

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

FROM: Sharon Hanson, City Administrator

DATE: May 9, 2023

SUBJECT: Administrative Brief

CITY ATTORNEY

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

- Attended both council meetings.
- Collaboration with staff on several ordinances including finalizing adult community center ordinance.
- Toured City and City projects from City Administrator.
- Attended Legal Executive Committee.
- Worked with MN Dept. of Revenue on outstanding balance of City Hall Contract due to subcontractor not submitting IC134 Withholding forms.
- Advised on data question related to park participant and also regarding complainant data.
- Reviewed Red Baron contracts and discussed updating template for these agreements.
- Continued working with staff on existing and new code violations.
- Assisted with C.U.P. findings of fact and process for solar garden.
- Worked with EDA on NDA agreement.
- Reviewed a number of contracts, including for picnic shelter.
- Advised staff on various incidental legal questions posed to attorney throughout the month, including possible property damage insurance claim.
- Collaborated with staff on private road questions.
- Started discussions regarding Cannabis bill and interim ordinances.

Work of other K&G Attorneys:

- Attorney Vose assisted with franchising questions.
- Attorney Cruz Jennings reviewed Amateur Sports Commission bylaws.
- Attorney Gilchrist is collaborating with City on developing new project legal review process.

General Updates:

- New proposed (or if indicated signed) legislation:
 - ✓ We are monitoring HF100 and SF73 – Cannabis bills. Both House bill and Senate bill passed, and now go to conference committee to work out minor differences. The Governor has indicated he will sign what version comes to his desk. Expect to see a memo from me/staff overviewing possible impacts.
 - ✓ Some cities getting contacted by Governor's office to discuss Governor's proposal to replace lead pipes across Minnesota: <https://mn.gov/governor/newsroom/press-releases/#/detail/appld/1/id/574367>

- ✓ Governor signed into law HF1656 which establishes grant programs to help local government apply for federal funds for energy projects under the Infrastructure Investment and Jobs Act, Public Law 117-58, or the Inflation Reduction Act of 2022, Public Law 117-169.
<https://www.lmc.org/news-publications/news/all/funding-to-assist-cities-with-energy-related-grant-programs-passes-senate-heads-to-governor/>
- ✓ House passed the family medical leave bill (Senate version of bill still in committee) that would guarantee all workers have access to FMLA benefits. Under the bill, workers would be eligible for up to 18 weeks of paid leave to care for themselves if they are suffering from a serious medical condition or a family member, including a newborn. If workers experience complications due to pregnancy, they could receive an additional six weeks for no more than 24 weeks in a single year. It would be a state-run program similar to unemployment insurance.
- ✓ City may hear about a multidistrict litigation related to PFAS. Minnesota Rural Water Association (MRWA) is partnering with the National Rural Water Association (NRWA) to educate cities with water utilities about the lawsuit. Many of our clients have not joined but let me know if you have any questions.
- ✓ The Omnibus tax bill, the Omnibus housing finance bill and the Omnibus Agriculture Bill (with broadband spending provided) will now go to a conference committee to resolve differences in each bill.

CITY PROSECUTOR:

Criminal prosecution numbers for April are as follows:

	ASSAULT	OPF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2023	2022 Comparison
Prosecution	1	1	5		14	9	5	35	15
Dismissed									
Non-Prosecution	1				1		2	4	7
Refer to County									

ADMINISTRATION

This past month included the following meetings and work:

- Staff reviewed a final draft of the indoor recreation study and will provide a presentation to Council at work session May 23rd.
- City Attorney Whitmore is planning on presenting interim ordinance on cannabis as a result of projected cannabis legislation progressing through Legislature. We will attempt to update as much as we can and try to include the L&O Committee within a possible short-time line.
- The Aquatic Center engineering firm is working with staff to present concepts and ideas for the aquatic center. A very wide range of options in terms of aquatic center amenities. We will continue to work with them on final design. In addition, the Aquatic Center Committee made up of Councilmembers Lozinski and Alcorn along with volunteer residents met recently to receive an update on legislation, the conceptual design and next steps.
- This past month participating in the MN State Auditor State of Main press conference where a summary of city and county financial conditions were presented.
- Also, this past month I attended the MN City/County Managers Association annual meeting as well as other various staff and community meetings.

Economic Development Authority

- Project Horizon – Staff continues to work with industrial development interested in locating in Marshall. We are currently working State Funding applications and site design.
- Shopko – Retail tenants were announced. Waiting to hear timeline on buildouts.
- Main Street Revitalization Grant – The application is now available and are due on June 1st.
- Block 100 – Currently working on Phase II and III site plans. Seeking additional parking options
- Video Series – Staff launched the first episode of “On the Horizon” featuring Avera and their recent main hospital updates. We will be shooting at Ralco/The Upper Room/Atlantic Place in May
- Hotel – The hotel study has been updated and submitted to the developer.
- CTI - Working the MPS on the CTI Center slated to open this fall.

Human Resources

- Staffing: The City welcomes the following new employees—Eric Hanson, Assistant City Engineer; Nicholas Bollig, Custodian; and Adam Eral, Maintenance Worker. HR will be accepting applications to establish a new Police Officer eligibility roster for our Police department. One of our existing officers will be resigning in May and our eligibility roster has expired. HR will be working closely with Director Marshall and the Police Advisory Board on filling the vacant position. Firefighter—four firefighters have accepted conditional employment offers and are currently in the pre-screening process.
- Safety: in May, selected departments/staff will be trained in the City’s Excavation & Trench safety program.

Clerk

- Starting draft ordinance for an advisory board run by high school aged youth.
- Contacting and updating local VRBOs on lodging tax requirements.
- The postage machine will no longer be compliant with USPS standards in 2024 and I am looking at the options.
- Fire Department Scholarships have been reviewed and award notices will be going out.

Finance

- 2022 Audit – Auditors from BerganKDV were at City Hall the week of May 1st for audit testing.
- 2023 Bonding – The sale of bonds (for 2023A issuance) is scheduled for May 23rd. Staff will participate in a bond rating call on Monday, May 8th. Please reach out to E.J. if you have interest in the Preliminary Official Statement or have any questions about the issuance.
- The Director of Administrative Services and the Finance Director have participated in 4 meetings/trainings with Questica to implement their budgeting suite for operating, personnel and capital modules.

Assessing

- As we have wrapped up the 2023 Appeal season, we continue our cyclical adventure and enter our quintile inspection season. This year the residential areas that Carolyn will be working in, include all the Eatros additions as well as Viking additions. Commercial areas that will be reviewed include Downtown areas, C-store, Restaurants and Fast-food establishments. Staff may be eating out a lot this summer!
- We have passed the April 30th deadline for Tax Court filings with no new appeals. All prior cases have been either settled or dismissed.
- Staff will be attending Summer Seminars at the end of May for continuing education hours.

Liquor Store

- April Financials: Sales \$542,123 -1.8%, Ticket Count 16,150 -2%, Ticket Average \$33.57 +.1%. We were down slightly in sales and customers due to losing a Friday sales day this year vs last year. Weather (lack of warm temperatures) also played a factor with slower beer sales which impacted the month.
- The city sent 2 full time staff to the Minnesota Municipal Beverage Association conference in April.
- Staff is working to get the floor into shape for Summer selling of Beer, Seltzers and Ready to Drink Cocktails. A lot of focus will be on these categories during this time frame.

COMMUNITY SERVICES

Community Education

- Worked with Studio 1 on the development of short Community Education Instructor videos to promote classes for the upcoming summer sessions.
- The SWCD has been awarded \$28,725 for the Marshall Pollinator Project through BWSR's HELP Program. The SWCD has partnered with Community Education and will be our grant holders for this project which will result in 15.1 acres being enhanced along the Redwood River (behind Wayside Rest) and 2.5 acres being established along the bike trail north of SMSU. These sites will have diverse habitats that will attract at-risk pollinator species.
- We received both the Step 4 & Step 5 recognition level from Minnesota GreenStep Cities for the 2022 reporting year.
- Finalizing summer staff hiring.
- At the Adult Community Center – 3 raised bed gardens have been ordered and we are awaiting delivery (SHIP grant \$2,500, Avangrid Community Sponsorship \$1,500). Gardens will be used for a variety of programs moving forward including education events, physical activity opportunities, and social activities.
- As of 5/1/23 the keyless entry system is up and running at the Adult Community Center. This will help provide more security for the building. This is the same system as City Hall. Additionally (5) indoor security cameras have been purchased with installation planned in the upcoming weeks.

COMMUNITY PLANNING

Building Services / Planning & Zoning

- About 180 open permits.
- Two Avera projects, Block 100 apartment building, Harbor Freight Tools, Family Dollar, Kaukauna mall, and Walmart remodeling are the largest projects under construction.
- Three new houses have been approved.

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-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. 3rd St./W. Lyon St. Reconstruction – Project started 04/24/2023. Weekly property owner/business owner meetings on Tuesdays at 8:30am.
- 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 281 preventative maintenance work orders in the last 30 days.
- Continuing to visit with larger institutions in Marshall about the water softener optimization/rebate program.
- Working with engineering concerning the 2025 College Dr. project.
- Working on spring cleaning & maintenance of the lift stations.
- The application for a chloride variance has been submitted and a schedule of compliance has been created for the MPCA concerning meeting the proposed sulfate & phosphorus limits.
- Working with the contractors on the 3rd & Lyon St. project.
- Almost finished locking out sump pumps in our permit program. The cold weather delayed us this year.

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 (7)
- Medical Assist (0)
- Vehicle Accident (0)
- Other – Assist (0)

POLICE DEPARTMENT

The Marshall Police Department responded to a total of 728 calls for the month of April. Ninety-seven (97) criminal offenses were reported with a total number of forty-one (41) adults and one juvenile arrested.

OFFICER'S REPORT

- Alarms (14)
- Accidents (29)
- Alcohol involved incidents (2)
- Assaults (8)
- Domestic Assaults (10)
- Burglaries (1)
- Criminal Sexual Conduct (3)
- Damage to Property (1)

- Keys Locked in Vehicles (24)
- Loud Party (2)/ Public Disturbances (11)
- Thefts (14)
- Traffic Related Complaints (142)
- Vandalism (11)
- Warrant Pickups (11)
- Welfare Checks/Mental Health (40)

Initial set-up for the AXON Body Camera equipment has started. Administrative staff will go through training with the AXON Company soon. Once the setup is complete, a transition will be made to switch out equipment.

DETECTIVE REPORT

- A 51-year-old Marshall man was arrested and charged with 2nd Degree Attempted Murder, Assault with a Deadly Weapon, False Imprisonment, Domestic Assault by Strangulation, Burglary, and Terroristic Threats after an assault investigation.
- A Marshall juvenile was arrested and charged with Criminal Sexual Conduct, Burglary, and Assault. Detectives are assisting with search warrants.
- A 4th Degree Assault was investigated and referred to the County Attorney's Office for consideration of charges.
- A case of fleeing in a motor vehicle was referred to the Lyon County Attorney's Office. Detectives assisted with processing the vehicle.
- Nine cases of Theft by Swindle involving scams were investigated during the month.
- Four cases of Criminal Sexual Conduct were investigated. One of the cases remains under investigation.
- Nineteen child protection reports and four reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.
- Sgt Buysse attended the BCA's 2023 Death and Missing Persons Investigative Conference on April 12-14th.

MERIT CENTER

- The Department of Public Safety continues to utilize the driving track and skills pad for CDL exam testing. There were 7 exams completed on the track in April.
- In April, MN West conducted two Motorcycle Safety training courses, Hot Water & Boiler course, Hazwoper training for Schwan's, two EVOG courses and CDL training utilizing the driving track at the MERIT Center.
- On April 5-6 the MERIT Center hosted two NENA (National Emergency Number Association) courses. There were over 50 dispatchers from across the state that attended one or both classes.
- R&G Construction held their Annual Safety at the MERIT Center on April 6th. 37 employees attended this training.
- On April 12-13 the Bureau of Criminal Apprehension (BCA) held Basic Financial Crimes Investigation course for 30 law enforcement officers.
- The MN State Patrol conducted LIDAR for Allied Agencies training at the MERIT Center on April 14th. 18 officers attended this event.
- On April 18th the Young Professionals Network conducted their lunch and learn event at the MERIT Center. 35 people attended this event.
- The Balaton Fire Department conducted their EVOG Course on the MERIT Center track on April 18th. 20 fire fighters attended this training.
- ADM conducted Manager Safety training at the MERIT Center on April 19th for 39 employees.
- The MERIT Center hosted a 3rd NENA course on April 20th. 29 dispatchers attended this training.
- On April 25th the SW Human Resource Association held a seminar at the MERIT Center. 48 people attended this event.
- The MERIT Center was utilized 25 out of 30 days in April with 437 people attending these training/events.