

CITY OF MARSHALL
LEGISLATIVE & ORDINANCE COMMITTEE
M I N U T E S
Tuesday, October 22, 2024

MEMBERS PRESENT: See Moua-Leske and Steve Meister.
MEMBERS ABSENT: James Lozinski.
STAFF PRESENT: Pamela Whitmore, City Attorney; Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: None.

Consider Approval of the Minutes

There were no amendments to the minutes.

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

Ordinance Amending Sections 86-71 Classes And Enumeration Of Districts, 86-96 A Agricultural District, 86-102 B-1 Limited Business District, 86-103 B-2 Central Business District, 86-104 B-3 General Business District, 86-105 B-4 Shopping Center Business District, 86-106 I-1 Limited Industrial District, and 86-107 I-2 General Industrial District, and Adding New Section 86-166 Certification Of Cannabis Business License Application, All to Comply with the New Cannabis State Regulations.

Gutman briefly reviewed the discussion from the previous Legislative and Ordinance Committee meeting and included the changes suggested by the members. The members agreed with the changes and placement of the different cannabis businesses.

Motion made by Moua-Leske, seconded by Meister to recommend the amendments to Chapter 86 related to cannabis businesses as recommended by staff to City Council.

Alley Reconstruction Methodology and Cost Split (Special Assessment Policy - III. Specific Policies, Item T-Alleys)

Director Anderson said the City of Marshall had many alleys that were not paved or have pavements in very poor condition. Aside from downtown areas, most alleys that are paved are a bituminous surface. In areas where alleys exist, they are often used for driveway access and garbage/recycling pick-up. City staff were often approached by property owners who desired an improvement in their alley. The current Special Assessment Policy requires costs of alley improvements to be borne entirely by benefitting property owners. The cost of covering this improvement was most often a deterrent to getting an alley project completed. City staff believes that there would be a benefit to the City if alleys are paved and in good condition. Gravel alleyways require more maintenance than a paved alley. Further, alleys paved with concrete have a longer lifespan with less maintenance, and concrete is much easier to install with an inversion to carry stormwater drainage to an acceptable location. City staff would like consideration for city cost participation with an alley improvement project, provided the alley is constructed with a concrete surface and to a minimum standard as developed and approved by the City Engineering Department. Members asked about the cost and benefits of using concrete in alleys. Meister also inquired about the history of alleys. Director Anderson said it was a common developer choice in the older areas of town and new development practices no longer utilize alleyways.

Hanson asked about how quickly the city would need to provide funds if the city were to receive a petition and cost share an alley. An alley project could be slotted into the capital improvement plan like any other project and did not need to occur immediately. If there is a petition that contains all property owners and their willingness to pay 100% of the cost, then the project would need to occur as soon as possible. Members discussed commercial alleys and going 50/50 and having a higher participation rate for residential alleys as they are mostly only used by the property owners. Whitmore clarified that by policy the city could do different cost participation rates for commercial and residential districts.

Motion made by Moua-Leske, seconded by Meister to have 75/25 residential owner/city cost participation, 50/50 cost participation in commercial districts and at least 65% of abutting property owners must agree with an alley project for special assessment purposes. All voted in favor.

Ordinance Amending Sections 86-1 Definitions and 86-97 Low Density Residence District

Gutman told member that in the last several months inquiries were made about the opening of “sober homes”, and one was found to be already in existence. The State of Minnesota had recently passed a law that added a definition for sober homes and certain requirements. Sober homes were a type of rental property where several unrelated adults live. The City had removed a limit on the number of such unrelated adults in a rental unit, the only limit left is the maximum number of people (two) per bedroom in the City Housing Code. Whitmore explained that there are licensed and unlicensed sober houses. The unlicensed sober houses that were targeted by a few cities had filed lawsuits and Whitmore would research what regulations a city could impose. Whitmore also recommended that the word “typically” be removed and that a better definition of “family” be used regarding zoning. Staff would investigate a sober house ordinance.

Motion by Moua-Leske, seconded by Meister to table the item. All voted in favor.

Exterior Appearance Standards

Gutman provided background information. In 2017 the city council removed appearance standards, but the new comprehensive plan adopted by the city council had exterior appearance standards. Staff recommended that high traffic area have uniformity in appearance. The suggested areas were near the Red Baron Arena, Wal-Mart commercial district and possibly along College Drive. Members asked about downtown and a couple of buildings that didn’t conform. Director Anderson explained that the Heritage District (downtown) was under the authority of the Planning Commission for non-conformity. Council approval was still required and was granted in the case of the few non-conforming buildings. Staff and members continued discussion on appearances, and it was clarified that the exterior appearance standard would only apply to businesses, not residential buildings.

Adjournment

At 1:42 PM Motion by Moua-Leske, seconded by Meister to adjourn the meeting. All voted in favor.

Respectfully submitted,
Steven Anderson
City Clerk