

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

FROM: Sharon Hanson, City Administrator

DATE: January 9, 2024

SUBJECT: Administrative Brief

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### CITY ATTORNEY

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

- Attended meetings.
- Reviewed contracts for Staff.
  - Finalized review of Adult Community Center Contracts (with MASC and LSS) and attend MASC meeting to answer questions.
  - Answered questions on SWWC agreement.
  - Review and answer additional questions on CVB contract.
- Drafted documents
  - Finalized agreement for Administrative Hearing Officers for Council review.
  - Work on ordinance amending moratorium on retail sale of THC products.
  - Draft new ordinance and ordinance amendments on public use of cannabinoid products.
  - Draft repeal of emergency ordinance on use of cannabinoid products.
- Work with staff and Attorney Lykke on ownership of property (service restoration) and plan for HRA to transfer property to City
- Responded to question from staff related to property near airport.
- Answered questions on rental ordinance from staff.
- Worked on Charter Commission documents and attended Charter Commission meeting. Reviewed final report to send to district court. Answered staff questions about charter amendments.
- Worked with staff on open meeting law questions.
- Worked collaboratively with MMU on updating Council on national PFAS litigation and available PFAS settlement. Prepare script for closing meeting for Council for update of litigation matter.
- Met with staff on Chlorides questions and helped draft template SIU agreement.
- Worked with police department and administrative staff on police matters.
- Assisted with questions related to BCA.
- Assisted with HR questions.
- Assisted with various data requests and analysis of classifications of data.
- Sent finalized hearing officer agreements to hearing officers and send executed agreements back to City for list.
- Worked with MMU on reviewing outside counsel retention agreement for PFAS related work.

Work of other K&G Attorneys:

- Attorney Gilchrist worked on city hall questions.
- Attorney Vose introduced to Jason Anderson to help with Natural Gas Franchise questions.
- Attorney Lykke drafted documents for HRA and attended HRA meeting.

**CITY PROSECUTOR:**

|                 | ASSAULT | OPF VIOL. | DWI | OTHER ALCOHOL | TRAFFIC | THEFT | OTHER | TOTAL 2023 | 2022 Comparison |
|-----------------|---------|-----------|-----|---------------|---------|-------|-------|------------|-----------------|
| Prosecution     | 1       |           | 4   | 1             | 8       | 9     | 7     | 30         | 16              |
| Dismissed       |         |           |     |               |         |       |       |            |                 |
| Non-Prosecution |         |           |     |               |         |       |       |            | 4               |
| Refer to County |         |           |     |               |         |       |       |            |                 |

**ADMINISTRATION**

- This past month discussions regarding EDA hotel development occurred and options were explored for future work on this project. There continues to be the need and local interest.
- This past month also included multiple personnel discussions with City Attorney and selected staff.
- The Charter Commission met for the 2nd time this year and finalized Charter revisions proposed by City Attorney. Recommendation will be brought forward to Council on January 9th, with public hearing scheduled for February 13th.
- Community Services staff and YMCA staff met to discuss collaborative programming. Staff will meet again in early February for continued discussions.
- Met with Councilmember Schafer, City Attorney and staff to discuss Helena land acquisition and status of Helena’s work with MN Department of Ag. Progress is still being made by Helena and the city continues to be in holding pattern with purchase agreement.
- Wastewater staff have been working on a PFAS management plan as stipulated by MPCA, with one requirement being identifying sources of PFAS. Preliminary work has begun in this area and eventual public education on potential sources will also be part of future work on this topic.
- The Public Infrastructure Transportation (PIT) met with residents regarding the proposed trail project that crosses County Road 7.
- Staff plans to meet with Stockwell in mid-February regarding next steps. Asst Engineer Eric Hanson has now assumed the role as staff lead with regard to construction and has been reaching out to Stockwell on a regular basis. The Aquatic Center Fundraising Committee sent out in mid-February a letter requesting donations for the proposed project, thus far over \$20,000 has been committed and reaching out to individuals and businesses will continue to occur. The Aquatic center land purchase was finalized in late December by Schwan’s, with Land Use Attorney Dennis Simpson ensuring completion of this transaction.
- Various other staff and meetings occurred including EDA Board meeting, DEI Commission meeting and one-on-one business meetings.

**Economic Development Authority**

- Completing Grant Agreements for East College Grant and notifying businesses of awards.
- Staff plans to meet with Solugen team to discuss upcoming groundbreaking ceremony tentatively scheduled for late March. Team will also schedule a roadshow including presentations from Solugen staff.
- Land sale was completed on 27-485012-0 (S 10<sup>th</sup> St) to 2<sup>nd</sup> Avenue Investments who is the new owner of the former Willmar Poultry building.
- Staff is working with SWWC on Purchase Agreement, rezone, and survey work for Parkway site.

- Staff attended Transportation Meeting to discuss Tiger Drive alternatives.
- Staff will attend Community Venture Network event on 1-12.

### **Human Resources**

- Staffing:
  - Office Specialist (CS division) interviews will begin the week of January 8.
  - WW Plant Operator: recruitment for this position began on 01/02/2024 following a voluntary resignation.
  - Community Services Officer: recruitment for this part-time position began on 01/02/2024. This part-time position serves the department primarily on weekends.
  - Appraiser: the application period closed on 01/05/2024. Review of applications will begin on 01/08/2024 and interviews will be scheduled.
  - Temporary/seasonal: a variety of temporary and seasonal positions are being recruited and filled by various departments.
- Safety: In January, employees will be trained on AWAIR, Employee Right to Know, Hazard communication, Bloodborne pathogens, and Personal Protective Equipment. These are all courses required by MNOSHA to be provided on an annual basis.
- Staff are also preparing to complete the City's Pay Equity report, which is due by January 31, 2024. Per the Local Government Pay Equity Act, M.S. 471.991-471.999 and Minnesota Rules Chapter 3920, local government jurisdictions are required to submit a Pay Equity Report to the State of Minnesota every three years.

### **Clerk**

- The Charter Commission met and made recommendations to City Council for amendments. The Commission also submitted their annual report to Honorable Judge Zimmer and requested that James Zmeskal be appointed to the commission to fill a vacancy.
- Licenses renewed/issued: Nine (9) 3.2% Off-Sale, Three (3) 3.2% On-Sale, Two (2) On-Sale Wine, Thirteen (13) On-Sale Liquor, Two (2) Taxi, Eleven (11) Tobacco, and One (1) Brewer.
- A number of openings on boards/commissions had occurred and are upcoming at the beginning of 2024. An advertisement will be upcoming to try to fill open positions.

### **Finance**

- 2024 Budget – The 2024 budget was adopted in December 2023. The Finance Director has generated electronic copies of the budget book and sent the document to Council and staff.
- 2023 Audit – Staff will be working to close out 2023 and will continue to prepare information for our auditors over the next few months.
- 2024 Bonding – The bonding process to ensure funding is secured for 2024 projects is underway, including public hearings at the 1/09 Council meeting. Resolutions authorizing the sales are currently planned for February, with sale of the obligations in March and receipt of the proceeds and settlement of the obligations in April.

### **Assessing**

- No Report

## **Liquor Store**

- December Financials: Sales 847,969 + 8%, Ticket Average \$41.04 + 1.71%, Customer Count 20,660 + 6.12%. A solid month for all financials. It was a record month for Sales due to ideal weather conditions compared to December 2022. A great finish for the year. Unofficial sales FY 2023: 7.375 million, up around \$300 Thousand from 2022 or an increase of 4.25%.
- Staff have been busy restocking/organizing the floor from the busy Christmas season.
- Installation of 3 digital message boards will be completed next week. This will allow us to decrease the paper clutter in the store and give us more flexibility with marketing monthly specials, new products and messages to the customers entering the store.

## **COMMUNITY SERVICES**

### **Parks & Recreation**

- There were 1,053 open skate and hockey participants over the course of fifteen dates during the month of December at the Red Baron Arena.
- Upcoming recreation offerings for the month of January include soccer, ice skating, basketball, curling, baseball, pickleball, gymnastics, softball and cheerleading!
- Working on plans for 2024 construction projects – Independence Park back parking lot, Independence Park Shelter and Restroom (DNR Grant – awaiting final contract), Legion Field improvements (bidding in spring for late summer start)
- Meeting with businesses on sponsorship opportunities for new Aquatic Center
- ReLeaf Grant contract for EAB funding has been finalized - \$329,080 awarded to City of Marshall
- Working on updating bike trail maps – will have new signage printed for kiosks in 2024, CVB is helping with this.
- Parks staff has been doing a lot of tree trimming in the parks with nice weather.
- Staff will start getting trained on new software implementation – FinnlySport with goal of roll-out in the spring/summer.

### **Community Education**

- There were approximately 84 children that attended the 3<sup>rd</sup> annual Visit Santa event held at the Marshally Lyon County Library.
- Researching other communities/schools Driver's Education programs
- Driver's Education Session 1 starts January 8<sup>th</sup>, 2024 classes are filling up
- Marketing for Winter/Spring Community Education classes
- It Begins With Us (formerly Cultures on the Prairie) Event
- Early planning for 4<sup>th</sup> of July Event
- Upcoming Community Education classes: Theater Fun, Egg Roll Valentine's Night Cooking, Spanish for Beginners, Canvas Painting, Junior Curator

### **Studio 1**

- We recently completed the installation and wireless networking of security cameras at the newly-finished amateur sports complex shelter.
- We will be working on installing additional exterior security cameras on City Hall to cover the Terrace 1872 area and alleyway in the near future as well.

- We continue to cover sporting and community events throughout town and produce our recurring monthly shows such as Tiger Talk, Community Connect, and Senior Compass.

## **COMMUNITY PLANNING**

### **Building Services / Planning & Zoning**

- About 200 open permits.
- Family Dollar, a dental clinic, and Kwik Trip (E College Dr) are the largest projects under construction.
- Rental Ordinance ready for Council approval
- Sign ordinance is being reviewed.

## **PUBLIC WORKS DIVISION**

### **Engineering**

- Project ST-007: UCAP Bus Shelter Installations – Project plans are complete. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction (R&G Construction Co.) –The Addison Parking lot will be reconstructed in the spring.
- Project ST-012-2024: South Whitney Street Reconstruction Project (East College Drive to Jean Avenue) – Staff is currently working on the design and specifications for this project.

### **Building Maintenance**

- No report.

### **Street Department**

- No report.

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

- No report.

### **Wastewater**

- Staff have completed 277 preventative maintenance work orders in the last 30 days.
- Finished cleaning the east traveling bridge effluent filter.
- Interest in the water softening rebate program has been increasing, especially in removals. Around \$15,000 of funding is still available.
- Biosolids application has been completed. Equipment has been cleaned and put away for the season.
- The MPCA biosolids annual report has been completed and submitted.
- HWY 23 ATS and VFD replacement has been completed.
- Beginning of winter cleaning of various buildings in the collection department and wastewater facility.
- Working on MPCA annual reports. The Pretreatment Annual, Variability of Operations, and DNR Water Use reports have all been completed and submitted so far.

## **PUBLIC SAFETY DIVISION**

### **FIRE DEPARTMENT**

- The Fire Department responded to thirteen (13) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (6)
  - Fire; Structure (6)
  - Medical Assist (0)
  - Vehicle Accident (1)
  - Other – Assist (0)

### **POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 734 calls for the month of December. 66 criminal offenses were reported with a total number of 38 adults and 1 juvenile arrested.

### **OFFICER'S REPORT**

- Alarms (21)
  - Accidents (19)
  - Alcohol involved incidents (0)
  - Assaults (10)
  - Domestic Assaults (12)
  - Burglaries (1)
  - Criminal Sexual Conduct (1)
  - Damage to Property (0)
  - Keys Locked in Vehicles (30)
  - Loud Party (8)/ Public Disturbances (9)
  - Thefts (27)
  - Traffic Related Complaints (124)
  - Vandalism (1)
  - Warrant Pickups (7)
  - Welfare Checks/Mental Health (27)
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- Officer Jonathon Monterosso has started his second phase of field training. Officer Monterosso accepted a full-time position after Officer Ben Kelly resigned from the MPD at the end of December.
  - The Bureau of Criminal Apprehension (BCA) was asked to conduct the investigation into the critical incident involving the Marshall Police Department that occurred on December 17<sup>th</sup>, 2023. Once the BCA completes its investigation, the facts will be sent to the Lyon County Attorney's Office for their review.

### **DETECTIVE REPORT**

- A 25-year-old Marshall man was arrested for 3rd Degree Assault at the conclusion of an investigation of injuries to a child under 4 years old.
- A 39-year-old Marshall man was arrested for domestic assault and interfering with an emergency call after the investigation of an assault.
- A 45-year-old Marshall woman was arrested for felony theft after the investigation of multiple thefts from a Marshall retail store.
- The theft of a firearm from a vehicle was investigated. The firearm was recovered in Willmar and a suspect was charged with possession of stolen property.

- Eighteen theft cases and six theft by swindle cases were investigated during the month of December.
- Two cases of financial transaction card fraud and a check forgery case are under investigation.
- Twenty child protection reports and seven reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.

## **MERIT CENTER**

- In December, MN West held a Stakeholder meeting, Hazwoper Refresher and CDL training utilizing the driving track at the MERIT Center.
- On December 1<sup>st</sup> ARMER Train the Trainer concluded. It was conducted by On Target Training & Consulting and SW Communications Board.
- On December 5<sup>th</sup> and December 6<sup>th</sup>, ARMOR Training conducted Global Wind Organization Training for SGRE, utilizing a classroom and wind turbine with 3 attendees each day.
- BLR-ERU conducted training on December 7<sup>th</sup> with 22 attending.
- On December 7<sup>th</sup>, Ralco held their Employee Meeting with 66 attending.
- EVOG was held by the Marshall PD on December 11<sup>th</sup>.
- On December 13<sup>th</sup> North Memorial conducted First Responders Training.
- On December 14<sup>th</sup> Plumbology conducted Plumbing, heating & Cooling Training with 29 attendees.
- On December 15<sup>th</sup> to December 17<sup>th</sup> North Star Training & Consulting Held NFPA 1001 FF I & II Course with 43 attendees each day.
- On December 21<sup>st</sup> SW Communication Board held Next Gen 9-1-1 Course with 12 attendees.
- On December 21<sup>st</sup> ADM held their monthly safety contractors training with 40 attendees.
- Next Gen hosted their Regional Communication Board Meeting on December 27<sup>th</sup>.
- The MERIT Center was utilized 15 out of 31 days with 20 reservations in December with 416 attendees.