

THE CITY OF MARSHALL, MINNESOTA
AUTHORIZATION FOR PROFESSIONAL SERVICES

TO: Toltz, King, Duvall, Anderson
and Associates, Incorporated
444 Cedar Street, Suite 1500
St. Paul, Minnesota 55101

Pursuant to our Professional Services Agreement dated March 10, 2020, you are hereby authorized to proceed with the services described as follows:

BASE SERVICES
AIRPORT ZONING ORDINANCE UPDATE
SOUTHWEST MINNESOTA REGIONAL AIRPORT (MML)

I. PROJECT DESCRIPTION

Assist the CLIENT with an update to the Airport Zoning Ordinance (AZO) to reflect the Airport Layout Plan (ALP) dated June 2020 for the Southwest Minnesota Regional Airport (MML).

The proposed AZO process shall follow Minnesota Statutes Chapter 360. A newly established Joint Airport Zoning Board (JAZB) will be responsible for adopting an AZO. The JAZB may elect to establish airport zoning to the Commissioner's standards (Minnesota Rules Chapter 8800.2400) per section 360.0655, or optionally elect to complete custom airport zoning per section 360.0656.

This project is setup up into two phases - Base and Optional Services. Base services includes assistance to develop an ordinance to Commissioner's Standards and follow the airport zoning process established in Chapter 360. Optional services includes anticipated services that may be required for the JAZB to adopt an AZO. Examples of optional services include developing a custom zoning ordinance, preparing a technical analysis document, holding additional public hearing(s) and assisting in in the review process.

Base services is included in this Authorization. Optional services are presented for informational purposes only. The scope and fee of optional services will be updated at a later time when the scope of work to create a custom zoning ordinance is defined by the JAZB.

The Project is intended to be funded in part by a grant from the Minnesota Department of Transportation Office of Aeronautics (MnDOT Aeronautics). Base services will be requested for SFY 2022 funding from MnDOT Aeronautics. A grant amendment will need to be requested by the CLIENT to fund Optional services. Grant funding for Optional services will be subject to available funding.

The provisions of Section VI of the Professional Services Agreement, Required Federal Clauses for Professional Service Contracts, shall not apply to this Authorization.

The responsibilities between the CLIENT and TKDA to accomplish the project are identified in **Table 1**. TKDA work items are further described in the SERVICES TO BE PROVIDED BY TKDA.

Table 1: Airport Zoning Tasks / Responsibilities

Task / Description	CLIENT	TKDA
Base Services		
Grant Request to MnDOT	X	X
Prepare Jurisdiction Map		X
Prepare Templates of Required Zoning Notices		X
Letters to Jurisdictions to Establish Joint Airport Zoning Board (JAZB)	X	
Certified Resolutions from Jurisdictions Establishing JAZB	X	
Prepare JAZB Minutes & Resolutions	X	
JAZB Meeting #1 – Basics of Airport Zoning	X	X
Prepare Draft Airport Zoning Ordinance & Maps		X
JAZB Meeting #2 - Review Proposed Ordinance	X	X
JAZB Meeting #3 - Approve Proposed Ordinance, Set Hearing Date	X	X
Existing Land Use Research	X	
Document Existing Land Use Exceptions	X	X
Certified Resolution of JAZB Establishing Public Hearing(s)	X	
Advertise Public Hearing(s)	X	
Affidavit of Publication for Public Hearing(s)	X	
Mailing Notice to Affected Property Owners	X	
Affidavit of Mailing Notice	X	
Prepare Project Information Sheet		X
Public Hearing #1	X	X
Facilitate MnDOT Aeronautics Review of Draft Ordinance		X
JAZB Meeting #4 – Approve Ordinance for MnDOT Submittal	X	X
Certified Minutes of Each Public Hearing	X	
Submit Ordinance to MnDOT Aeronautics for Commissioner's Order		X
Certified JAZB Resolution to Submit Ordinance for Comm. Order	X	
JAZB Meeting #5 - Adopt Ordinance	X	X
Certified JAZB Resolution to Adopt Proposed Ordinance	X	
File Ordinance with County Register of Deeds	X	
Certifications as to the filing of the Ordinances with County	X	
Submit Two (2) Certified Copies of the Adopted Ordinance & Maps	X	
Grant Reimbursement Credit Applications	X	
Optional Services (for reference only)		
Grant Amendment Request to MnDOT	X	X
JAZB Meeting – Custom Airport Zoning Workshop	X	X
Prepare Technical Analysis Document		X
Document Non-Conforming Land Uses & Develop Land Use Standards	X	X
Prepare Draft Custom Airport Zoning Ordinance & Maps (add'l work)		X
Collaborate with MnDOT Aeronautics on Zoning Changes	X	X
Modify Zoning Ordinance & Resubmit		X
JAZB Meeting – Review Revised Airport Zoning Ordinance	X	X
Public Hearing #2	X	

II. SERVICES TO BE PROVIDED

TKDA is requested to provide the following Base services for the Project:

A. BASE AIRPORT ZONING ASSISTANCE

1. Assist CLIENT with airport zoning procedural steps identified in Minnesota Statutes Chapter 360 and coordinate with MnDOT Office of Aeronautics. Prepare and/or deliver templates of required airport zoning letters, notices or resolutions.
2. Prepare draft AZO in accordance with the Commissioner's standard (MnDOT Model Airport Safety Zoning Ordinance) current at the time of this Authorization. Incorporate CLIENT revisions.
3. Prepare new airport zoning maps of the Commissioner's standard zones. Zones will be based on the existing and future airport configuration identified in 2020 Airport Layout Plan.
4. Develop reasonable safety standards for existing land uses. Identify existing land uses may not meet safety standards. CLIENT to perform research on properties.
5. Assist with the following anticipated Joint Airport Zoning Board meetings as described. Two (2) TKDA staff members to attend JAZB Meeting #1. One (1) TKDA staff member to attend remaining JAZB meetings. Prepare presentations on technical items. CLIENT to facilitate meetings, prepare meeting agendas, prepare meeting minutes and resolutions. CLIENT to provide a virtual participation option for JAZB meetings.
 - i. JAZB Meeting #1 (In-Person). Attend meeting to present on the background of airport zoning.
 - ii. JAZB Meeting #2 (In-Person). Attend meeting to review the proposed AZO and provide technical assistance.
 - iii. JAZB Meeting #3 (Virtual). Attend meeting to assist JAZB with approval of proposed AZO.
 - iv. JAZB Meeting #5 (Virtual). Attend meeting to review public hearing comments and assist JAZB with submittal of the proposed AZO to MnDOT Aeronautics.
 - v. JAZB Meeting #6 (Virtual). Attend meeting to assist JAZB with adoption of the final AZO.
6. Assist with a Public Hearing as described. One (1) TKDA staff member to attend. Prepare presentations on technical items. CLIENT to facilitate meetings, prepare agendas, transcribe public comments and prepare meeting minutes.
 - i. JAZB Meeting #4 / Public Hearing #1 (In-Person & Virtual). Attend public hearing on proposed AZO to provide technical assistance to the JAZB. Prepare boards/exhibits of zoning maps. Prepare review presentation.
7. Assist CLIENT with preparing a grant-funding request to the MnDOT Office of Aeronautics.

8. Prepare and send the following deliverables to the CLIENT:
 - i. Airport Zoning Ordinance (PDF and Word)
 - ii. Airport Zoning Maps (PDF and GIS Shapefiles)
 - iii. Public Hearing Boards of Airport Zoning Maps

TKDA may also requested to provide the following some or all of the Optional services for the Project upon approval from the CLIENT in a separate Authorization:

B. OPTIONAL AIRPORT ZONING ASSISTANCE (FOR INFORMATION ONLY)

1. Assist CLIENT with custom airport zoning procedural steps identified in Minnesota Statutes Chapter 360 and coordinate with MnDOT Office of Aeronautics.
2. Formulate new custom AZO text and maps. Develop and document custom restrictions and geometry in coordination with the JAZB and the CLIENT.
3. Collaborate with MnDOT Aeronautics to resolve AZO comments from first submittal. Participate in one (1) virtual meeting with two (2) TKDA staff members to review comments. Propose revisions and revise AZO accordingly.
4. Prepare Technical Analysis document to demonstrate custom AZO provides a reasonable level of safety, addressing the factors listed in section 360.0656. These factors include but are not limited to existing land uses, planned land uses, aircraft crash rate, and economic costs of restricting land uses.
5. Additional work to identify land uses that pre-date airport zoning standards. Develop reasonable restrictions to prevent the establishment of potential hazards. CLIENT to perform additional research on properties.
6. Assist with additional Joint Airport Zoning Board meetings as described. One (1) TKDA staff member to attend. Prepare presentations on technical items. CLIENT to facilitate meetings, prepare meeting agendas, prepare meeting minutes and resolutions. CLIENT to provide a virtual participation option for JAZB meetings.
 - i. JAZB Meeting (In-Person). Attend meeting to review custom airport zoning methodology and collect feedback.
 - ii. JAZB Meeting (In-Person). Attend meeting to review proposed revisions to AZO.
7. Assist with an additional Public Hearing as described. One (1) TKDA staff member to attend. Prepare presentations on technical items. CLIENT to facilitate meetings, prepare agendas, transcribe public comments and prepare meeting minutes.
 - i. Public Hearing #1 (In-Person & Virtual). Attend public hearing on revised AZO to provide technical assistance to the JAZB. Prepare boards/exhibits of zoning maps. Prepare review presentation.
8. Assist CLIENT with preparing grant amendment funding request from MnDOT Office of Aeronautics.

III. ADDITIONAL SERVICES

If authorized in writing by the CLIENT, we will furnish or obtain from others Additional Services of the types listed below which are not considered as basic services under this Proposal. Additional Services shall be billable on an Hourly Time and Materials basis and such billings shall be over and above any maximum amounts set forth in this Proposal.

- A. Incorporation of new MnDOT standards established after the date of this proposal.
- B. Preparing several versions of a custom airport zoning ordinance.
- C. Research variances issued within proposed safety zones.
- D. Identification of affected landowners names and addresses in proposed safety zones.
- E. Completing project letters, mailings, minutes, and resolutions.
- F. More than three (3) trips by TKDA staff to Marshall, Minnesota (base services).
- G. Additional in-person or virtual project meetings.
- H. Affected landowner meetings.

IV. CLIENT'S RESPONSIBILITIES

These responsibilities shall be as set forth in Section II of the Professional Services Agreement and as further described or clarified herein below:

- A. Designate one individual to act as a representative with respect to the work to be performed, and such person shall have complete authority to transmit instructions, receive information, interpret and define policies, and make decisions with respect to critical elements pertinent to the Project. This individual shall be identified below.
- B. Provide TKDA with access to the site as required to perform services listed in SECTION II.
- C. Provide reviews of materials furnished by TKDA in a reasonable and prompt manner so that the Project schedule can be maintained.
- D. Complete work task items as identified in Table 1.

V. PERIOD OF SERVICE

We would expect to start our services promptly upon receipt of your written acceptance of this Proposal and an executed State Grant Agreement. SECTION II services will be completed within twenty four (24) months from this date of Authorization. The period of service is subject to change based on actual agency/organization review timeframes.

VI. COMPENSATION

Compensation to TKDA for services provided as described in SECTION II of this Proposal shall be in the Lump Sum amount of **\$49,500** for Base Services.

An hourly estimated amount of \$57,400 for Optional Services is provided for informational purposes only, and is subject to future authorization by the CLIENT. Optional Services fee is an estimate and may need to be updated based on the actual scope of work. Payment shall be made in accordance with Section III of the Professional Services Agreement.

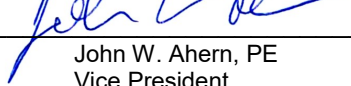
The level of effort required to accomplish SECTION II services can be affected by factors which are beyond our control. Therefore, if it appears at any time that charges for services rendered under SECTION II will exceed the above, we agree that we will not perform services or incur costs which will result in billings in excess of such amount until we have been advised by you that additional funds are available and our work can proceed.

VII. CONTRACTUAL INTENT

We thank you for the opportunity to submit this Proposal. We agree that this Authorization and attachments constitute a contract between us upon its signature by an authorized official of the City of Marshall and the return of a signed original to us. This Proposal will be open for acceptance for 60 days, unless the provisions herein are changed by us in writing prior to that time.

ATTACHMENTS: BASIS FOR FEE ESTIMATE

Approved by _____, _____, 2021
Authorized City Representative

Consultant Acceptance by  _____, November 4, 2021
John W. Ahern, PE
Vice President



Basis for Fee Estimate

Client:	City of Marshall / Southwest Minnesota Regional Airport (MML)					Date:	11/4/2021	
Project:	Airport Zoning Ordinance Update					Prepared By:	MSW	
Task	Task Description	Estimated Person Hours Required					Total Hours	Total Dollars
		Sr Eng	Sr Plan	GIS Tech	Jr Plan	Admin		
A	Base Airport Zoning Assistance							
1	Airport Zoning Procedures Assistance	8	24		48		80	\$ 10,556
2	Prepare Airport Zoning Ordinance	2	12		32	4	50	\$ 6,026
3	Prepare Airport Zoning Maps		4	64	8		76	\$ 8,251
4	Existing Land Use Standards		4		4		8	\$ 1,123
5	Attend JAZB Meeting #1 (In-Person)	12	12		12		36	\$ 5,611
6	Attend JAZB Meeting #2 (In-Person)		12		8		20	\$ 2,982
7	Attend JAZB Meeting #3 (Virtual)		8		4		12	\$ 1,859
8	Attend JAZB Meeting #4 / Public Hearing (In-Person/Virtual)	12	12	8	16	4	52	\$ 7,188
9	Attend JAZB Meeting #5 (Virtual)		6		2		8	\$ 1,298
10	Attend JAZB Meeting #6 (Virtual)		6		2		8	\$ 1,298
11	Grant Assistance	8	2				10	\$ 1,862
Total Person Hours		42	102	72	136	8	360	
Billing Rate/Hr (Labor Rate x 2.95 Multiplier)		\$ 186.78	\$ 183.99	\$ 105.32	\$ 96.80	\$ 86.73		
Total Billable for Charged Time		\$ 7,845	\$ 18,767	\$ 7,583	\$ 13,165	\$ 694		\$ 48,054
Base Expenses:								
Travel & Subsistence (TS)								\$ 1,071
Reproduction & Reprographics (RR)								\$ 300
Total Base Services (Lump Sum)								\$ 49,425
Total Base Services - Rounded								\$ 49,500



Basis for Optional Services Fee Estimate - FOR INFORMATION ONLY

Client:	City of Marshall / Southwest Minnesota Regional Airport (MML)					Date:	11/4/2021	
Project:	Airport Zoning Ordinance Update - Optional Services					Prepared By:	MSW	
Task	Task Description	Estimated Person Hours Required					Total Hours	Total Dollars
		Sr Eng	Sr Plan	GIS Tech	Jr Plan	Admin		
B	Optional Airport Zoning Assistance							
1	Custom Airport Zoning Procedures Assistance	4	16		16		36	\$ 5,240
2	Formulate Custom AZO Text & Maps	4	16	24	24		68	\$ 8,542
3	Collaborate with MnDOT, Hold Meeting (1), Revise AZO	4	12	12	16		44	\$ 5,768
4	Prepare Technical Analysis Document	2	16	40	80		138	\$ 15,274
5	Additional Land Use Research & Standards	2	8		24		34	\$ 4,169
6	Attend JAZB Meeting / Public Hearing (In-Person/Virtual)	12	12	8	16	4	52	\$ 7,188
7	Attend JAZB Meeting (In-Person) - Custom Zoning	12	12		12		36	\$ 5,611
8	Attend JAZB Meeting (In-Person) - AZO Revisions		12		8		20	\$ 2,982
9	Grant Amendment Assistance	4	2				6	\$ 1,115
Total Person Hours		44	106	84	196	4	434	
Billing Rate/Hr (Labor Rate x 2.95 Multiplier)		\$ 186.78	\$ 183.99	\$ 105.32	\$ 96.80	\$ 86.73		
Total Billable for Charged Time		\$ 8,218	\$ 19,503	\$ 8,847	\$ 18,973	\$ 347		\$ 55,888
Optional Expenses:								
Travel & Subsistence (TS)								\$ 1,141
Reproduction & Reprographics (RR)								\$ 300
Total Optional Services (Hourly, Estimated)								\$ 57,329
Total Optional Services - Rounded								\$ 57,400