

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Monday, June 27, 2023

MEMBERS PRESENT: See Moua-Leske, James Lozinski, and Steve Meister
MEMBERS ABSENT: None
STAFF PRESENT: Sharon Hanson, City Administrator; Jason Anderson, Director of Public Works/ City Engineer; Pamela Whitmore, City Attorney (via zoom); Jim Marshall, Director of Public Safety; and Steven Anderson, City Clerk.

At 12:45 Chair Lozinski called the meeting to order.

It was decided that Item 5. Section 86-247 Landscaping would be talked about first and the other items would continue in order.

Consider Approval of the Minutes

There were no changes to the minutes from May 8, 2023.

Motion made by Moua-Leske, Seconded by Lozinski to approve the minutes. All voted in favor.

Section 86-247 Landscaping

Jason Anderson presented background information on the original Landscaping ordinance. In conjunction with the Board of Water and Soil Resources (BWSR) the City of Marshall had added parameters, regulations, and designated areas where pollinator gardens could be established. Attorney Whitmore referenced MN Stat. 412.925 Native Landscapes that was recently passed by legislature that requires a statutory or home rule charter city to allow managed natural landscapes on privately owned lands or premises. This new law conflicts with certain provisions of the cities landscaping ordinance under section 86-247.

Members discussed how concerns were currently being addressed for lawn/weed related issues and the possibility of converting an entire lawn to become a pollinator garden. Lozinski mentioned that the ordinance had too many restrictions and that he would like to see less, especially regarding side yards. The discussion proceeded to various examples of managed and unmanaged natural landscapes within the city and in other locations. The topic of required yard and setbacks was brought up again and consensus was made that the language for side/rear yard be removed and that the interim use permit provisions also be stricken. It was noted that a 5-foot setback from all property lines should be kept and to allow zero-scape yards (no vegetation, no watering) that meet MS4 requirements.

Motion made by Meister, Seconded by Moua-Leske to approve suggested changes to staff and to bring the amended ordinance to council. All voted in favor.

Administrative Citations

Attorney Whitmore detailed how the administrative citations policy came about and how ineffective the current enforcement procedure is. The proposed administrative citations policy would help all aspects of code enforcement. Criminal processes or items that would require the City Prosecutor would not fall under the administrative citations policy. Administrator Hanson mentioned this policy would help greatly with enforcement of the Rental Code Ordinance that is currently being reviewed by committee members. Members discussed how the hearing procedure process would work and if due process would take place. Whitmore gave an example of a hearing procedure and member Meister agreed to the policy as long that due process would take place.

Members discussed fees for violation hearings. It was decided that after the hearing fee was paid if the accused was found to be not guilty the fee amount would be returned. Member Moua-Leske asked if violation letters were being sent in languages other than English? Anderson stated that letters were English only but other languages could be looked at or at least have a number for translation services.

Motion made by Moua-Leske, seconded by Meister to recommend the Administrative Citations Policy with amendments be brought to council for consideration. All voted in favor.

UTV Permit Ordinance Discussion

Clerk Anderson gave background on the current ordinance and member Meister provided additional information on how the ordinance was originally created. Members discussed the differences between a golf cart and a Utility Task Vehicle (UTV). Jim Marshall voices his concerns with golf carts and the number of injuries that occur with youths in golf carts. Jason Anderson also brought up concerns with traffic and road congestion. Member Meister compared golf carts to electric scooters and Mopeds that are already being driven around the city with less safety precautions in place.

The discussion moved to add-ons available for golf carts such as mirrors, belts and turn signals as possible requirements. Drivers would be restricted to possessing a valid driver's license and crossing perpendicular to Minnesota Highways as golf carts are not allowed on Minnesota Highways per MnDoT. Moua-Leske shared concerns with traffic and safety.

Motion made by Meister, seconded by Moua-Leske to take the discussion to a council work session. All voted in favor.

Section 18-2 Required Key Box

Jason Anderson provided background on adding requirements for installation of key boxes commonly referred to as a Knox Box on most commercial buildings. Lozinski asked what the expected implementation timeline would be for commercial/industrial buildings. Anderson clarified the requirement would be on new construction or significant remodels. Members asked if this requirement was already a part of the Fire Code and Attorney Whitmore confirmed that it was.

Motion by Meister, seconded by Moua-Leske to table this section addition until staff can investigate the need for amendment to the section. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk