

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

FROM: Sharon Hanson, City Administrator

DATE: June 13, 2023

SUBJECT: Administrative Brief

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### CITY ATTORNEY

In May, 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 meeting with facilitators and staff on rental ordinance and finalizing administrative penalties ordinance.
- Toured Public Safety with Chief to meet staff there.
- Attended Legal Executive Committee.
- Attended meeting with facilitators for rental ordinance.
- Reviewed a number of easements.
- Advised on data question related to park participants and engaged in waiver of liability discussion.
- Continued working with staff on existing and new code violations and resolving existing ones. Provided numbers to City Administrator but have had success in addressing numerous code violations.
- Assisted with C.U.P. findings of fact and process.
- Reviewed a number of contracts and advised on contracts, including mural agreements.
- Continued with the discussions regarding Cannabis bill and interim ordinances.

Work of other K&G Attorneys:

- Attorney Lykke assisted with sales tax process.
- Attorney Gilchrist is collaborating with City on developing new project legal review process.

General Updates:

- Session ended on May 22, 2023, with a lot of new bills coming out of session. Our team is in the process of providing a bullet point list of bills affecting cities which I will share once completed. Until then, I thought I would highlight the below:
- HF100 Cannabis bills passed with different effective dates for different provisions. Staff memo and proposed interim ordinance in June 13 2023 packet.
- Family medical leave bill. Under the bill, workers would be eligible for up to potentially 20 weeks of paid leave to care for themselves if they are suffering from a serious medical condition or a family member, including a newborn. It will be a state-run program similar to unemployment insurance with option to “opt out” but still have to pay and “oversight” fee. More details to come in our summary on this one.
- Open meeting law amended to allow elected or appointed official to join up to three times per calendar year from a private location if there is a health reason to do so (used to be only within so much time after the pandemic but that restriction was what was deleted).

- Amendment to Sec. 74. [13.204] POLITICAL SUBDIVISIONS LICENSING DATA to create protections for more types of data including: (a) The following data submitted to a political subdivision by a person seeking to obtain a license are classified as private data on individuals or nonpublic data: (1) a tax return, as defined by section 270B.01, subdivision 2; and (2) a bank account statement. (b) Notwithstanding section 138.17, data collected by a political subdivision as part of a license application and classified under paragraph (a) must be destroyed no later than 90 days after a final decision on the license application.
- Public Safety Duty Disability Bill passed that changes reimbursement practice from PERA for continuing benefits. More details to come in our summary. <https://www.lmc.org/news-publications/news/all/public-safety-ptsd-duty-disability-legislation/>
- Passed infrastructure bill. The bills that ultimately passed on May 22 were HF 669 and HF 670 (both authored in the House by Rep. Fue Lee, DFL-Minneapolis, and in the Senate by Sen. Sandra Pappas, DFL-St. Paul), and are made up of three primary finance components: \$1.5 billion in borrowing; \$1.1 billion in cash and \$300 million in general fund spending for nursing homes. The nursing home investment provision was key to securing support from Republican legislators.
- <https://www.lmc.org/news-publications/news/all/legislature-wraps-up-2023-session-with-passage-of-2-6-billion-infrastructure-bill/>
- 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.

#### CITY PROSECUTOR:

Criminal prosecution numbers for May are as follows:

	ASSAULT	OPF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2023	2022 Comparison
Prosecution	1		5	1	5	3	2	17	25
Dismissed									
Non-Prosecution	3	3				1	3	10	6
Refer to County	1							1	1

#### ADMINISTRATION

##### Economic Development Authority

- **Project Horizon** – Staff continues to work with industrial development interested in locating in Marshall. We are currently working on site design. Site visit scheduled in July.
- **Main Street Revitalization Grant** – The grant application window is not closed. Review committee will meet June 22<sup>nd</sup>.
- **Block 100** – Currently working on Phase II and III site plans. Seeking additional parking options.
- **Hotel** – Met with developer to discuss proposed project. Initial site plan submitted and investor meeting was held.
- **CTI**– Working the MPS on the CTI Center slated to open this fall. Partnering with Pride in the Tiger on grants.
- **Kwik Trip**– Second site purchased. Expected to start demo on both sites this summer.
- **Housing Development**– Staff is working with Tapestry on an affordable housing project partially funded by MN Housing Tax Credit program. Predevelopment agreement and purchase agreement currently being written.

## **Human Resources**

- Staffing: the City welcomes the following four new employees to our fire department: Aaron Mathiowetz, Jonathon Bell, Kelly Wasberg, and Bradin Wyffels. Hiring processes have been initiated for Police Officer, Building Custodian, Community Education Coordinator, and Office Assistant/Receptionist (Community Planning dept).
- Safety: aquatic center staff, seasonal staff, and newly hired employees had safety training in June on a number of topics required by OSHA. BITCO, our new workers compensation company, initiated our annual loss control facility tours—tours of the liquor store, wastewater, and the street maintenance shop went very well. Additional site visits will be scheduled over the course of the next several months to complete a review of all facilities.
- There were several new laws passed in MN that impact HR policies and procedures. HR staff are reviewing the legislation and will be drafting proposed policy amendments for the Personnel Committee and Council to consider.

## **Clerk**

- Finalizing paperwork for Election Judges.
- Reviewing past ordinances and ensuring the documentation is available.
- Continue to work on a draft for a Youth Advisory Board.

## **Finance**

- 2022 Audit – Finance staff expect BerganKDV to issue the audited financial statements on/around June 27<sup>th</sup> and for the firm to meet with Council at the next meeting to relay results.
- Bonding – Closing of the debt issuance and the city receiving proceeds from the sale of bonds will occur on June 22<sup>nd</sup>.
- The Director of Administrative Services and the Finance Director have participated in 10 meetings/trainings with Questica to implement their budgeting suite for operating, personnel and capital modules.
- Director of Administrative Services, Finance Director and Liquor Store Manager have been reviewing and researching options for banking, credit card use and insurance after some legislative changes from the adult-use cannabis bill.

## **Assessing**

- No Report

## **Liquor Store**

- May Financials: Sales 664,785 +6.42%, Customer Count 18,853 + 3.38% and Ticket Average \$35.26 +2.92%. A great start to the Summer with all Financials trending up.
- Staff is busy doing a refresh of the sales floor that will focus on Seltzers, Ready to Drinks and Summer beer offerings.

## **COMMUNITY SERVICES**

### **Parks & Recreation**

- 26 area high school teams, 27 total games and almost 4,000 fans and players recently played in Marshall for section high school softball and baseball playoffs.
- The Marshall Aquatic Center recently opened for the summer season with great weather for the opening weekend. The MAC has 35 seasonal employees on staff this summer.
- Summer is officially here with the many programs, camps and activities have started including volleyball, track and field, baseball, t-ball, gymnastics, hockey, basketball and many more!

## **Community Education**

- Summer Community Education programming kicked off June 5<sup>th</sup> with a large variety of classes coming up this summer including cooking classes, invention camp, pet care classes, archery, and more!
- Finalized work plan for the Pollinator Project.
- Beginning planning for fall programming.
- Planning for Juneteenth Celebration through the City's DEI Commission in partnership with the MORE Network and SMSU.
- Have hired two new instructors to assist with Behind the Wheel throughout the summer, they will begin the week of June 12<sup>th</sup>.
- The City Band season has begun with their first concert on June 7<sup>th</sup> at Liberty Park.

## **Studio 1**

- Alex met with New Ulm Police Department at the MERIT Center on 5/26 to provide information about our drone program and do demonstration flights of both drones.
- We launched the new area of the City website dedicated to the new aquatic facility project, which can be found at <http://ci.marshall.mn.us/aquatic-project>
- We covered a very large number of school events the last few weeks of May.
- We completed the installation of a new PA system at the Independence Park baseball fields. MAYBA graciously donated the cost of the equipment and we partnered by completing the installation in-house with our Studio 1 staff.
- 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.
- Two Avera projects, Block 100 apartment building, 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. 3<sup>rd</sup> 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 214 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.
- 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 3<sup>rd</sup> & Lyon St. project.
- Finished locking out sump pumps in our permit program.
- Completed seasonal spring equipment maintenance work orders.

**PUBLIC SAFETY DIVISION****FIRE DEPARTMENT**

- The Fire Department responded to twenty-one (21) calls for service. Total calls for service included:
  - Fire/CO2 Alarm (6)
  - Fire; Structure (8)
  - Medical Assist (0)
  - Vehicle Accident (6)
  - Other – Assist (1)
  - Vehicle Accident (4)
  - Other (0)

**POLICE DEPARTMENT**

- The Marshall Police Department responded to a total of 920 calls for the month of May. 125 criminal offenses were reported with a total number of 40 adults arrested.

**OFFICER'S REPORT**

- Alarms (18)
- Accidents (35)
- Alcohol involved incidents (0)
- Assaults (11)
- Domestic Assaults (19)
- Burglaries (7)
- Criminal Sexual Conduct (6)
- Damage to Property (4)
- Keys Locked in Vehicles (26)
- Loud Party (5)/ Public Disturbances (14)
- Thefts (28)
- Traffic Related Complaints (199)
- Vandalism (9)
- Warrant Pickups (12)
- Welfare Checks/Mental Health (35)

Part-time police officer Nathan Holden has completed the field training program and is able to fill open shifts. The police department and Police Advisory Board have started the process of creating an eligibility roster for two open police officer positions. Interviews of candidates will take place June 8<sup>th</sup>.

### **DETECTIVE REPORT**

- A 74-year-old Vesta man was arrested for soliciting a child to engage in sexual conduct and disorderly conduct in a city park.
- A homeless 19-year-old man was arrested for 2<sup>nd</sup> Degree Criminal Sexual Conduct and 5<sup>th</sup> Degree Criminal Sexual Conduct stemming from an incident reported at a city park. Detectives assisted with a search warrant.
- A 20-year-old Marshall man was arrested for 3<sup>rd</sup> Degree Criminal Sexual Conduct.
- Five cases of criminal sexual conduct are under investigation.
- Six separate burglary cases and six criminal damage to property cases reported during the month of May are under investigation.
- Four cases of theft by swindle and a case of identity theft are under investigation.
- Twenty-four 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 presented a junior crime scene investigator course at the SWWC Service Cooperate Science and Nature Conference on May 9<sup>th</sup> at SMSU.
- Sgt. Buysse and Det. Sandgren assisted with the Bicycle Safety Extravaganza on May 15<sup>th</sup> at the Marshall Area YMCA.
- Sgt. Buysse gave a presentation on financial scams to a group of community members at the Law Enforcement Center on May 16<sup>th</sup>.

### **MERIT CENTER**

- In May, MN West conducted a Motorcycle Safety training course, Hot Water & Boiler course, Commercial Vehicle Inspection course, two EVOC courses and CDL training utilizing the driving track at the MERIT Center.
- On May 3<sup>rd</sup> Harbor Freight conducted their new employee orientation at the MERIT Center for 18 people.
- The USDA Farm Service Agency held meetings and/or training at the MERIT Center on May 3<sup>rd</sup> and May 17<sup>th</sup>. 78 individuals attended these events.
- The SW MN Private Industry Council held training and a quarterly meeting at the MERIT Center on May 5<sup>th</sup> and May 15<sup>th</sup>. 41 people attended these events.
- On May 9<sup>th</sup> ADM held Astro Nova Safety Training at the MERIT Center for 37 employees.
- On May 16<sup>th</sup> Lyon Lincoln Electric hosted an Electric Vehicle training for 23 fire fighters at the MERIT Center.
- ADM conducted Manager Safety training at the MERIT Center on May 18<sup>th</sup> for 39 employees.
- On May 25<sup>th</sup> the MERIT Center held a Wind Tower Refresher Training utilizing the wind tower prop. 7 individuals attended this training.
- The MERIT Center was utilized 26 out of 31 days in May with 267 people attending these training/events.