

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

FROM: Sharon Hanson, City Administrator

DATE: June 11, 2024

SUBJECT: Administrative Brief

CITY ATTORNEY

Some highlights from the office of City Attorney for the month of May

- Attended meetings.
- Reviewed documents for Broadmoor estates subpoena.
- Coordinated depositions and reimbursement for time spent on deposition with Schierholz lawyer.
- Reviewed natural gas extension agreement.
- Reviewed American Testing contract and drafted email for staff to send requesting changes.
- Accumulated chicken ordinances for intern to get started on preparing information for Council.
- Reviewed contracts and provided Certificate of City Attorney.
- Responded to multiple questions about zoning between city and County.
- Respond to questions from Public Safety regarding data.
- Finalized staff memo for THC proposed ordinance.
- Responded to questions regarding C.U.Ps for duplexes.
- Answered questions regarding possible ditch issue.
- Send draft ordinance example for Parkland fees.
- Provided entertainment contract for Juneteenth.
- Review Elaine park questions.
- Respond to questions about community land trusts.
- Review changes for wine on-sale ordinance.
- Reviewed Cooperative Construction Agreement.
- Discuss swat team damage and statute.

Work of other K&G Attorneys:

- Attorneys Devaney and Alsop prepared two employees subpoenaed for upcoming depositions.
- Attorney Vose assisted with Franchise ordinance.
- Attorney Zuelke assisting with Drainage easements.
- Attorney Gilchrist took lead on ditch discussion.

360 overview of some legislative changes (not necessarily all inclusive):

- Additional changes to Cannabis law which were extensive and include, but are not limited to, preliminary approvals of licenses for all categories of Cannabis businesses, automatic approval of municipal dispensaries if cities apply but without counting against any number on licenses, cultivators have ability to start growing right away under certain scenarios, creation of a new medical cannabis combination license.

- Licensed residential facilities of 6 or fewer permitted use in residential districts and not subject to rental codes.
- Some additional tenant protections related to evictions which preempt any conflicting local ordinances, which there are none in Marshall.
- Establishment of establish a resilient community assistance program to assist local government units, Tribal governments, and other relevant organizations as determined by the commissioner in adapting to and developing community resilience to impacts of climate change.
- Changes to Earned Safe and Sick Leave. Among other things, changed definition of employee and clarified using a base rate rather than hourly rate.
- Changes to Family Paid Leave which goes into effect on January 1, 2026. Many of amendments provide new and expanded definitions of terms.
- Liquor law change in that a city may issue an on-sale malt liquor license to a resort as defined in section 157.15, subdivision 11, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons staying at the resort and their guests.

CITY PROSECUTOR:

	ASSAULT	OPF VIOL.	DWI	OTHER ALCOHOL	TRAFFIC	THEFT	OTHER	TOTAL 2024	2023 Comparison
Prosecution	2	1	5	1	10	10	2	31	17
Dismissed									
Non-Prosecution	3	1			1			5	10
Refer to County									1

ADMINISTRATION

- This past month’s activities include meetings and planning for Juneteenth events which will take place on June 19th. Other DEI activities include an initial session to formulate a DEI Strategic Plan.
- Staff held discussions and formulated a procedure on how to handle complaints regarding political sign placements as well as general information on political signs. This information is contained in the Council packet for this meeting.
- Attended Senator Dahms and Representative Chris Swedzinski Town Hall.
- Attended with Mayor and EDA Director ground-breaking event for the Southwest West Central (SWWC) Service Cooperative Office located north of US Bank.
- Held various staff meetings as well as attended several City Council committee mtgs.
- I continue to work with City Administrative Intern Stephen Zimmer on work assignments and general learning opportunities.

Economic Development Authority

- Construction has started on several projects including the SWWC Admin Office, Kwik Trip (Main St), and Marshalls.
- Staff is hosting a Business Leader Roundtable on June 17th. These roundtables are an opportunity to learn from other business leaders and determine priority areas for the EDA.
- The first Child Care Strategic Supply meeting will be held on June 18th. This eight-month program will evaluate daycare challenges in the community, establish goals to address needs, and provide actionable work groups to work towards solutions.

- Housing: Staff continues to work with two developers on multi-family housing projects (market rate and affordable).
- EDA Board approved financial support for UCAP's single family housing program.
- East College Economic Revitalization Grant has begun issuing grant funds. Of the 26 approved applications, seven applicants have completed work and are in the process of receiving reimbursement.

Human Resources

- Staffing: The City welcomes Jill Dolsen into a part-time Community Services Officer position and Jackson Stauffacher and Caleb Witte into our full-time Police Officer positions. The Police Advisory Board certified a new eligibility roster for the Police Officer position in May; from that roster, two candidates are being backgrounded to fill one full-time and one part-time position. Once we hire into these two positions, all current vacancies in the Police Department will be filled. Staff are currently interviewing candidates for a Maintenance Worker position. Many temporary employees continue to be hired for a variety of summer positions in our recreation and community education programs.
- Safety training: Seasonal and pool staff will receive training on the OSHA required safety topics in June. Employees from Parks and Streets will be trained in tree work—PPE, chainsaw basics, felling, limbing, pruning, knots and ropes, and safety issues while working at heights. In July, our MMUA safety consultant will perform our all-facility safety audit---a friendly walk-through of all our facilities to identify hazards or other issues that need to be resolved.
- On May 25, 2024, Governor Walz signed into law amendments to the earned sick and safe time leave law. HR staff will work in consultation with the League of MN Cities on amendments to our personnel policy that will be required to comply with the changes.

Clerk

- Attended the Public Improvement and Transportation Committee in June to discuss MERIT Center drainage.
- Equipment Review Committee met regarding a Tractor/Loader grant for the municipal airport and a Robotic Total Station for the Engineering Department
- The Legislative & Ordinance Committee met to discuss golf carts, registration for intoxicating cannabinoid products, wind turbines, and backyard chickens.
- The Ways & Means Committee reviewed suggestions by staff to add an Administrative Citation Fine and a City Event/Public Property Use Fee to the fee schedule. Mobile Food Unit licenses were also discussed to adjust the daily fee to \$50 and to increase the annual license to \$300. The Committee also awarded two fire department scholarships, who have been informed, and would have their scholarships presented to them by the Fire Department at a later date.
- Working with City Attorney on a natural gas franchise agreement and ordinance.

Finance

- 2023 Audit – Staff expect BerganKDV to issue the audited financial statements before the end of the month and to meet with Council to discuss audit results at the first meeting of July.
- 2025 Budget – The leadership team will draft proposed departmental budgets to submit to Finance over the next month. At a work session at 4:00 PM on July 23rd Council will hear community organization requests. A budget work session will start at 3:00 PM on August 27th and will include capital requests, operating budgets, and a presentation on the preliminary tax base changes.
- The Office of the State Auditor (OSA) is forming a Local Government Oversight Task Force that will be dedicated to reviewing and modernizing local audit requirements for counties, cities, townships, school districts and special districts. The primary goals of this Task Force are to streamline existing regulations to ultimately enhance accountability while reducing administrative burdens. The OSA asked the Minnesota Government Finance Officers Association (MNGFOA) to nominate two representatives to

serve as task force members. The MNGFOA notified members and asked for nominations stating ideal candidates should understand auditing from either the auditee or auditor perspective and be passionate about improving financial oversight at the local level. The Director of Administrative Services volunteered as he worked for the OSA as an auditor for 14+ years, before spending 9+ years with Lyon County and the last 2+ years with the City of Marshall as an auditee. The MNGFOA Executive Board recently met and selected two representatives for the task force – Chris Knopik, Principal of CPA firm CliftonLarsonAllen, and E.J. Moberg.

Initial Individual Meetings with State Auditor Blaha: June and July

First Task Force Meeting: Early August

Meeting Frequency: Every two weeks starting August

Format: Hybrid (in-person and virtual options available)

Assessing

- Staff continues to work on quintile viewing, processing sales and assisting with budget information.

Liquor Store

- May Financials: Sales 706,704.2 +6.3%, Customer Count 19,237 +4.19%, Ticket Average \$36.74 + 2.03%. Overall, another strong month for the financials.
- Staff have been working on the floor to remove some displays to make aisles wider for the customer shopping experience.
- Staff have also been working on floor summer displays with beer and ready to drink cocktails. We have plenty of product to meet the demand for customer shopping for pre-made cocktails and beer.

COMMUNITY SERVICES

Parks & Recreation

- Removed Lockwood Rink ice, performed maintenance, and reinstalled all new ice, logos, and curling lanes.
- Aquatic Center opened for the season on 5/31/24 with a soft opening – no significant issues were had during start-up.
- Doing our best to keep up with mowing, trimming, etc. with the heavy rainfalls this spring/early summer while prepping for daily events.
- Hosted section softball and baseball games at Amateur Sports Complex and Legion Field.
- Working on a finalized contract for construction at Independence Park as part of DNR grant, got update from DNR this week and excited to get project bid.
- Working to complete all the flower plantings for the season – 100 flowerpots have been set around downtown and, in the parks – check them out, they look great!!
- Hosted several soccer events at Complex on Channel Parkway and they have been attended well – work continues at site to meet the needs for soccer field space.
- Tent rentals and table rental have been extremely busy this spring with numerous events.
- Recreational programming is plentiful with hockey, volleyball, track & field, soccer, football, gymnastics, baseball, t-ball, softball, and basketball all underway, with more sports activities kicking off next week.

Community Education

- We finished the Winter/Spring season and have started with summer programming full swing this week! Registrations are up and we are staying very busy assisting callers and visitors with registration using our new program, Finnly Sport.
- The summer brochure has a few new classes this summer! Fishing Fun, Basic Welding and Automotives, Parent and Me Cake Pops, Cupcakes in a Jar and Camp Cardboard! Of course, we still have the usual popular choices such as Archery, SMSU Children's Theatre, Sweet Treats and summer Art Camp!
- Community Education is busy planning Juneteenth, 4th of July Celebration and Welcoming Week community events as well.

Studio 1

- We had a very busy May: covering all of the school concerts, plays, sporting events and graduations.
- We provided a live broadcast and feed for the MHS gymnasium video board for the Pride in the Tiger Foundation Scholarship Awards Ceremony.
- We will be capturing updated photography and video footage of the whole community throughout the summer to be used for marketing and recruitment projects in the future.
- Be sure to catch our live broadcasts of every Marshall Municipal Band concert this summer on Wednesday nights at 7:00 PM on the Studio 1 channel!
- 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

- Over 230 open permits.
- A new airport hangar is the largest project under construction. Kwik Trip permit is issued. Several other large projects are in a plan review stage.
- Rental Ordinance is approved, and people have been applying for registration.
- Sign ordinance is being reviewed.

PUBLIC WORKS DIVISION

Engineering

- Project ST-001-2024: Chip Sealing on Various City Streets – Council awarded to Pearson Bros., Inc. of Hanover, Minnesota, at 03/26/2024 City Council.
- Project ST-002-2024: Bituminous Overlay Project - Council awarded to Central Specialties, Inc. of Alexandria, Minnesota. ADA and curb work has been completed; turf restoration is currently happening. The contractor anticipated starting to mill the week of June 10th with paving activities starting soon after that.
- 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. 3rd St./W. Lyon St. Reconstruction (R&G Construction Co.) –The construction of the Addison Parking lot has been completed. Project is substantially complete.
- Project ST-010: Lyon Circle Reconstruction Project – Lyon Circle Reconstruction Project – The pre-construction meeting held 6/10/2024, utility work is anticipated to start in late June.
- Project ST-012-2024: South Whitney Street Reconstruction Project (East College Drive to Jean Avenue) – The contractor is on site and construction has started on the first portion of the project (E College Dr. to E Marshall St.). The sanitary sewer mainline and the new watermain has been installed in this phase. The contractor is now working on the sewer services.

- Project PK-015: Independence Park Parking Lot Project: The contractor is on site and has the storm sewer and tile installed. They are currently working on the sub cut to install the fabric and gravel.

Wastewater

- Staff have completed 298 preventative maintenance work orders in the last 30 days.
- Plant operators have ~~started~~ completed spring maintenance tasks on outdoor equipment.
- Summer jetting of the sanitary lines has started.
- Working on the televising of various sanitary lines.
- Routing and crack filling asphalt roadways in the Wastewater facility.
- Sampling and running annual Whole Effluent Toxicity (WET) test required by the NPDES permit.
- Working with the last of our five Significant Industrial Users to approve their SIU agreement.
- The last two pumps arrived last week for the HWY 23 project. The contractor has started mobilizing equipment.

PUBLIC SAFETY DIVISION

FIRE DEPARTMENT

- The Fire Department responded to sixteen (16) calls for service. Total calls for service included:
 - Fire/CO2 Alarm (5)
 - Fire; Structure (8)
 - Medical Assist (0)
 - Vehicle Accident (3)
 - Other – Assist (0)



Police Department

- The Marshall Police Department responded to 981 calls for the month of May. 115 criminal offenses were reported with a total number of 48 adults and 2 juveniles arrested.

Officer's Report

- Alarms (8)
- Accidents (27)
- Alcohol involved incidents (1)
- Assaults (4)
- Domestic Assaults (17)
- Burglaries (3)
- Criminal Sexual Conduct (0)
- Damage to Property (3)
- Keys Locked in Vehicles (25)
- Loud Party (5)/ Public Disturbances (7)
- Thefts (18)
- Traffic Related Complaints (258)
- Vandalism (7)

- Warrant Pickups (5)
- Welfare Checks/Mental Health (32)

Detective Report

- The death of a 4-year-old Marshall boy is under investigation. The City of Marshall Emergency Management, Marshall Fire Department, Lyon County Sheriff's Office, North Memorial Ambulance, and the Ramsey County Medical Examiner have all assisted in the investigation.
- A 24-year-old Grand Island, NE man was arrested for criminal sexual conduct at the conclusion of a sexual assault investigation at a Marshall hotel.
- A 45-year-old Marshall woman was arrested for forgery at the completion of an identity theft investigation.
- An investigation of a report of threats of violence ended with the arrest of a 38-year-old Marshall man.
- A stolen vehicle from Marshall was later located in Marshall. The case was forwarded to the Lyon County Attorney's Office for auto theft charges on a juvenile.
- A 39-year-old Minnesota man was arrested for possession of ammunition by an ineligible person at the conclusion of an investigation stemming from a traffic stop.
- Six cases of criminal sexual conduct, thirteen theft cases, and eleven assault cases were investigated during the month of May.
- Five identity theft cases and four thefts by swindle cases involving scams were investigated.
- Twenty-one child protection reports and five reports from the Minnesota Adult Abuse Reporting Center were investigated in conjunction with Southwest Health and Human Services.
- Tobacco compliance checks were conducted as part of the Congratulate and Educate program from the Minnesota Department of Human Services at all Marshall businesses that sell tobacco products.
- Two pre-employment background investigations have been started.



MERIT Center

- In May, MN West held Basic Rider Motorcycle Courses, EVOC, Commercial Vehicle Inspection (CVI) Recertification Course and is continuing CDL training utilizing the driving track at the MERIT Center.
- On May 9th Southwest Health Care Coalition held HPP Coop Workshop with 15 attendees.
- On May 14th the USDA held District 5 Manager's Meeting/PT Training with 20 attendees.
- On May 16th the Marshall PD conducted interviews.
- On May 16th ADM held Contractor Safety Training with 40 attendees.
- From May 22nd to May 24th ADM held Aerial Lift Training with 34 attendees daily.
- On May 22nd the SW Emergency Communication Board held a Radio Board Meeting with 25 attendees.
- On May 23rd the BCA held Search Warrants Training with 35 attendees.
- From May 28th to May 31st ARMOR Training held GWO Training with 4 attendees daily.
- The MERIT Center was utilized 13 out of 31 days with 19 reservations in May. There was a total of 393 attendees.