

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

FROM: Sharon Hanson, City Administrator

DATE: April 11, 2023

SUBJECT: Administrative Brief

---

### CITY ATTORNEY

In March, the City of Marshall experienced the benefit of our team of lawyers. Some highlights include:

- Collaboration with staff on several ordinances including preparing a draft for an administrative enforcement process and advising on proposed rental code and working group.
- Review of Adult Community Center ordinance with suggested revisions.
- Review and minor revisions of staff recommended changes to L&O for outdoor storage and to addition to ordinance for pollinator gardens.
- Helping with data question related to participant data.
- Collaborated with MMU and Attorney Simpson on process for Council approval for MMU contract.
- Review contracts for refuse disposal at arena and Questica contract, propose revisions and work with staff on negotiations.
- Assist with C.U.P. findings of fact.
- Attend council meetings and advise on C.U.P.
- Begin working with MN Department of Revenue on IC134 question for former City construction project.
- Advising staff on various incidental legal questions posed to attorney throughout the month.

Work of other K&G Attorneys:

- Attorney Sonsalla worked with staff on parking lot questions.
- Attorney Gilchrist provided general overview and resources for MMU.
- Attorney Gilchrist is collaboration with City of developing new project legal review process.

General Updates:

- New proposed (or if indicated signed) legislation:
  - ✓ NEW LAW: Catalytic Converter statute was sent to Governor and signed. Public Safety has been updated. [Chapter 15, House File 30](#) cracks down on catalytic converter theft by only allowing registered scrap metal dealers to purchase catalytic converters and increasing criminal penalties for the illegal possession or sale of catalytic converters. The bill also requires catalytic converters to carry the vehicle identification number of the car it originated from, allowing law enforcement to determine if the car part was purchased lawfully.
  - ✓ We are monitoring HF865 which would affect the ability to include duty to defend provisions in public contracts. League is lobbying against these limitations.

- ✓ We are monitoring SF2471 which would allow “sacred communities” on the property of religious organization from a state level and would leave very little, if any, ability to regulate with local controls.
- ✓ We are monitoring Omnibus Policy Bills in House and Senate State and Local Government Committees which include a number of League legislative priorities like a medical exception to the Open Meeting Law and a repeal of the local government compensation cap.

**CITY PROSECUTOR:**

- Criminal prosecution numbers for June are as follows:

	<b>ASSAULT</b>	<b>OFF VIOL.</b>	<b>DWI</b>	<b>OTHER ALCOHOL</b>	<b>TRAFFIC</b>	<b>THEFT</b>	<b>OTHER</b>	<b>TOTAL 2023</b>	<b>2022 Comparison</b>
Prosecution			6		6	3	1	16	18
Dismissed									
Non-Prosecution	4				1		1	6	4
Refer to County									

**ADMINISTRATION**

This past month included the following meetings and work:

- We were informed that Senator Rest, Chairperson of the Senate Tax Committee informed that our sales tax request will be in the Senate Omnibus Tax bill. We will await future/possible Tax Conference action.
- Next week we will reengage the Aquatic Center Committee and staff with Stockwell Engineering firm to re-kick-off the concept design of the Marshall Aquatic Center. We’ll review past work, public input, current aquatics programming, current restroom/concessions building programming, and conceptual site layout. We will also look at timeline and steps moving forward for design and construction.
- Preston Stensrud and I presented to the Marshall Community Foundation regarding possible fundraising opportunities for the aquatic center in partnership with them. They did agree to be a depository of funds for any donations to the aquatic center and will consider a grant to the project. Staff will continue to work with Stockwell on a fundraising goal and different levels of sponsorship opportunities.
- Mayor and I met with Schwans representative and land use attorney Dennis Simpson regarding aquatic center land purchase agreement.
- Mayor and I presented to the Senior Center on the Mayor’s top priorities for 2023 and information on the aquatic center project. This past month I also presented an update to the Chamber Board on the aquatic center.
- Staff met to hear from National Weather Service staff person regarding flood predictions for 2023 Spring in the City of Marshall. Soil temperatures, last year’s dry conditions and expected future climate forecasts helped lower flood potential.
- Met several times this past month with EDA Director as we continue to finalize the draft EDA Strategic plan that will be presented for approval at the EDA April meeting.
- Met several times with Director of Administrative Services E.J. Moberg to discuss future financing schedules and options regarding capital improvement projects.
- This past week received the final draft of the City/YMCA Indoor Recreation Study and hope to have a presentation to Council by the consultant scheduled for the month of May.
- Continue to meet with Community Services staff on a variety of topics and issues as we plan upcoming summer activities and as we plan for the summer release of the Summer Community Services Brochure which is expected in the first week of May. This Brochure will be mailed to all Marshall residents and

businesses. We also conducted our first Community Services Advisory Board meeting with a fair number of new Board members. We gave them a general overview of our departmental work.

### **Economic Development Authority**

- Releasing new video series, *On the Horizon*, featuring EDA projects and updates for community awareness.
- Hosted a Lunch and Learn event in partnership with the Chamber for individuals interested in starting a business.
- East College Economic Revitalization Grant program is currently in a community review period and business owners are encouraged to provide feedback prior to opening the application window.
- Working with MPS on the CTI center opening in the Fall of 2023.
- Completing the 2022 Annual Report
- Completing MNDEED applications for industrial project.
- Continuing to work with Woodcrest Capital on Shopko development.
- Working with Knochenmus Enterprises on mercantile first floor project.

### **Human Resources**

- Staffing update: The City welcomes LuAnn Anderson to the part-time Office Assistant/Receptionist position in Community Services. Staff are reviewing applications and interviewing candidates for the Maintenance Worker and Building Custodian positions. Staff have also interviewed and extended a conditional offer to an Assistant City Engineer candidate. Temporary/seasonal hiring continues for our Community Services and Public Works departments to support our seasonal maintenance needs, as well as our recreation/community education programming. Recruitment is also underway for our paid-on-call Firefighter positions. Firefighter testing will begin on April 12<sup>th</sup>.
- Safety program: employees will be trained in Load securement and defensive driving.

### **Clerk**

- Three applications for the Fire Department Scholarship have been received and will be brought to the Ways & Means Committee.
- Applications for Mobile Food Vendors continue to come in for the Summer season.
- Continuing to find members for open board/commission spots.

### **Finance**

- Bonding: The public hearings and resolutions for abatement bonds and street reconstruction bonds are the next step in the bonding process. Staff continues to work with BakerTilly on the upcoming issuance. The current schedule includes Council awarding the sale on May 23<sup>rd</sup>, with proceeds received in late June.
- Audit: Auditors from BerganKDV will be at City Hall the week of May 1<sup>st</sup> for audit testing.

### **Assessing**

- Normally appeal season is congruent with Spring, this year however, the two seem to be at odds. Nevertheless, our office has been fielding calls regarding valuation notices and tax hikes due to prior year valuation increases and levy increases. For the most part, it has been relatively quiet, and calls have been able to be resolved. We have reached a settlement on our last open Tax Court Case with EverSpring for the pay 2022 EMV. For the first time in my employment with the city we have zero open Tax Court Cases. However, I am anticipating the possibility of 2-3 filings before the April 30<sup>th</sup> deadline for pay 2023. Stay tuned.

## **Liquor Store**

- March Financials: Sales 527,096 + 5.28%, Customer Count 15,478 +1.31%, Ticket Average \$34.05 +3.90%. A good month for all financials considering weather conditions have been poor for the month.
- Beer sales have been below normal averages due to the colder weather conditions.
- March “Saving the Green Sale” and St. Patrick’s Day bag sale were successful. I believe this brought in additional customers buying products they normally wouldn’t purchase. It is also designed as a “Thank you” to our many customers with deeper discounts on products they purchase.

## **COMMUNITY SERVICES**

### **Parks & Recreation**

- An all-new gymnastics spring program has launched for gymnasts ages 5-12 at the new gymnastics’ facility at the Middle School. 64 athletes have registered for this new April & May program. Since January, we’ve had 255 youth gymnasts register for our various gymnastics’ programs!
- Intro to hockey for boys and girls ages 4 through 4<sup>th</sup> grade has wrapped up with 40 youth players learning the game of hockey which was instructed by the MHS girls hockey coaches and players.
- Ice has been removed from the Action Arena for the season and expo season has started with events each weekend since.
- Working with SMSU on cooperative facilities agreement.
- Finishing hire seasonal staff.
- Bids are due for shelter at Amateur Sports Complex April 5<sup>th</sup> for April 11<sup>th</sup> Council Meeting.
- Working on contracts with CVB sponsorship/service agreements – hope to bring to Council for approval next meeting.
- Baseball and softball games will start as soon as weather and field conditions allow at various facilities.

### **Community Education**

- Continuing to hire summer staff.
- Completed summer program planning with 35 total community education classes (70 sessions) being offered for Summer 2023. 18 of which are brand new offerings.
- Session 8 of Driver Education classroom wrapped up on March 23<sup>rd</sup>. Due to weather, there were a total of 6 days rescheduled.
- Attended the MCEA Statewide Directors meeting on March 24<sup>th</sup>.
- Completed and submitted annual Minnesota GreenStep Cities Metric Report.
- Finalized and submitted final report for the SMAC grant on the 150<sup>th</sup> “M” sculpture.
- The Adult Community Center was awarded a SHIP grant in the amount of \$2,500 to go towards a senior garden project which will include raised garden beds and seeds.
- ACC staff attended the annual MASS conference on March 30<sup>th</sup>-31<sup>st</sup>.

### **Studio 1**

- Alex attended the National Weather Service Integrated Warning Team meeting in Sioux Falls to discuss High-End Severe Thunderstorm Communication, Preparedness, and Response and how to best communicate important messaging to residents.
- Classroom C at the MERIT Center is now fully operational with the new A/V equipment.
- Studio 1 recently provided video board coverage at Red Baron Arena for the Marshall Radio Home Show as well as the Lyon County Pheasants Forever banquet.
- The MMU Lead Water Service Line video has been completed and will be sent to specific customers by MMU directly.
- Studio 1 continues to cover sporting and community events throughout town and produce their recurring monthly shows such as Tiger Talk, Community Connect, and Senior Compass.

## **COMMUNITY PLANNING**

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

- About 160 open permits.
- Two Avera projects, Block 100 apartment building, Harbor Freight Tools, Family Dollar, and Walmart remodeling are the largest projects under construction.
- Several projects are in the Plan Review status, including two new houses.

## **PUBLIC WORKS DIVISION**

### **Engineering**

- Project ST-001-2023: Chip Seal Project – Awarded to Allied Blacktop Company on 02/28/2023.
- Project ST-002-2023: Bituminous Overlay Project – Awarded to Duininck, Inc. on 03/14/2023.
- Project ST-004: Halbur Road reconstruction – Project is substantially complete.
- Project ST-006: SRTS School Pedestrian Crossing Improvements – Final change order and pay request to Duininck, Inc. approved 03/28/2023.
- Project ST-007: UCAP Bus Shelter Installations – Project plans are being redrafted. Staff is waiting on final contract requirements from UCAP Transit for their MnDOT grant. Once received, staff will recommend advertisement for bids.
- Project ST-008: Channel Parkway Resurfacing – Awarded to Duininck, Inc. on 03/14/2023.
- Project ST-009: N. 3<sup>rd</sup> St./W. Lyon St. Reconstruction – Awarded to R&G Construction Co. on 03/14/2023. Property Owner/Business Owner meeting held 03/30/2023. Proposed start date 04/17/2023.
- Project SWM-002: Legion Field Stormwater Project – Phase II (Parkway Basin) – Awarded to Towne & Country Excavating LLC on 03/14/2023.
- Project MMU-001: TH 23 Watermain Crossing Project.

### **Building Maintenance**

- No report.

### **Street Department**

- No report.

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

- No report.

### **Wastewater**

- Staff have completed 252 preventative maintenance work orders in the last 30 days.
- Visiting with larger institutions in Marshall about the water softener optimization/rebate program.
- Will begin working on sump pump permit tagging the second week of April; was delayed due to cold weather.
- NPDES permit renewal work with Bolton & Menk continues.
- We have completed all significant Industrial User meetings.
- New televising computer and software to be installed on April 6<sup>th</sup>.
- The grinder from the main lift station has been rebuilt and reinstalled.
- Seasonal spring equipment maintenance work orders have begun.

## **PUBLIC SAFETY DIVISION**

### **Fire Department**

- The Fire Department responded to twenty-four (24) calls for service. Total calls for service included:
- Fire/CO2 Alarm (5)
- Fire; Structure (13)
- Medical Assist (0)
- Vehicle Accident (6)
- Other – Assist (0)

### **Police Department**

- The Marshall Police Department responded to a total of 750 calls for the month of March. Ninety-nine (99) criminal offenses were reported with a total number of twenty-eight (28) adults and one juvenile arrested.

### **Officer's Report**

- Alarms (20)
- Accidents (27)
- Alcohol involved incidents (2)
- Assaults (7)
- Domestic Assaults (12)
- Burglaries (0)
- Criminal Sexual Conduct (2)
- Damage to Property (4)
- Keys Locked in Vehicles (26)
- Loud Party (3)/ Public Disturbances (9)
- Thefts (14)
- Traffic Related Complaints (200)
- Vandalism (4)
- Warrant Pickups (7)
- Welfare Checks/Mental Health (31)

City Council approved the agreement with AXON body camera system. After further discussion with AXON, the agreement purchase price was reduced \$10,000. Body camera equipment was ordered and received. Before introducing the new body cameras to officers, a training will be scheduled with the AXON company. Squad cameras are not expected to be received until 2024.

### **Detective Report**

- A 44-year-old Marshall woman was arrested for felony 1<sup>st</sup> Criminal Damage to Property. A search warrant was executed on a Marshall residence and items believed to have been used in causing the damage were seized.
- An assault with a deadly weapon case is under investigation. A Marshall woman was arrested on outstanding unrelated warrants during the investigation.
- A methamphetamine related crime involving children was investigated and forwarded to the Lyon County Attorney's Office.
- Eight thefts by swindle cases involving scams and three identity theft cases were investigated during the month of March.

- A financial transaction card fraud case involving the use of a stolen credit card multiple times at a Marshall business was investigated and forwarded to the Lyon County Attorney's Office for formal charges.
- Four cases of criminal sexual conduct were investigated during the month of March.
- Twenty child protection reports and six reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.
- Sgt. Buysse did a presentation on the detective's division and financial scams for the SMSU Gold College on March 29<sup>th</sup>.

## **MERIT Center**

- The Department of Public Safety continues to utilize the driving track and skills pad for CDL exam testing. There were 16 exams completed on the track in March.
- In March MN West conducted a Pilot Car course and CDL training utilizing the driving track at the MERIT Center.
- On March 8<sup>th</sup> D & G conducted safety training at the MERIT Center. 68 participants attended this training.
- Blue Fire Training, LLC conducted Firefighter Officer II classes at the MERIT Center on March 10-12. 12 firefighters attended this training.
- On March 15<sup>th</sup> the Next Gen 911 Committee held their committee meeting at the MERIT Center. 15 people attended this meeting.
- Plumbology LLC conducted a plumbing continuing education course at the MERIT Center on March 17<sup>th</sup>-19<sup>th</sup>.
- On March 17<sup>th</sup>-19<sup>th</sup> Blue Fire Training, LLC held an EMR Initial course at the MERIT Center. 9 people attended this training.
- MN USDA conducted CSP Training and COC Orientation for their employees at the MERIT Center on March 22<sup>nd</sup> and March 28<sup>th</sup> for 49 employees.
- MN Farm Service Agency held a meeting on March 23<sup>rd</sup> at the MERIT Center. There were 63 participants at this event.
- The SW Regional Communications board held their board meeting at the MERIT Center on March 29<sup>th</sup>. 39 people attended this meeting.
- Members of the Marshall Police Department hosted the SMSU Gold College at the MERIT Center on March 29<sup>th</sup>. They were given a presentation of a squad car and the use of force law enforcement simulator. 9 people attended this presentation.
- The MERIT Center was utilized 25 out of 31 days in March with 314 people attending these training/events.