

CITY OF MARSHALL
LEGISLATIVE & ORDINANCE COMMITTEE
MINUTES
Tuesday, September 10, 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; Ilya Gutman, Plans Examiner; and Steven Anderson, City Clerk.
OTHERS PRESENT: Carol Biren, Southwest Health & Human Services Public Health Director.
Jenna Stephenson, Southwest Health & Human Services.
Scott Kuecker, Marshall Animal Clinic Owner & Veterinarian.

At 2:00 PM Chair Lozinski called the meeting to order.

Approval of the Agenda

Order of Agenda was changed to have Amendments to Ch. 14 Animals and Amendments to Ch. 22 VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products presented first and then proceed as ordered.

Consider Approval of the Minutes

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

Amendments to Ch. 14 Animals

Clerk Anderson provided a brief background on the reason for the ordinance changes. Members discussed an exception for therapy animals and removing language that pertained to allowing animals to be “under control” of the owner. Kuecker also recommended that any animal on public property should be leashed. Member decided that five hens was a good number to be kept at a time and talked about keeping of chickens during sunset to sunrise. Meister questioned the requirement for heat as it could be a potential fire hazard. Staff and members discussed alternatives that could be safer in a coup. The code would be updated to reflect no use of extension cords and to use electrical and heat sources in compliance with building code. On the issue of slaughter Kuecker suggested that slaughter should not be allowed as it implied the actual killing not the butchering. Members talked about game hunting, but those types of animals were generally killed outside of city limits and then brought in to be dismantled. Turkey Valley was brought up as they are a business that did slaughter within city limits. It was decided that commercial or licensed processing facilities would be excepted. The sale of eggs would be prohibited as a home occupation type. Lozinski suggested that a brochure of how-to property care for backyard chickens be created and given when permits were issued. Director Marshall expressed his concern with dogs being overly aggressive with chickens in adjacent yards. Kuecker pointed out that hunting dogs could become an issue as instincts and training would be difficult to overcome. The definition of dangerous animal and potentially dangerous animal was reviewed and found to be missing a couple key words from Minnesota Statute and would be updated.

Motion by Moua-Leske, seconded by Meister to recommend the amendments to Ch. 14 Animals including the recommended changes by staff be introduced at a regular council meeting.

Amendments to Ch. 22 VIII Licensing and Registration Requirements for the Sale of Intoxicating Cannabinoid Products

Attorney Whitmore provided background information on the proposed amendments. Whitmore confirmed with the committee that the maximum would be two retail licenses and to mimic the municipal liquor store for hours of retail operation. The zoning requirements could be all encompassing instead of needing changes for each of the specific license types that would be issued by the Office of Cannabis Management. Committee members also clarified that they would like to keep the 500-foot buffer zone the same for low level and high level cannabis licenses. For any violations that lead to a suspension the required notice to the Office of Cannabis Management would be sent within five days and was deemed to be a sufficient timeframe.

Motion by Meister, Seconded by Moua-Leske to approve the recommended amendments to Chapter 22 Article VIII

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

Clerk Anderson provided a brief background on the history of golf carts. Members discussed various slow-moving vehicles that use public streets such as electric scooters and bicycles. The group continued to discuss children use and other safety concerns.

Motion by Meister, seconded by Lozinski to move the ordinance to council for review. Meister and Lozinski voted in favor. Moua-Leske voted nay. 2 for – 1 against.

Amendments to Ch. 6 II-2 Intoxicating Liquor

Staff had been approached by the Marshall A's about expanding their selection of beverages as the number of 3.2% Malt Liquor varieties were being reduced by local wholesalers. Over the years the Minnesota Legislature expanded the types of businesses and establishments that were allowed to be issued an intoxicating liquor and wine license which now includes summer collegiate league baseball teams, or a league established by the Minnesota Baseball Association. Clerk Anderson said the amendments was meant to update the ordinance to match Minnesota Statute §340A on allowable establishments, minus a few specific to the metro area.

Motion by Moua-Leske, seconded by Meister to recommend the amendments to Ch. 6 Article II, Division II. All voted in favor.

Minnesota Energy Resources Repeal of Section 22-213 Purchase by City

Clerk Anderson explained that Minnesota Energy Resources had requested this specific section of the franchise agreement be removed before they would sign a certification of acceptance. Attorney Whitmore and Robert Vose of Kennedy and Graven found the removal to be acceptable as it was not standard language for franchises.

Motion by Meister, Seconded by Moua-Leske to remove Section 22-213 of the Minnesota Energy Resources Franchise Agreement. All voted in favor.

Ordinance Amendment to Chapter 86, Article IV, Section 86-97 One Family Residence District

Gutman said the zoning ordinance provided for a minimum lot size in the R-1 district, but also required an enlarged lot for duplexes. Since duplexes were only permitted by a conditional use in the R-1 district, specific lot size limitation for a duplex was redundant because it would be a part of the considerations for granting a conditional use permit.

Motion by Moua-Leske, seconded by Meister to remove the lot size requirement for a duplex in an R-1 district. All voted in favor.

Ordinance Amendment to Chapter 86, Article II-1, Section 86-31 Prohibited Uses

With the current trend to develop wind turbines and the controversy surrounding those developments, Gutman held that it was reasonable to limit the development within city limits. The proposed restriction would still allow decorative or single use wind towers under 50 feet, but not commercial developments.

Motion by Moua-Leske, seconded by Meister to restrict the height of wind towers and to not allow commercial development. All voted in favor.

Ordinance Amendment to Chapter 86, Article VI-1, Section 86-165 Structures in Residential Districts

Gutman told the committee that under the current ordinance fuel tanks over 50 gallons were prohibited in residential areas. The provision was intended to limit a possibility of using propane to heat the entire house, thus minimizing potential fire danger and unsightly appearance. Smaller tanks were permitted to allow for enough fuel for a fireplace or garage heater in otherwise electrically heated houses. It was brought up that even a 100-gallon tank would not be enough to

provide heat for an entire dwelling, making it reasonable to increase the maximum tank size to 100 gallons. Requirements to screen the tank with a fence would remain unchanged.

Motion by Meister, Seconded by Moua-Leske to allow tanks up to 100 gallons in residential districts. All voted in favor.

Adjournment

At 3:32PM Motion by Meister, seconded by Moua-Leske to adjourn the meeting. All voted in favor.

Respectfully Submitted,
Steven Anderson
City Clerk