$8,108		\$3,152		\$6,963
Engineering	18%			\$33,300		\$14,593		\$5,674		\$12,532
			Project Total	\$236,799		\$103,772		\$40,343		\$89,116

- * The project will start after funding has been secured.
1. May 1st Design project and get a plan set created.
 2. June 15th advertise project, receive bids July 6th.
 3. Award July 11th.
 4. Construction begins August 15th with a completion day of September 29th
- * All timelines are based on the availability of funding & contractors schedules
the City of Marshall will put a October 1st 2024 deadline on the project to get the best bid prices to fit contractors schedules.

RESOLUTION NUMBER 22-106

**RESOLUTION OF INTENT TO APPLY FOR THE
MINNESOTA ACTIVE TRANSPORTATION STATE INFRASTRUCTURE PROGRAM
TO UPGRADE AND IMPROVE TRANSIT AND PASSENGER STOPS
THROUGHOUT THE CITY OF MARSHALL.**

WHEREAS, Community Transit of United Community Action Partnership (UCAP) provides 2 deviated routes utilizing 25 established passenger stops;

AND WHEREAS, UCAP is requested funding from the State Transportation Alternatives Program (TA) in the amount of approximately \$240,000 for the construction of accessible walkways and installation of bus shelters;

AND WHEREAS, the TA program participates in the eligible items at 100% costs, not including engineering costs;

AND WHEREAS, UCAP needs written support and commitment from the City of Marshall to be the sponsoring agency for their application;

AND WHEREAS, it will be the responsibility of UCAP to provide any non-State funding for the project;

AND WHEREAS, the Public Transit system is supported in the City of Marshall's 2022 Comprehensive Plan;

AND WHEREAS, City staff will work with UCAP to determine if the City can be compensated by UCAP for engineering services provided.

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

1. That the City of Marshall agrees to act as sponsoring agency for a "Transportation Alternatives" project identified as UCAP Bus Shelter Construction Project and has reviewed and approved the project as approved. Sponsorship includes a willingness to secure and guarantee the costs associated with this project and responsibility for seeing this project through to its completion, with compliance of all applicable laws, rules, and regulations.
2. That Jason R. Anderson, P.E., Director of Public Works/City Engineer is hereby authorized to act as agent on behalf of this sponsoring agency.

Passed and adopted by the Council this 27th day of December , 2022.

Mayor

ATTEST:

City Clerk

Presenter:	Jason Anderson
Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Resolution Supporting Pursuit of Active Transportation Infrastructure Funding for US 59 Pedestrian Crossing Improvements, CR 7/Airport Road Trail Crossing Improvements and Trail Realignment, and US 59 Trail Extension.
Background Information:	<p>MnDOT is currently soliciting for Active Transportation Infrastructure Program grants between \$50,000 and \$500,000. If awarded, grant funds must be expended in 2023 or 2024.</p> <p>City of Marshall staff has been working with Bolton & Menk to submit a grant application for a project that would improve pedestrian and trail connectivity and safety at three different locations. The proposed project would add trail along US 59 between Boyer Drive and Windstar Street, add a RRFB pedestrian crossing and possible median at A Street/US 59, and add a RRFB pedestrian crossing on CR 7/Airport Road and realign the Camden Regional Trail to eliminate the need to use Airport Road as bike trail.</p> <p>Staff and Bolton and Menk are proposing to apply for the entire construction cost amount to be covered by the grant, with engineering costs to be covered with local funds. Engineering costs are not grant eligible. City staff would propose to hire Bolton & Menk to design the project and address all federal or state grant requirements. City staff would then administer and inspect the construction project; essentially, city staff would complete all tasks outside of initial project design and approvals. It is estimated at this time that engineering services would not exceed \$50,000, and some of the costs may be split with Lyon County for the improvements to occur at CR 7. No formal agreement between Lyon County and the City exists at this time, and the City may need to cover all engineering costs if Lyon County is not agreeable to participate.</p> <p>The project construction estimate is \$360,381 for improvements at all locations. If a grant is offered, City staff will return to the City Council for consideration of acceptance and consideration of engineering contract with Bolton & Menk for project design. City staff is appreciative of Bolton & Menk’s efforts to take the lead role in writing this grant and creating project exhibits and other grant submittal documents.</p>
Fiscal Impact:	If we receive a full grant award for all construction costs, local costs will include engineering design services to Bolton & Menk. It is estimated that these services may cost between \$40,000-\$50,000. Staff will request a scope of services and cost estimate from Bolton & Menk if it is determined that we will be receiving a grant award.
Alternative/Variations:	No alternative actions recommended.
Recommendations:	that the Council adopt RESOLUTION NUMBER 22-107, which is the “Resolution Supporting Pursuit of Active Transportation Infrastructure Funding for US 59 Pedestrian Crossing Improvements, CR 7/Airport Road Trail Crossing Improvements and Trail Realignment, and US 59 Trail Extension” and authorize BMI and City staff to submit the grant application.

RESOLUTION NUMBER 22-107

A RESOLUTION SUPPORTING PURSUIT OF ACTIVE TRANSPORTATION INFRASTRUCTURE FUNDING FOR US 59 PEDESTRIAN CROSSING IMPROVEMENTS, CR 7/AIRPORT ROAD TRAIL CROSSING IMPROVEMENTS AND TRAIL REALIGNMENT, AND US 59 TRAIL EXTENSION

WHEARAS, the Minnesota Active Transportation Infrastructure Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects that will improve transportation options and reduce vehicle miles traveled; and

WHEREAS, the program was established by the Minnesota Legislature in 2017 and is defined in Minnesota Statute 174.38; and

WHEREAS, in this funding cycle the Minnesota Department of Transportation will award \$3.5 million in state funding to selected projects that will effectively address safety concerns, equity, and engage the community in project development; and

WHEREAS, due to the project's proximity to schools, the need to improve safety at the A Street/US Highway 59 intersection was identified in Marshall's Safe Routes to School plan; and

WHEREAS, pedestrian amenities are limited for crossing US Highway 59 in Marshall and the project area lacks sufficient pedestrian enhancements to encourage vehicles to yield to pedestrians; and

WHEREAS, the CR 7 trail crossing and trail realignment is an important shared use path network and is part of the Camden Regional Bike Trail; and

WHEREAS, the existing crossing of the 45 mph CR 7 requires trail users to utilize CR 7 shoulder for approximately 180-FT; and

WHEREAS, pedestrian traffic counters have identified 6,235 users near the CR 7 crossing between July 1, 2022 and October 1, 2022; and

WHEREAS, a shared use path extension along US 59 between Boyer Drive and Windstar Street fills a trails gap in an important retail and destination center in Marshall; and

WHEREAS, creating and maintaining a trails network that safely connects people with destinations is critical to ensuring that a trails system is fully utilized and functional for the community; and

WHEREAS, the proposed project will enter construction during the 2023/4 calendar year and will have a useful life of over 10 years; and

WHEREAS, the City of Marshall, as the applicant is prepared to execute the grant agreement and ensure the proposed project meets all project milestones and deadlines; and

WHEREAS, by installing pedestrian safety enhancements and extending trail gaps, the project sites will be consistent with the rest of Marshall and provide a safer pedestrian experience; and

THEREFORE, BE IT RESOLVED, the Marshall City Council hereby approves to lead the City of Marshall's pursuit of Active Transportation funds for the US 59 pedestrian crossing improvements, the CR 7 trail alignment and crossing improvements, and the US 59 trail extension; and

THEREFORE, BE IT FURTHER RESOLVED, the City of Marshall recognizes that Active Transportation grants are paid on a reimbursable basis and agrees to finance the total project cost before submitting a request for reimbursement;

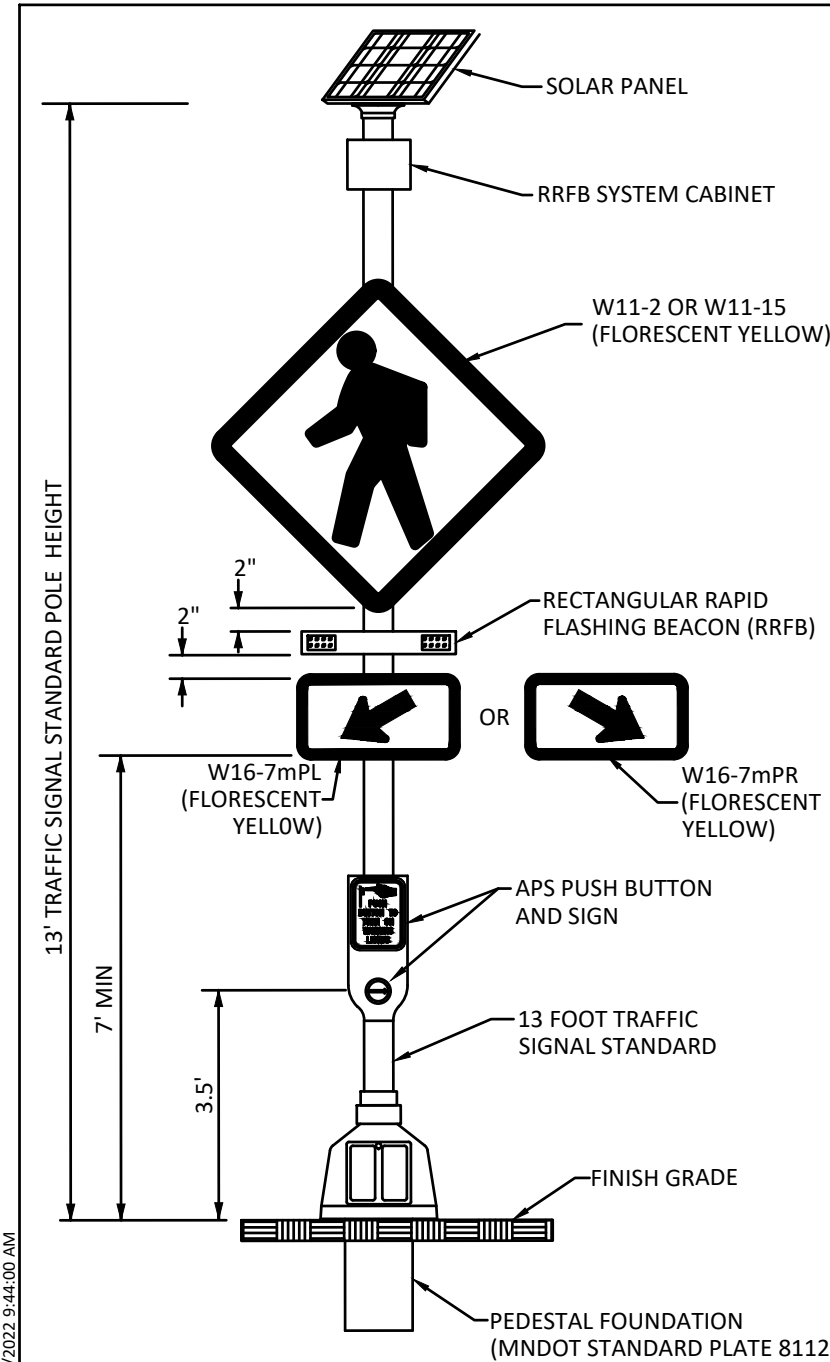
THEREFORE, BE IT FURTHER RESOLVED, the City of Marshall is committed to the development and construction of the proposed project in a timeframe that supports grant agreement requirements.

Passed and adopted by the Council this 27th day of December, 2022.

Mayor

ATTEST:

City Clerk



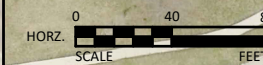
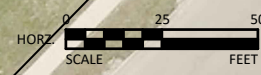
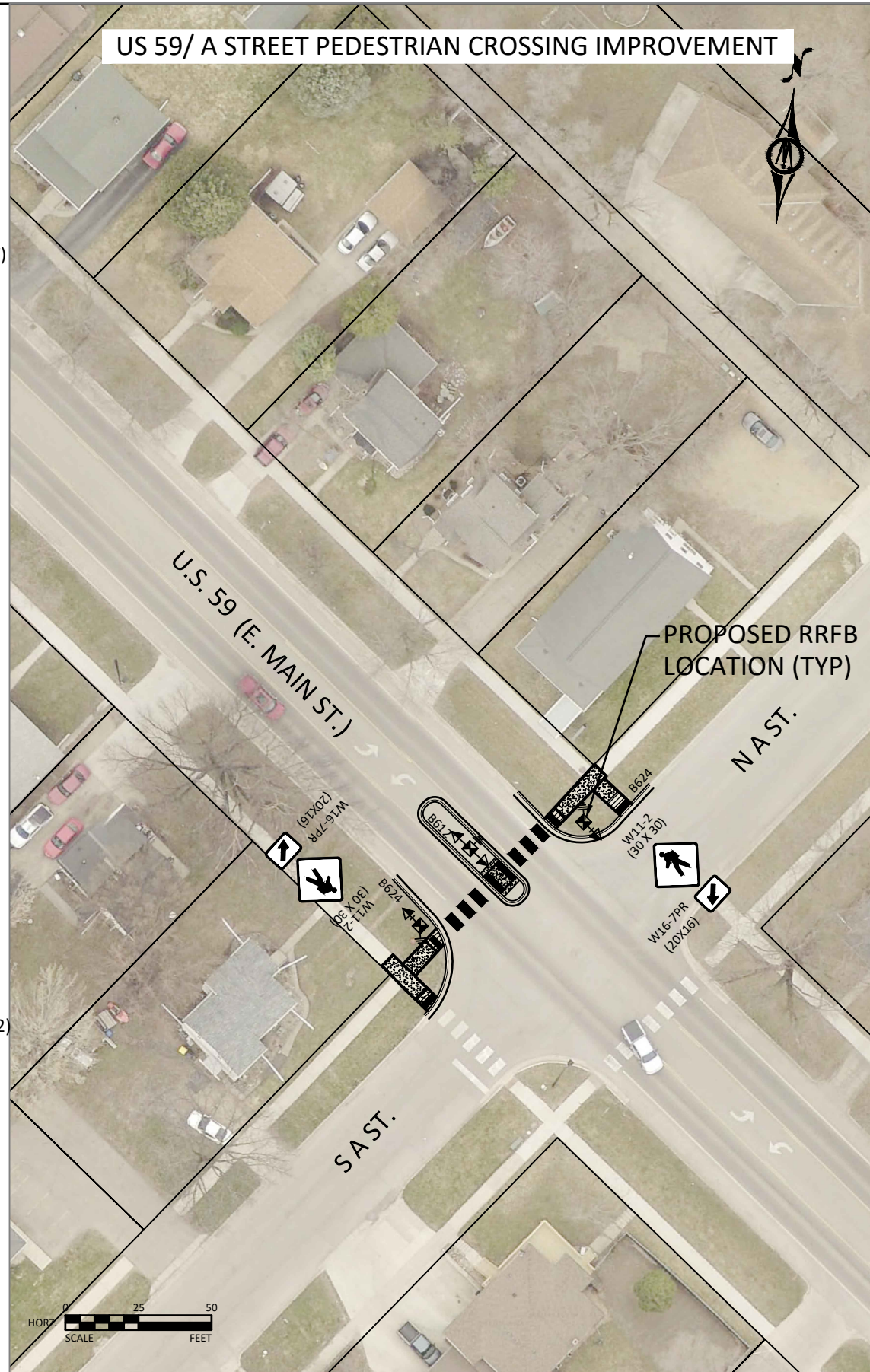
PEDESTRIAN CROSSWALK FLASHER SYSTEM DETAIL

NOT TO SCALE

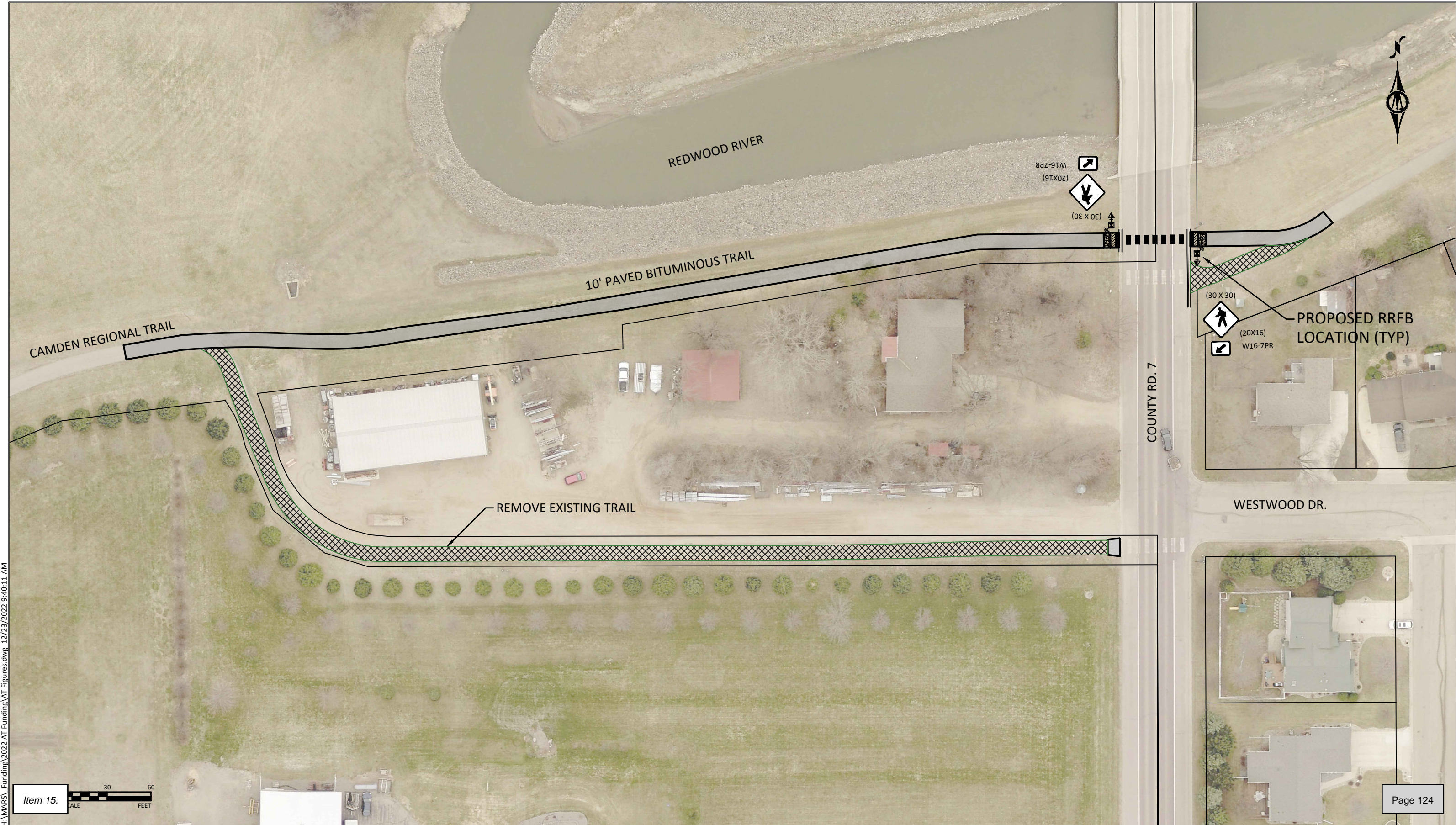
NOTES:

1. LED DUAL 7" FLASHING ARRAYS ON BEACON TO FACE APPROACHING TRAFFIC IN BOTH DIRECTIONS. BEACONS SHALL INCLUDE SIDE FACING PEDESTRIAN INDICATION FACING ROADWAY.
2. SEE MNDOT STANDARD PLATE NO. 8122 "PEDESTAL AND PEDESTAL BASE" FOR PEDESTAL DETAILS.
3. SEE MNDOT STANDARD PLATE NO. 8112 "PEDESTAL FOUNDATION" FOR PEDESTAL FOUNDATION DETAILS.
4. FURNISH AND INSTALL PUSH BUTTON AND FHWA APPROVED REGULATORY SIGN PEDESTRIAN FLASHER SYSTEM ABOVE PUSH BUTTON.

Item 15.



H:\MARSHALL\Funding\2022 AT Funding\AT Figures.dwg 12/23/2022 9:44:00 AM



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Item 15.

SCALE 0 30 60 FEET

Page 124



ENGINEER'S COST ESTIMATE
2024 MARSHALL PEDESTRIAN IMPROVEMENT PROJECT
2022 MnDOT ACTIVE TRANSPORTATION INFRASTRUCTURE PROGRAM
 City of Marshall

Item No.	Item	Estimated Quantity	Unit	Unit Price	Amount
US 59/A ST PEDESTRIAN CROSSING					
1	MOBILIZATION	1	LUMP SUM	\$25,000.00	\$25,000.00
2	SAWING BITUMINOUS PAVEMENT	220	LIN FT	\$4.00	\$880.00
3	REMOVE BITUMINOUS PAVEMENT	36	SQ YD	\$6.00	\$216.00
4	REMOVE CURB & GUTTER	100	LIN FT	\$8.00	\$800.00
5	BITUMINOUS PATCHING	21	TON	\$150.00	\$3,150.00
6	AGGREGATE BASE - CL V	35	CU YD	\$50.00	\$1,750.00
7	CONCRETE CURB & GUTTER DESIGN B624	205	LIN FT	\$35.00	\$7,175.00
8	4" CONCRETE MEDIAN	330	SQ FT	\$8.00	\$2,640.00
9	6" CONCRETE WALK	1080	SQ FT	\$12.00	\$12,960.00
10	TRUNCATED DOMES	48	SQ FT	\$65.00	\$3,120.00
11	PEDESTRIAN CROSS WALK FLASHER SYSTEM - RRFB	1	LUMP SUM	\$60,000.00	\$60,000.00
12	TRAFFIC CONTROL	1	LUMP SUM	\$7,500.00	\$7,500.00
13	EROSION CONTROL	1	LUMP SUM	\$3,000.00	\$3,000.00
14	TURF ESTABLISHMENT	1	LUMP SUM	\$3,000.00	\$3,000.00
15	CROSSWALK PREFORM THERMOPLASTIC GROUND IN	108	SQ FT	\$20.00	\$2,160.00
Subtotal					\$133,351.00
US 59 TRAIL GAP, BOYER ST TO WINDSTAR ST					
1	MOBILIZATION	1	LUMP SUM	\$ 10,000.00	\$10,000.00
2	COMMON EXCAVATION	70	CU YD	\$ 12.00	\$840.00
3	COMMON EMBANKMENT	100	CU YD	\$ 12.00	\$1,200.00
4	BITUMIONOUS PAVEMENT (10' TRAIL, 3" SECTION)	100	TON	\$ 150.00	\$15,000.00
5	AGGREGATE BASE, CL V (6" SECTION)	20	CU YD	\$ 50.00	\$1,000.00
6	6" CONCRETE WALK	200	SQ FT	\$ 12.00	\$2,400.00
7	EROSION CONTROL	1	LUMP SUM	\$ 3,000.00	\$3,000.00
8	TURF ESTABLISHMENT	1	LUMP SUM	\$ 3,000.00	\$3,000.00
Subtotal					\$36,440.00
CAMDEN BIKE TRAIL - REALIGNMENT & PEDESTRIAN CROSSING					
1	MOBILIZATION	1	LUMP SUM	\$15,000.00	\$15,000.00
2	REMOVE BITUMINOUS TRAIL	890	SQ YD	\$5.00	\$4,450.00
3	REMOVE CONCRETE	100	SQ YD	\$8.00	\$800.00
4	REMOVE CONCRETE CURB & GUTTER	70	LIN FT	\$5.00	\$350.00
5	COMMON EXCAVATION	600	CU YD	\$12.00	\$7,200.00
6	COMMON EMBANKMENT	600	CU YD	\$12.00	\$7,200.00
7	BITUMINOUS PATCHING	21	TON	\$150.00	\$3,150.00
8	BITUMIONOUS PAVEMENT (10' TRAIL, 3" SECTION)	155	TON	\$150.00	\$23,250.00
9	AGGREGATE BASE, CL V (6" SECTION)	175	CU YD	\$40.00	\$7,000.00
10	CONCRETE CURB & GUTTER DESIGN B624	70	LIN FT	\$35.00	\$2,450.00
11	6" CONCRETE WALK	120	SQ FT	\$10.00	\$1,200.00
12	TRUNCATED DOMES	40	SQ FT	\$65.00	\$2,600.00
13	PEDESTRIAN CROSS WALK FLASHER SYSTEM - RRFB	1	LUMP SUM	\$35,000.00	\$35,000.00
14	CROSSWALK PREFORM THERMOPLASTIC GROUND IN	144	SQ FT	\$20.00	\$2,880.00
15	TRAFFIC CONTROL (5%)	1	LUMP SUM	\$6,000.00	\$6,000.00
16	EROSION CONTROL (5%)	1	LUMP SUM	\$6,000.00	\$6,000.00
17	TURF ESTABLISHMENT (5%)	1	LUMP SUM	\$6,000.00	\$6,000.00
Subtotal					\$130,530.00
Project Subtotal					\$300,321.00
20% Contingency					\$60,060.00
Total Estimated Construction Cost					\$360,381.00

RESOLUTION NO. 2022-48

A RESOLUTION SUPPORTING PURSUIT OF ACTIVE TRANSPORTATION INFRASTRUCTURE FUNDING FOR US 59 PEDESTRIAN CROSSING IMPROVEMENTS, CR 7/AIRPORT ROAD TRAIL CROSSING IMPROVEMENTS AND TRAIL REALIGNMENT, AND US 59 TRAIL EXTENSION

WHEARAS, the Minnesota Active Transportation Infrastructure Program provides grant funding for the construction of pedestrian and bicycle infrastructure projects that will improve transportation options and reduce vehicle miles traveled; and

WHEREAS, the program was established by the Minnesota Legislature in 2017 and is defined in Minnesota Statute 174.38; and

WHEREAS, in this funding cycle the Minnesota Department of Transportation will award \$3.5 million in state funding to selected projects that will effectively address safety concerns, equity, and engage the community in project development; and

WHEREAS, due to the project's proximity to schools, the need to improve safety at the A Street/US Highway 59 intersection was identified in Marshall's Safe Routes to School plan; and

WHEREAS, pedestrian amenities are limited for crossing US Highway 59 in Marshall. The project area lacks sufficient pedestrian enhancements to encourage vehicles to yield to pedestrians; and

WHEREAS, the CR 7 trail crossing and trail realignment is an important shared use path network and is part of the Camden Regional Bike Trail; and

WHEREAS, the existing crossing of the 45 mph CR 7 requires trail users to utilize CR 7 shoulder for approximately 180-FT; and

WHEREAS, pedestrian traffic counters have identified 6,235 users near the CR 7 crossing between July 1, 2022 and October 1, 2022; and

WHEREAS, a shared use path extension along US 59 between Boyer Drive and Windstar Street fills a trails gap in an important retail and destination center in Marshall; and

WHEREAS, creating and maintaining a trails network that safely connects people with destinations is critical to ensuring that a trails system is fully utilized and functional for the community; and

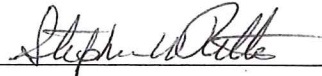
WHEREAS, the proposed project will enter construction during the 2023/4 calendar year and will have a useful life of over 10 years; and

WHEREAS, the City of Marshall, as the applicant is prepared to execute the grant agreement and ensure the proposed project meets all project milestones and deadlines; and

WHEREAS, by installing pedestrian safety enhancements and extending trail gaps, the project sites will be consistent with the rest of Marshall and provide a safer pedestrian experience; and

THEREFORE, BE IT RESOLVED, the Lyon County Board of Commissioners hereby supports the City of Marshall's pursuit of Active Transportation funds for the US 59 pedestrian crossing improvements, the CR 7 trail alignment and crossing improvements, and the US 59 trail extension and will facilitate the proposed project on county highway right-of-ways.

Passed and adopted by the Lyon County Board of Commissioners at its regular meeting held on this 20th day of December, 2022.



Steve Ritter
Board Chair

Attest:



Loren Stomberg
County Administrator

CERTIFICATION

State of Minnesota)
County of Lyon)

I Loren Stenberg duly appointed, qualified and acting County Administrator for the County of Lyon, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Resolution with the original minutes of the proceedings of the Board of County Commissioners, Lyon County, Minnesota, at their session held on the 20th day of December, 2022, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Lyon County, Minnesota, this 20th day of December, 2022.

Loren Stenberg
County Administrator

December 20, 2022

MnDOT District 8
2505 Transportation Road
Willmar, MN 56201

Jason Anderson, PE
Director of Public works/City Engineer
City of Marshall
344 West Main St.
Marshall, MN 56258

Dear Mr. Anderson,

Thank you for your interest in MnDOT's Active Transportation (AT) Infrastructure funding program. We understand the City of Marshall is going to apply for funds to install an RRFB at US 59 and A Street and possibly a median and trail extension in MnDOT right of way on US 59 between Boyer Drive and Windstar Street. It is MnDOT's policy and practice to allow crossing safety enhancements and trails within the right of way, therefore, we are providing you this letter of support to aid your AT application for funding.

District 8 staff have reviewed the information included in your Active Transportation Infrastructure Program Letter of Interest (LOI) and maps of the proposed trail and have the following preliminary comments and conditions that must be met:

- If the RRFB is installed with this grant, then it may need to be removed and replaced with MnDOT's future project at the City's cost.
- Coordination will be required to make sure ramp designs, striping, etc. is in line with future MnDOT projects so unnecessary rework is avoided.
- Boyer is the preferred crossing location, we don't want to encourage crossing at Windstar as speeds are higher and there is a longer crossing distance. It is unlikely that MnDOT would stripe a crossing at Windstar since destinations are limited south of Boyer Dr.
- ADA recommendations have been made for City's trails between Boyer and TH 23, is there the potential to include with this project?
- If a median island is proposed, turning movements would need to be submitted for review to show the geometry works and also an operational analysis to show the impact of eliminating the left turn lane.

If this project is funded, a Cooperative Agreement and permit will be needed to install the equipment in MnDOT right of way to document responsibilities for maintenance, funding, utilities, and coordination on any other issues. District 8 Staff believe this project will enhance and improve safety for crossing pedestrians and bicyclists. If the project is funded, MnDOT staff will assist with the review process and appropriate contacts for all coordination.

Again, thank you for your interest in the Active Transportation Program.

Sincerely,

 Date: 2022.12.21 15:45:16
-06'00'

Susann Karnowski
Assistant District Engineer- Program Delivery

c: Megan DeSchepper – District 8 Planning Director
Cody Brand – District 8 Traffic Engineer



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, December 27, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Consider Request of Wastewater Department for Northwest Industrial Lift Station Pump Replacement.
Background Information:	This lift station serves the Northwest Industrial Park and is a critical lift station. The two existing pumps are 11 years old with approximately 48,000 hours and are failing. These pumps were sized for a large service area that has not yet fully developed. We are proposing to replace the existing 30 hp pumps with smaller, 15hp pumps that are better suited for the current flow requirements. This will result in electrical savings and longer pump life.
Fiscal Impact:	The Wastewater CIP identifies \$36,000 for the purchase of two 15 hp pumps. The City was quoted at \$33,874 for the purchase of the replacement pumps.
Alternative/ Variations:	The two existing 30 hp pumps could be repaired for \$46,893 or replaced for \$67,626.
Recommendation:	that the Council authorize the purchase of the two 15 hp pumps for \$33,874.



800 6th St. N.W.
 New Prague, MN 56071
 Office: (952) 758-9445
 Fax: (952) 758-9661

Quotation			
To:	<u>Marshall, MN</u>	Date:	<u>12/23/2022</u>
		From:	<u>Cory Malay</u>
Attn:	<u>Scott Truedson</u>	Phone:	<u>(952) 221-9800</u>

Re: Industrial Park, Pump Replacement – Revised Design

Item A

Pump Replacement (Revised Design);

This will consist of supplying a new KSB submersible pump designed at a reduced flow rate. This pump is a direct replacement with no guide system modifications needed. This pump will also be equipped with a vortex style impeller that will allow for better solids passing capabilities and eliminate the wear rings. Please see my itemized breakdown below.

<u>Qty</u>	<u>Description</u>
2	KSB, Model KRT F 150-315/126XG-S, 15hp, 230/3, Submersible Pump to Include: <ul style="list-style-type: none"> • 6" Discharge • Vortex Impeller, Capable of Passing 4 3/4" Solids • 5 Year Pump Warranty • Pump Lifting Bail • 2-Part Epoxy Paint • Double Mechanical Seals in Tandem • 50' of Power Cable • Seal Fail & Over Temp Sensors Built into Pump • Class 1 Div. 1 X-proof Motor, Premium Efficiency
1	Freight to Jobsite

Total Sell Price for Item A is \$33,874.00 (any applicable taxes)

Terms:

Quotation is valid for 30 days. Based upon Quality Flow Systems Standard Terms and Conditions of Sale; copy provided upon request.

Exclusions:

Installation is by others.

Proposed Delivery Schedule:

In Stock

Thank you for this opportunity to be of service to you. If you have any questions, please don't hesitate to call.
 952-221-9800

Sincerely,

Cory Malay
 Cory Malay

Presenter:	Mayor Byrnes
Meeting Date:	Tuesday, December 27, 2022
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>Schroeder - Planning Commission</p> <p>DeCramer – Economic Development Authority, Marshall Municipal Utilities Commission, Diversity, Equity, and Inclusion Commission, Public Housing 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:	

MARSHALL-LYON COUNTY LIBRARY
REGULAR BOARD MEETING MINUTES
NOVEMBER 14TH, 2022

Board Members Present: Paula Botsford, Paul Graupmann, Eric DeGroot, Ruth Bot, Saara Raappana, and Anne Marie Vorbach. Absent: Linda Baun, Russ Labat, and Michael Murray. Staff Present: Director Michele A. Leininger, Christine DeGroot, and Paula Nemes. Others Present:

Called to order at 4:00 p.m. by P. Botsford, Vice-President.

Pledge of Allegiance.

Motion made by P. Graupmann, seconded by R. Bot to adopt the agenda as presented. Voice Vote: Yes- P. Botsford, P. Graupmann, E. DeGroot, R. Bot, and S. Raappana. No: None. The motion passed unanimously.

A. Vorbach arrived.

Motion made by R. Bot, seconded by E. DeGroot to adopt the Consent Agenda. Voice Vote: Yes- P. Botsford, P. Graupmann, E. DeGroot, R. Bot, S. Raappana, and A. Vorbach. No: None. The motion passed unanimously.

Old Business:

After School Kids Update: P. Nemes explained the current situation with after school kids. This was informational only to make the Board aware of the ongoing problems. There was discussion on different options if behavior problems continue, including adding additional security cameras.

Delivery Van Update: The Library van is currently on the state site with a minimum reserve of \$4500. The bidding will close on Friday, November 18th. We are doing more local advertising with parking the van out during operating hours and listing it on our social media sites.

New Business:

Director's Evaluation: The Director's Evaluation form was included in the Board Packets for review. The Covid-19 related part of the evaluation was taken off. The evaluations will be emailed out this week to all of the Board Members. They are to be returned to L. Baun before the next Library Board meeting on December 12th.

2023 Holidays: The annual memo on the floating holidays for full time staff in 2023 was reviewed. There were no concerns.

Policy Review:

Meeting & Study Room: There was discussion on the changes and updates to the current policy. It was decided to table a vote until next month so additional suggestions can be inserted.

R. Bot leaves.

Customer Code of Conduct: Motion made by E. DeGroot, seconded by A. Vorbach to adopt the policy with no changes. Voice Vote: Yes- P. Botsford, P. Graupmann, E. DeGroot, S. Raappana, and A. Vorbach. No: None. The motion passed unanimously.

Reports:

Director's Report – C. DeGroot explained the large increase in the property/general insurance. Next year, we budgeted for \$6500 but the new amount will be around \$15,000. We are hoping to use any savings from electric to offset this increase and add the increase to the following year's budget request.

We are partnering with Lyon County Recycling to apply for a grant that includes money for a Tool Library. This would include a variety of tools not only for house and remodeling projects but also for the kitchen, crafting and outdoors. The garage will be used to house these tools. In addition, the grant also includes offering fix-it clinics to promote repairing items instead of them ending up in the landfill.

The Library hosted the 150th Book release party and Candidates Forum in October. Both were well attended.

There will be two open seats on the Library Board starting at the beginning of the year. Currently, we have potential candidates interested in both seats. However, if you know of someone who might be interested, please forward the names to C. DeGroot.

Board President Report: None

Friends: They are selling book bags at the front desk for \$15.00 as a fundraiser. They will also be having a holiday book sale from November 17th – 19th.

Board Committees: None.

Plum Creek: M. Murray is our Plum Creek representative and he will be going off the Library Board at the end of the year. We will need a new Board Member to represent us at Plum Creek starting next year.

P. Botsford motioned to adjourn at 5:21 p.m.

Respectfully Submitted,
Christine DeGroot

December 15, 2022

I hope this letter finds you and your family well this holiday season.

As required by our local franchise agreement, I'm writing to inform you and the City of Marshall of Bluepeak's intent to adjust rates for our video and internet service, starting February 2023. The reasons for these cost adjustments are twofold.

For internet service, like many others, we've felt the impact of inflation as the cost of the materials, equipment and personnel necessary to build and maintain our network has increased. Many other providers have been similarly impacted.

For TV service, the traditional cable channels, broadcast networks, and sports channels have continued to raise their rates roughly every year. When our cost to carry that content goes up, the cost of the service goes up with it.

Customers will begin receiving notification in December of the following adjustment to monthly service rates:

- Residential Internet service – increase by \$5.00
- Limited Basic TV – increase by \$5.00
- Expanded Basic – increase by \$8.00
- My Locals – increase by \$5.00
- My Locals & Favorites – increase by \$8.00
- My Locals & Favorites & More – increase by \$8.00
- My Business Locals – increase by \$5.00
- My Business Locals & More – increase by \$8.00
- Hospitality Locals & More – increase by \$8.00

An up-to-date rate schedule can be accessed online at www.mybluepeak.com/ratechanges.

Please let me know if I can answer any question. Thank you for your continued partnership with Bluepeak!

Sincerely,

donald e. stoops jr.

Desi Stoops
Vice President of Market Development
Phone: 918-691-4159
Email: desi.stoops@mybluepeak.com



Applicant Name	Location Address	Description of Work	Valuation
SAY MAY & PO SAW HTOO	622 4TH ST S	Building Addition	2000
JOHN D RICKGARN	108 HIGH ST S, 108 HIGH ST S	Interior Remodeling - ANY Work Inside, Except Fireplace, Windows	15000
Brad Geske	415 4TH Unit B1	Windows	2100
Brad Geske	415 4TH Unit A3	Windows	2100
Brad Geske	415 4TH Unit C3	Windows	2100
NICHOLAS T & MEGAN ESPING JT	1002 COLOMBINE DR	Windows	3500
DEVIN & LORIE DYKES JT	515 COLLEGE DR E	Doors	1400
BRELAND ENTERPRISES INC	611 VAN BUREN ST	Foundation Repair	9114.98
MARIA DOLORES GARCIA VELASCO	206 SARATOGA ST E	Windows	4500

Applicant	Location Address	Description of Work	Valuation
COEQUYT PLUMBING & HEATING LLC	1204 STOCKHOLM AV	Both - New building AND Air Conditioning, Furnace	0
COEQUYT PLUMBING & HEATING LLC	1202 STOCKHOLM AV	Both - New building AND Air Conditioning, Furnace	0
COEQUYT PLUMBING & HEATING LLC	1108 STOCKHOLM	Both - New building AND Air Conditioning, Furnace	0
REGNIER ELECTRIC HEATING & COO	402 5TH ST N	HVAC - Air Conditioning, Furnace	5820

2023 Regular Council Meeting Dates

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

5:30 P.M.

City Hall, 344 West Main Street

January

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

February

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

March

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

April

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

May

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

June

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

July

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

August

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

September

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

October

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

November

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

December

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

2023 Uniform Election Dates

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

204C.03 PUBLIC MEETINGS PROHIBITED ON ELECTION DAY.

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



Upcoming Meetings

December

- 12/13 Board & Commission Interview, 4:45 PM, City Hall
 - 12/13 Regular Meeting, 5:30 PM, City Hall
 - 12/27 Regular Meeting, 5:30 PM, City Hall
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January

- 01/10 Regular Meeting, 5:30 PM, City Hall
- 01/24 Regular Meeting, 5:30 PM, City Hall