

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Monday, November 20, 2023

MEMBERS PRESENT: See Moua-Leske, Steve Meister and James Lozinski.
MEMBERS ABSENT: None.
STAFF PRESENT: Pamela Whitmore, City Attorney (via Zoom); Jason Anderson, Director of Public Works/ City Engineer; Jim Marshall, Director of Public Safety; and Steven Anderson, City Clerk.

At 12:45 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 Meister, seconded by Moua-Leske to approve the minutes. All voted in favor.

Public Use of Cannabinoid Products and Prohibition on Smoking of Cannabinoid Products and Tobacco Products in City Parks and City Recreational Facilities

Whitmore provided a summary of previous discussions. The L&O Committee directed staff to update city ordinances to mirror the county ordinance for a prohibition on use of cannabinoid products in city parks and at recreational facilities and amend current ordinances to prohibit tobacco smoking and vaping in parks and recreational facilities as well. Members commented that the changes were what they were expecting to see and liked the revisions.

Motion made by Meister, seconded by Moua-Leske to recommend that the amendment to add Chapter 46, Article 4-II, Section 46-29; and amendments to Section 10-22 Requirements for Owner, Operator or Manager of Public Dancing Place; and Section 42-112 Consumption of Beer or Liquor on Streets and Public Property be brought to the regular meeting of the city council.

Rental Registration Ordinance

Whitmore briefly summarized the role of the Rental Ordinance Committee that was created after a public hearing that was held in January 2023. The Rental Committee met five times to review the newly drafted ordinance – June 13, July 11, August 8, October 10, and October 31. The Rental Committee was made up of representatives of city staff, the Fire Chief, United Community Action Partnership, Southwest Minnesota State University, two councilmembers, two tenant advocates, two landlords, and was facilitated by John Decramer and Marc Klaith. The Committee participants included Zachary Gilman, James Carr, Brad Meulebroeck, Shawn Butler, Jessica Bentley, Angela Larson, Quentin Brunsvold, Steven Anderson, Jason Anderson, Sharon Hanson, Craig Schafer, and James Lozinski. The Rental Committee engaged in thoughtful and thorough discussion regarding the goals of the city, the interests of the community and the protections of the public. The discussions led to productive collaboration and revisions. On October 31, 2023, the Rental Committee approved, by unanimous vote, to recommend the addition of Chapter 18, Article VIII Residential Rental Code.

Whitmore went on to explain that the ordinance was drafted as a registration program as desired by staff with inspections only being conducted on a complaint basis. Registration would occur on a biannual basis with self-inspections being conducted by landlords or property managers. Member Lozinski offered his opinion of the committee process and shared that landlords were concerned that the registration program would open the gates to government creep. Moua-Leske asked what some of the main changes that had occurred during the committee process. Whitmore and Jason Anderson mentioned that the original ordinance was annual registration and was changed to bi-annual at the request of landlords, and the removal of staff inspection annually was changed to only inspect properties when a complaint was received. Meister questioned having registration done on a bi-annual basis instead of annual. Lozinski retorted that the landlords were adamant about not having to do annual registration due to cost and time. The compromise was to have a self-inspection checklist on file during off registration years that must be produced when asked, otherwise administrative penalties would occur.

Motion made by Meister, seconded by Moua-Leske to have the Ways and Means Committee approve a registration fee and to recommend that the ordinance be brought to the regular meeting of the city council. All voted in favor.

At 1:10 PM Motion by Moua-Leske, seconded by Meister to adjourn the meeting. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk