

**CITY OF MARSHALL**  
**LEGISLATIVE & ORDINANCE COMMITTEE**  
**M I N U T E S**  
**Tuesday, April 8, 2025**

**MEMBERS PRESENT:** James Lozinski and Amanda Schwartz  
**MEMBERS ABSENT:** See Moua-Leske.  
**STAFF PRESENT:** Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Lauren Deutz, EDA Director; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.  
**OTHERS PRESENT:** None.

At 8:30 AM Chair Lozinski called the meeting to order.

**Consider Approval of the Minutes**

There were no amendments to the minutes.

Motion by Lozinski, seconded by Schwartz to approve the minutes. All voted in favor.

**Public Sites and Open Spaces**

Whitmore provided background on the changes because of Puce v. Burnsville where a developer sued the city for imposing a park dedication fee for wanting 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. Members focused the discussion on Section 2(a), specifically the exclusion of fees for lot splitting or minor subdivisions within existing developments that are not anticipated to be more intensively developed or expanded. Lozinski would prefer if developers paid the fee upfront instead of hiding the fee until a potential buyer comes in and gets an additional fee they weren't expecting. Reference was made to a business in the Nwakama Addition. Additional discussion was had on fees and whether to pay upfront or during first development. Director Anderson mentioned that the building department has since improved the process for parkland fees and informing developers/new building permits earlier. Whitmore and Director Anderson noted that some wording changes would be required in section 4 to match the correlating verbiage in section 2.

Motion made by Schwartz, seconded by Lozinski to recommend the amendments to Section 66-102 be brought to the council for consideration with changes from Whitmore and Anderson in sections two and four. All voted in favor.

**Amending Chapter 22 Mobile Food Units**

Clerk Anderson explained that questions had arisen from mobile food operators over the past year and required additional explanations. To help provide clarity, amendments were made to remove sections of the ordinance that referenced use of the public right-of-way, and the removal of written permission for private property as most permission was granted verbally by the landowner. Lozinski questioned the removal of the use of the public right-of-way for certain events sponsored by the city. Clerk Anderson mentioned that typically in those situations the road was closed and using the public right-of-way wouldn't matter and a permit to use the right-of-way was usually obtained from the public works department. There was an addition to the ordinance to allow operation in the public right-of-way if a special event permit was issued or at a community festival. Anderson would look at changes to make special events and community festival use clearer. Anderson also mentioned a 500-foot perimeter from festivals or special events was added because of a situation that had come during Sounds of Summer in 2024.

Motion made by Lozinski, seconded by Schwartz to recommend the amendments to Chapter 22 Article IV be recommended to the full city council for consideration with additional clarification on the use of the public right-of-way for special events or festivals. All voted in favor.

#### **Discussion on Proposed Billboards Ordinance Change**

Gutman provided information that recently there had been a slew of applications for conditional use permits for billboard signs. The Ordinance defines them as “a sign which directs attention to a business, commodity, service, activity or entertainment not conducted, sold or offered upon the premises where such sign is located. An advertising sign is the same as a billboard.” All billboards currently require a conditional use permit and may be installed in the general business commercial districts and industrial districts only. Lozinski shared his disdain for billboards and questioned the need to use a CUP and if another permit type could be used instead. The group discussed the various requirements and statutory guidelines for the different types of permits that could be issued. Lozinski mentioned old and run down billboards that could be seen along highways or in other cities. Gutman clarified that a maintenance standard was usually included with the CUP so if there was a violation the CUP could be revoked and the billboard taken down. Gutman referred to a spreadsheet in the packet that included analysis of billboard related ordinances in other cities (non-metro), along with current Marshall regulations and proposed changes. Suggested changes would bring the cities standards more in line with the way other cities regulate them by increasing the minimum distance between billboards, a buffer to the nearest residential district, and adding a minimum distance to public spaces such as parks, churches, and schools. Schwartz and Lozinski both advocated increasing the use of city specific usage for dynamic signs to five hours per month from two hours.

Motion made by Lozinski, seconded by Schwartz to recommend staff to amend the billboard ordinance with the suggestions presented but to increase the city usage of dynamic signs to five hours per month after giving a one-month notice. All voted in favor.

#### **Ordinance Amending Section 86-29 Variances and 86-48 Procedures**

Gutman said that according to Minnesota Statutes and their interpretations, variances and conditional use permits may not have time limits, such as a sunset provision. However, it appears that it may be possible to limit timing between granting a permit and its commencement or implementation. City attorney Whitmore confirmed that the city may implement such limits if desired. The reason for the request was because circumstances could change, and a request that met the prescribed conditions at one point may no longer meet them after a year. The provision was first added to the ordinance in 2013, for both variances and conditional use permits, but was removed for CUPs in 2019, due to an incorrect interpretation that such language would be illegal. As a result of new interpretation, staff suggests adding this provision back to Conditional Use regulations and for the variance ordinance, where this provision had been in existence since 2013, staff recommended shifting decisions on extensions to staff, while also limiting it to a single one-year extension. Lozinski questioned why more interim use permits aren’t issued instead of using a CUP that is tied to the land. Director Anderson and Gutman explained that an IUP has specific criteria that must be met and can be more challenging to defend in court. A CUP has many statutory guidelines and is more easily enforceable and defensible in a court case. Lozinski requested that more information be provided on CUPs and IUPs.

Motion made by Lozinski, seconded by Schwartz to recommend the amendments to Section 86-29 and 86-48 establishing a limit for conditional use permit commencement timing and allowing staff to grant an extension.

#### **Adjournment**

At 9:30 AM Motion by Schwartz, seconded by Lozinski to adjourn the meeting. All voted in favor.

Respectfully submitted,  
Steven Anderson  
City Clerk