

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Monday, August 08, 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; Jim Marshall, Director of Public Safety; Ilya Gutman, Plans Examiner and Steven Anderson, City Clerk.

At 2:45 Chair Lozinski called the meeting to order.

It was decided that Item 3. Shipping Containers 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 June 27, 2023.

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

Shipping Containers

Jason Anderson presented background information on the original shipping container ordinance. Feedback was received from local business owners and suggestions were taken that shipping containers only be enforced by complaint basis. Anderson and Gutman clarified that shipping containers are currently only allowed in industrial zones and by Interim Use Permit (IUP) in a business district. Three IUPs have been issued since the ordinance has been adopted and the permit requirements have not been met yet. When the ordinance initially took effect city staff did a sweep of the city looking for shipping containers as directed by city council and has since moved to a complaint basis. Members discussed the ordinance was brought up to keep the city looking clean and that if left unchecked shipping containers would get out of hand. Members mentioned that if we have the ordinance it needs to be enforced and that every so often another sweep might be necessary. Lozinski and Meister requested that an informational item be brought to a future council meeting.

Amending Article 42-V to Prohibit the Use of Cannabis and Hemp in Public Places

Attorney Whitmore gave a brief presentation on the new law changes and the impacts it has on local municipalities. Whitmore suggested that the city will want to start considerations on zoning and the registration process once the Office of Cannabis Management starts rule making. Whitmore continued the presentation explaining the differences in the terms "low potency" and "edible cannabinoid" that were introduced in the 2022 and 2023 legislative sessions. Regarding zoning members questioned how far tobacco and liquor needed to be away from school zones. Clerk Anderson clarified that only liquor has a requirement of not within 1000ft of a school. Whitmore showed examples of cities/counties that are currently developing ordinances and the variety of prohibitions ranging to banning all smoking/consumption to only banning use in a few select parks. Members asked Marshall what would be enforceable or if depending on the situation would enforcement be by complaint basis. Lozinski voiced that he would like to see a ban on all smoking on public sidewalks, parks, and parking lots. Scenarios were given about citizens smoking on their own property and smoke drifting to other properties. The ordinance would at least give law enforcement a reason to have open dialog with citizens when complaints are lodged, law enforcement would only be able to detect levels of impairment in relation to cannabis. Jason Anderson suggested that a designated smoking area be allowed in some public places such as outside bars. Members continued talks about modeling the ordinance like alcohol and allow edible cannabis consumption by permit in public parks. Whitmore summarized that the committee would like to have the ordinance amended to ban all smoking in public places such as sidewalks, parks, and parking lots with designated smoking areas and to allow edible cannabinoids by permit in public parks. Members requested that the revisions be brought back to the committee for review before proceeding to council introduction.

18-2 Required Key Box

Due to time constraints Chair Lozinski moved item the required key box item up. Anderson and Gutman stated that from the previous meeting the suggestion to investigate the need for the Fire Chief to implement additional rules and regulations was investigated and has been amended to be removed from the current draft of the ordinance.

Motion made by Meister, Seconded by Moua-Leske to recommend section 18-2 that will require key boxes for most commercial buildings be introduced to city council. All voted in favor.

86-247 Landscaping

Attorney Whitmore briefly mentioned that new law was introduced that prohibits cities from not allowing pollinator gardens. Gutman chimed that pollinator gardens would be allowed under section 86-247 but with maximum size/location requirements and have standards of maintenance.

Motion made by Meister, Seconded by Moua-Leske to table 82-247 Landscaping due to lack of time. All voted in favor.

At 3:52 PM Motion by Lozinski, Seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk