

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Monday, October 31, 2023

MEMBERS PRESENT: See Moua-Leske and James Lozinski.

MEMBERS ABSENT: Steve Meister

STAFF PRESENT: Sharon Hanson, City Administrator; Pamela Whitmore, City Attorney; 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.

At 12:48 Chair Lozinski called the meeting to order.

Consider Approval of the Minutes

There were no changes to the minutes from the previous meeting.

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

Public Use of Cannabinoid Products; and/or Prohibition on Smoking in City Parks

Whitmore provided a summary of previous discussions and the ordinance passed by Lyon County that prohibited cannabis and cannabinoid products in public places. In Whitmore's discussions with County Attorney Wikelius it was Lyon Counties stand that County Deputies would enforce the county ordinance in the entire county including the city limits of Marshall. Hanson questioned if city law enforcement would be able to enforce county ordinance. Whitmore and Marshall both stated that is something that is still being investigated and a common question throughout the state as more counties and cities have overlapping jurisdictions in regard to cannabis. If the City of Marshall were to not adopt an ordinance all prosecution would be done through the County Attorney's Office instead of the City Prosecutor Matthew Gross. Hanson said the Community Services Advisory Board this year has begun to embrace the advisory part of their board and met on October 30 to discuss cannabis use in public places. The advisory board made a recommendation to the Legislative and Ordinance Committee to support the county stance on prohibiting the use of cannabinoid products in public parks, trails, and nearby recreational facilities to promote public health and welfare. However, the board did stipulate that they were agreeable to cannabis use by permit similar to the city's alcohol ordinance.

The committee members took the recommendation from the Community Services Advisory Board and added banning smoking in all city parks. Hanson said that she researched 20 states that allow cannabis and 15 of the states banned smoking in public places, which also included sidewalks and streets. New York was very similar to Minnesota in the structure of the law, but New York didn't originally ban public places and has since begun to add legislation to restrict use in public places. Whitmore presented some options on what the city could define public property. Both members agreed that "property, real and personal, that is owned, managed or controlled by the City, including, but not limited to: City buildings and all the land thereon, parking lots, parks, golf course, pathways and trails, and city rights-of-way consisting of both the traveled portion and the abutting boulevard, sidewalks and trails, and any City personal property, such as motor vehicles, city equipment and the like" was the preferred definition. Except that golf course was to be removed as the city does not own a golf course. Members directed staff to make amendments and to have them brought back to the Legislative and Ordinance Committee.

Ch74 Traffic and Vehicles Section 261 Operation of Motorized Golf Cart, All-Terrain Vehicles, or Mini-Trucks

Clerk Anderson summarized that the Legislative & Ordinance Committee on June 27, 2023, requested to discuss the possibility of adding Golf Carts as an allowable vehicle in Marshall and decided to bring the item to a Work Session for additional input from the full council. During August 8, 2023, Work Session council directed staff to look at amendments to the ordinance and the application process with changes brought to L&O. Hanson expressed concern with the speed of golf carts traveling down roads and impeding traffic. Member Lozinski asked if it was possible to restrict certain streets for golf cart use. Whitmore pointed out that state statute already prohibits the use of golf carts and UTV on Highways. Member Moua-Leske voiced her worry about golf carts and the potential safety hazards on busy roads. Members

inquired if an age restriction could be placed for 21 and older. Whitmore indicated that an age restriction could not be set per state statute.

Motion made by Lozinski, seconded by Moua-Leske to table the item for a later date. All voted in favor.

Business Use in Limited Industrial Districts

Gutman explained that a local business was proposing a new site construction project, but the project involves an office use in an industrial zoned area. The new comprehensive plan does allow for commercial and light industrial mixed uses. Based on the potential economic development in an area marked as Commercial/industrial use on the Land use map, a rezoning has become necessary, and the most reasonable way for the time being is to rezone this area to an I-1 limited industrial district, while also adding an office use to this district, in line with the future Commercial/Industrial zoning district.

Motion made by Moua-Leske, seconded by Lozinski to recommend the revisions to Section 86-106 I-1 Limited Industrial District adding business offices as permitted use to city council. All voted in favor.

At 1:33 PM Motion by Moua-Leske, seconded by Lozinski to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk