

**CITY OF MARSHALL
SPECIAL MEETING
M I N U T E S
Tuesday, July 31, 2023**

The special meeting of the Common Council of the City of Marshall was held July 31, 2023, at City Hall, 344 West Main Street. The meeting was called to order at 5:30 P.M. by Mayor Robert Byrnes. In addition to Byrnes the following members were in attendance: Craig Schafer, Steven Meister, Amanda Schroeder, John Alcorn, See Moua-Leske (via Zoom at the Sioux Falls Library) and James Lozinski. Absent: None. Staff present included: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; E.J. Moberg, Director of Administrative Services (via Zoom); Jim Marshall, Director of Public Safety; and Steven Anderson, City Clerk.

Emergency Ordinance Prohibiting the Use of Cannabis in Public Places

Mayor Brynes explained the new law that would be going into effect on August 1, 2023, and that the new law was silent on whether cannabis can be used or smoked in public places other than public places governed by the Minnesota Clean Indoor Air Act. Local ordinances would need to be implemented to supplement the gaps in law. Per Section 3.09 and 3.11 of the Marshall City Charter, the City Council of the City of Marshall may pass an emergency ordinance for the immediate preservation of the public peace, health, morals, safety, or welfare. The Legislature recognized concerns raised about the exposure of Cannabis use to youth and adopted Minn. Stat. § 342.13 to allow cities to regulate the distance of Cannabis retailers from an attraction within a public park that is regularly used by minors, including a playground or athletic field. The rapid introduction of newly legalized adult-use cannabis products presents a significant potential threat to the public health, safety, and welfare of the residents of Marshall, and particularly to youth.

Director of Public Safety Jim Marshall stated his concerns and the urgency of having an ordinance in place to preserve the public peace, health, morals, safety, and welfare of the citizens of Marshall. Attorney Whitmore further explained the emergency ordinance process and steps to be taken. Councilmember Schafer commented that if the introduction of the ordinance prohibiting use of cannabis in public places had passed during the July 25th meeting the prohibition would not have been in effect for another two weeks at least and felt the emergency meeting was needed to address exposure for citizens. Councilmember Lozinski added that he would like the Legislative and Ordinance Committee address all smoking in public places not just cannabis. Councilmember Meister voiced his concern with overregulating and not actually enforcing.

Motion made by Councilmember Schafer, Seconded by Councilmember Alcorn to approve Ordinance 23-019 prohibited the use of cannabis in public places. Voting Yea: Mayor Byrnes, Councilmember Schafer, Councilmember Schroeder, Councilmember Alcorn, Councilmember Moua-Leske, Councilmember Lozinski. Voting Nay: Councilmember Meister. The motion **Carried. 6-1.**

Adjourn

At 5:47 PM Mayor Brynes adjourned the meeting.

Attest:

City Clerk

Mayor