

CITY OF MARSHALL
LEGISLATIVE & ORDINANCE COMMITTEE
M I N U T E S
Tuesday, February 25, 2025

MEMBERS PRESENT: James Lozinski, See Moua-Leske, and Amanda Schwartz

MEMBERS ABSENT: None.

STAFF PRESENT: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; Preston Stensrud, Park and Rec Supervisor; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.

OTHERS PRESENT: Kyle McKinzie of Kruse Motors.

Lozinski opened the meeting calling for nominations for chair. Moua-Leske nominated Lozinski as chair, seconded by Schwartz. Moua-Leske and Schwartz voted yay. Lozinski abstained.

Chair Lozinski requested that Item 5 be moved to the top of the agenda as Kyle McKinzie was present for that specific topic.

Consider Approval of the Minutes

There were no amendments to the minutes.

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

Ordinance Amending Section 86-248 Outside Storage to Clarify Commercial Display and Sales Lots Requirements

Gutman explained that the amendments were prompted when a call was received for certain businesses around town that were not compliant with commercial displays and sales lot requirements. Gutman wanted to loosen the ordinance to allow more types of items to be allowed to be displayed in landscaped areas instead of on pavement only. Lawn equipment, ATV/UTVs, and golf carts were examples given. These smaller items were typical items that customers would walk to inspect or sit in. The ordinance only applies to business districts and industrial zones were exempt. Members discussed the gravel and paved lots located around Marshall and examples were given of gravel lots in other cities. Lozinski questioned whether a conditional use or a variance permit could be given for certain businesses. Staff were reticent to issue a variance permit as it would set a precedent, and approving multitudes of variance would defeat the purpose of the ordinance. The ordinance should be amended instead of issuing variances. Attorney Whitmore shared her opinion on variance permits. Members discussed normal parking lots versus display lots. Lozinski requested that used automobile lots be exempted from the ordinance.

Motion made by Moua-Leske, seconded by Lozinski to table the amendments. All voted in favor.

Adoption of Article 10-IV Temporary Cannabis Events

Whitmore provided background on the new article. Per Minnesota Statute local municipalities cannot outright ban cannabis events but parameters and registration can be put into place by cities. The ordinance allows the city to re-coup costs through special services that may be required by the event such as road closures, police presence or cleaning. What these events would entail is still a mystery. The group discussed farmers market type events and concerts as possible events. Lozinski brought up product sampling and requirements. Whitmore said that samples are outlined in statute. Whitmore brought up distance requirements from parks and schools as a committee action that would need to be looked at. Clerk Anderson mentioned that for retail sales there is a 500-foot buffer from the center of schools only. Director Anderson said that in most cases the buffer barely went beyond the property limits of the schools. Lozinski asked if other cities had similar event ordinances as there seemed to be a lot of requirements. Whitmore stated that most cities that Kennedy and Graven represent have a very similar ordinance in place with some minor tweaks here and there. Members discussed the possibility of exempting the Red Baron Arena for events that didn't occur during school days. There were additional questions on whether to allow on-site consumption as part of an event. Whitmore and Director Anderson asked if the committee would be opposed to keeping the permit as an administrative process but if staff felt the need the permit could be taken to the council for approval. Similar to right-of-way permits through the Public Works department. Whitmore clarified that any event that requires special services would need council approval.

Motion by Moua-Leske, seconded by Schwartz to recommend that Temporary Cannabis Events be brought to city council for recommendation with 1000-foot buffers from the center of schools, to allow on-site consumption during events, and at the discretion of city staff an event permit may go to city council for approval. All voted in favor.

Amending Chapter 42-II-2 Graffiti

An incident occurred where an individual used semi-permanent chalk on public property and concerns were raised. City staff would like to see the use of chalk at events but wanted to be sure a process was in place for removal once an event was done or a way to recoup costs for chalk removal. Members discussed messaging and expression under the first amendment. Discussion also took place regarding the use of sidewalks in residential areas. Whitmore clarified that the city can regular time, place and manner but not the content of a message regarding issuing a permit.

Motion made by Lozinski, seconded by Moua-Leske to recommend that chalk be allowed in residential areas and that the ordinance be brought to the council for consideration. All voted in favor.

Motion made by Moua-Leske, seconded by Schwartz, to make a change referring to a specific removal fee and reference the fee schedule instead.

Public Sites and Open Spaces

Director Anderson explained that a process was already in place for parkland fees, development fees, that required new developments to create parks or green space. The process has caused some trouble and confusion from property buyers as the parkland fee could be deferred by the developer until a lot was sold. Once the lot was sold the city would invoice the new property owner who was unaware of the additional cost that came their way. Staff had wanted to streamline the process. Whitmore brought up Puce v. Burnsville where a developer sued the city for imposing a park dedication fee for wanted to redevelop his residential property into commercial property. The district court ruled in the city's favor, upholding the park dedication fee. The Minnesota Court of Appeals then reversed the district court's decision, concluding the city's imposition of the park dedication fee did not comply with the subdivision statute, based on the lack of the city's "individualized determination" of the proposed development's impact on city parkland. The Minnesota Supreme Court reversed the court of appeals' decision and returned the case to the district court, finding the city had a sufficient legal and factual basis under the subdivision statute to impose the park dedication fee. The court held the city made an individualized determination when it recalculated the fee using the fair market value of his specific property, rather than applying the city's blanket dedication formula.

Motion by Lozinski, seconded by Moua-Leske to table the item and bring back at another meeting.

Due to members needing to leave Motion by Lozinski, seconded by Moua-Leske to table the remaining items:

- Ordinance Amending Section 86-1 Definitions to Address Sober Houses
- Discussion on Proposed Exterior Standards
- Amending Chapter 22 Mobile Food Units

All voted in favor.

Adjournment

At 10:26 AM Motion by Moua-Leske, seconded by Schwartz to adjourn the meeting. All voted in favor.

Respectfully submitted,
Steven Anderson
City Clerk