

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Tuesday, May 14, 2024

MEMBERS PRESENT: James Lozinski, See Moua-Leske and Steve Meister
MEMBERS ABSENT: None
STAFF PRESENT: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; E.J. Moberg, Director of Administrative Services; Eric Luther, Liquor Store Manager; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: None

At 4:00 PM Chair Lozinski called the meeting to order.

Consider Approval of the Minutes

No changes or amendments were requested of the minutes.

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

Registration Requirements for Intoxicating Cannabinoid Products

Attorney Whitmore introduced the new version of the registration ordinance. The main goal was to make the ordinance simple, clarified the definition of “moveable place of business”, changed the 1,000-foot buffer zone from the main building of schools to 500 feet, and to allow an unlimited number of low-level edible THC registrations. Luther questioned how the license would be implemented and Moberg asked when the effective date would take effect. Whitmore clarified that this was for registration, not a license and normal ordinance processes would have to be followed with an introduction and final passage. The Planning Commission would need to hold a public hearing for the ordinance changes that involve zoning provisions.

Motion made by Meister, seconded by Moua-Leske to recommend the ordinance move forward with its introduction. All voted in favor.

Ch 74-261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks

Clerk Anderson provided background information on the proposed amendments and gave comparable city size data on who allowed golf cart use on city roads. Moua-Leske asked if the Marshall Golf Club allowed personal gold carts. The group indicated they did not believe that the golf course allowed personal carts or had trail fees. Meister questioned what the definition of a vehicle should be as it applies to the ordinance, since there are now motorized scooters, electric assisted bicycles, and motorized wheelchairs that are on roads and sidewalks. Members discussed various pros and cons, possible limitation on times of the year and prohibited locations/streets. Lozinski stated that he would like to see letters of support to allow golf carts or more discussion from citizens about the topic.

Motion made by Lozinski, seconded by Meister to table the item until more citizen advocates come forward to express their opinion on the ordinance.

Other Business Items

Zoning Ordinance Application Beyond City Limits

Gutman said that there are several Orderly Annexation areas around the City of Marshall where the city has a legal authority to enforce its zoning ordinance within two miles of city limits based on Minnesota Statutes and agreements with surrounding townships. The intent of the statute was to allow cities to control surrounding areas for future growth to prevent multiple non-conforming uses within city limits when areas are annexed and to generally follow the comprehensive plans. The expansion of city power beyond its borders applies to zoning regulations only and historically, the city has never applied the use of the statute. Enforcing zoning ordinance within two miles would require a special council resolution, and cooperation from the County. The only location outside of the city limits that had been rezoned

from Agricultural (a district assigned to all orderly annexation areas and all newly annexed areas) was a small area located north of the diversion channel and west of Highway 68 North. Wind Towers and their rapid spread had caused concern and a new urgency to consider expanding zoning ordinance regulations outside of the city limits. They had been built rapidly in the Southwest Minnesota region, but they can also be a source of reduced quality of life for people living in their vicinity due to noise, appearance, bird deaths, and other issues. The city may be interested in keeping them away from the city and its vicinity. Combined with adding commercial wind towers to prohibited uses in Section 86-31, this expansion of Zoning regulations beyond City limits may be a change to be considered by the L&O to start the process. Director Anderson said he was approached by a wind tower developer, and they had inquired about the zoning for the city and surrounding areas. The members mentioned the possibility of having John Biren with the Lyon County Planning and Zoning Department be brought into the conversation. Director Anderson said that he had previously spoken with Biren about the wind towers.

The Committee agreed that a conversation with county staff would be a good next step before any action was taken.

Backyard Chickens

Member Lozinski mentioned that several citizens have brought up discussion on backyard chickens and would like some research done to see how feasible such an ordinance would be in Marshall. Hanson indicated that her summer intern, Stephen Zimmer, was tasked with the research and was provided with model ordinances from Attorney Whitmore.

At 4:47 PM a motion was made by Meister, Seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk