



CITY OF MARSHALL
Legislative & Ordinance Committee
A g e n d a
Tuesday, August 08, 2023 at 2:45 PM
On Main, City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Consider Approval of the Minutes

NEW BUSINESS

- [2.](#) Amending Article 42-V to Prohibit the Use of Cannabis and Hemp in Public Places
- [3.](#) Shipping Containers
- [4.](#) 86-247 Landscaping
- [5.](#) 18-2 Required Key Box

ADJOURN

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Chair
Meeting Date:	Tuesday, August 8, 2023
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider Approval of the Minutes
Background Information:	Enclosed are the minutes from the previous meeting.
Fiscal Impact:	
Alternative/ Variations:	Staff encourages Members to provide any suggested corrections to the minutes in writing to City Clerk, Steven Anderson, prior to the meeting.
Recommendations:	That the minutes from the meeting held on June 27, 2023, be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
LEGISLATIVE AND ORDINANCE COMMITTEE
MINUTES
Monday, June 27, 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 (via zoom); Jim Marshall, Director of Public Safety; and Steven Anderson, City Clerk.

At 12:45 Chair Lozinski called the meeting to order.

It was decided that Item 5. Section 86-247 Landscaping 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 May 8, 2023.

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

Section 86-247 Landscaping

Jason Anderson presented background information on the original Landscaping ordinance. In conjunction with the Board of Water and Soil Resources (BWSR) the City of Marshall had added parameters, regulations, and designated areas where pollinator gardens could be established. Attorney Whitmore referenced MN Stat. 412.925 Native Landscapes that was recently passed by legislature that requires a statutory or home rule charter city to allow managed natural landscapes on privately owned lands or premises. This new law conflicts with certain provisions of the cities landscaping ordinance under section 86-247.

Members discussed how concerns were currently being addressed for lawn/weed related issues and the possibility of converting an entire lawn to become a pollinator garden. Lozinski mentioned that the ordinance had too many restrictions and that he would like to see less, especially regarding side yards. The discussion proceeded to various examples of managed and unmanaged natural landscapes within the city and in other locations. The topic of required yard and setbacks was brought up again and consensus was made that the language for side/rear yard be removed and that the interim use permit provisions also be stricken. It was noted that a 5-foot setback from all property lines should be kept and to allow zero-scape yards (no vegetation, no watering) that meet MS4 requirements.

Motion made by Meister, Seconded by Moua-Leske to approve suggested changes to staff and to bring the amended ordinance to council. All voted in favor.

Administrative Citations

Attorney Whitmore detailed how the administrative citations policy came about and how ineffective the current enforcement procedure is. The proposed administrative citations policy would help all aspects of code enforcement. Criminal processes or items that would require the City Prosecutor would not fall under the administrative citations policy. Administrator Hanson mentioned this policy would help greatly with enforcement of the Rental Code Ordinance that is currently being reviewed by committee members. Members discussed how the hearing procedure process would work and if due process would take place. Whitmore gave an example of a hearing procedure and member Meister agreed to the policy as long that due process would take place.

Members discussed fees for violation hearings. It was decided that after the hearing fee was paid if the accused was found to be not guilty the fee amount would be returned. Member Moua-Leske asked if violation letters were being sent in languages other than English? Anderson stated that letters were English only but other languages could be looked at or at least have a number for translation services.

Motion made by Moua-Leske, seconded by Meister to recommend the Administrative Citations Policy with amendments be brought to council for consideration. All voted in favor.

UTV Permit Ordinance Discussion

Clerk Anderson gave background on the current ordinance and member Meister provided additional information on how the ordinance was originally created. Members discussed the differences between a golf cart and a Utility Task Vehicle (UTV). Jim Marshall voices his concerns with golf carts and the number of injuries that occur with youths in golf carts. Jason Anderson also brought up concerns with traffic and road congestion. Member Meister compared golf carts to electric scooters and Mopeds that are already being driven around the city with less safety precautions in place.

The discussion moved to add-ons available for golf carts such as mirrors, belts and turn signals as possible requirements. Drivers would be restricted to possessing a valid driver's license and crossing perpendicular to Minnesota Highways as golf carts are not allowed on Minnesota Highways per MnDoT. Moua-Leske shared concerns with traffic and safety.

Motion made by Meister, seconded by Moua-Leske to take the discussion to a council work session. All voted in favor.

Section 18-2 Required Key Box

Jason Anderson provided background on adding requirements for installation of key boxes commonly referred to as a Knox Box on most commercial buildings. Lozinski asked what the expected implementation timeline would be for commercial/industrial buildings. Anderson clarified the requirement would be on new construction or significant remodels. Members asked if this requirement was already a part of the Fire Code and Attorney Whitmore confirmed that it was.

Motion by Meister, seconded by Moua-Leske to table this section addition until staff can investigate the need for amendment to the section. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Amending Article 42-V to Prohibit the Use of Cannabis and Hemp in Public Places
Background Information:	<p>Chapter 63 (HF 100*/SF 73) legalized adult-use cannabis in Minnesota, establishes a statewide regulatory framework including requirements for each type of license under this chapter, establishes taxes on the regulated products, amends criminal penalties, expunges certain prior convictions related to cannabis, and provides for temporary regulation of hemp-derived edible cannabinoid products.</p> <p>Under the new law unless a local ordinance prohibits outdoor smoking, Cannabis and Hemp products can be used in most locations with a few exceptions. The State Statute definition of "Public Place" does not include outdoor areas such as parks.</p> <p>144.413 Definitions. Subd.2. Public place. "Public place" means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities other than public schools, as defined in section 120A.05, subdivisions 9, 11, and 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To recommend ordinance amendments be introduced at a regular city council meeting.

**CITY OF MARSHALL
LYON COUNTY, MINNESOTA**

ORDINANCE NO. XXXX

**AN ORDINANCE AMENDING ARTICLE 42-V OF THE MARSHALL CITY CODE
TO PROHIBIT THE USE OF CANNABIS AND HEMP IN PUBLIC PLACES**

THE COMMON COUNCIL OF THE CITY OF MARSHALL DO ORDAIN:

SECTION 1. The City Council of the City of Marshall hereby supplements Article 42-V of the Marshall City Code by adding a new Section 42-114 as follows:

SECTION 42-114 – CANNABIS AND HEMP

(a) Definitions.

(i) For purposes of this article, the terms “cannabis flower,” “cannabis products,” “lower-potency hemp edibles,” and “hemp-derived consumer products” shall have the definitions given to them in Minnesota Statutes, section 342.01, as it may be amended from time to time.

(ii) For purposes of this article, “public place” is defined as any indoor or outdoor area that is used or held out for use by the public whether owned or operated by public or private interests. Pursuant to Minnesota Statutes, section 152.0263, subd. 5, “public place” does not include the following: (i) a private residence, including the person's curtilage or yard; (ii) private property not generally accessible by the public; and (iii) the premises of an establishment or event licensed to permit on-site consumption of cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products.

(b) Prohibition. Use of cannabis and hemp prohibited in public places.

No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place. A violation of this section shall be considered a petty misdemeanor notwithstanding any other penalty provision in the city code, and the city council may establish, by resolution, a corresponding **fine in its fee schedule** for violations of this section.

SECTION 2. This ordinance shall take effect on MONTH, DATE 2023, after its passage and publication in accordance with City Charter.

Adopted by the Marshall City Council this ____ day of _____, 2023.

Bob Byrnes, Mayor

Attest:

Steven Anderson, City Clerk

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 8/8/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Shipping Containers
Background Information:	Currently, a certain number of shipping containers are permitted in Business districts with Interim Use Permit. Semitrailers are not permitted.
Fiscal Impact:	None
Alternative/ Variations:	N/A
Recommendations:	Staff recommends a discussion on enforcement of shipping containers-related regulations.

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 8/8/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	86-247 Landscaping
Background Information:	<p>This section adds a concept of pollinator gardens that has been recently approved by the Council. It limits these gardens to rear yards only in low density residential district, just like vegetable gardens. It must be noted that at the moment pollinator gardens will still not be allowed in those districts by Section 82-1 regulating vegetation in the City.</p> <p>This change has not been presented at the Planning Commission yet.</p>
Fiscal Impact:	None
Alternative/ Variations:	None recommended
Recommendations:	Staff recommends the recommendation to the City Council approving the revisions amending Section 86-247 Landscaping

Section 86-247 Landscaping

(a) In all classes of residential and business districts, all exposed ground areas surrounding a principal and accessory use, including street boulevards and easements, and which are not devoted to parking, drives, walks, patios, designated retail display areas or other such uses shall be landscaped except vegetation areas left in a natural state during initial construction may remain if properly maintained. Downtown district is exempted from the landscaping requirements.

- (1) Fences, bushes, shrubs, and any other landscape elements placed upon easements are subject to removal at owner's expense if required for maintenance or improvement of the utility. The city shall not be required to pay compensation for the items to be removed from a utility easement. Retaining walls shall not be placed upon easements.
- (2) Trees planted within, or adjacent to, public right-of-way shall comply with the city tree policy.
- (3) All landscaped areas, including vegetable, flower, and pollinator gardens, shall be kept neat, clean, uncluttered and be properly maintained. Landscaped area shall not be used for the recurring parking of vehicles, except as provided for in section 86-230 for overflow parking, or the storage or display of materials, supplies, and merchandise.
- (4) Vegetation within a 25-foot visibility triangle of the property corner at street intersections and within a 10-foot visibility triangle adjacent to alleys and driveways shall not be taller than three feet measured from the top of the street curb. All vegetation upon, and adjacent to, boulevards shall comply with the city tree policy.
- (5) Private vVegetable, flower and pollinator gardens are allowed in all R-1 and R-2 residence and business districts, provided they do not occupy more than 50 percent of the front or rear yards but shall not be located in the front yard or side yards and shall not occupy more than 25 percent of the area of a rear yard; larger gardens may be allowed by an interim use permit. Vegetable gardens must not be placed on a lot where there is no permitted use main building except when such lot is adjacent to the lot where a permitted use main building is located and both lots have the same owner(s), in which case the vegetable garden can occupy 20 percent of the area of a rear yard calculated for these two lots combined. All such gardens shall not be placed closer than five feet to all property lines or buildings in residence districts and ten feet in business districts, and shall have a clearly delineated physical border or edging. For purposes of this section, pollinator gardens, or natural landscapes, are defined to mean intentionally designed and managed gardens that contain non-native plants or native species that are listed as pollinator-friendly plants by the State of Minnesota Board of Water and Soil Resources (MNBWSR) or one of MNBWSR's partner organizations with the maximum height of vegetation not to exceed fifteen inches; pollinator gardens may not include any noxious weeds or turf-grass lawns left unattended for the purpose of returning to a natural state, and shall be maintained to remove all unintended vegetation and cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches.
 - a. On a lot where there is no permitted use main building, the above gardens may not exceed 100 SF, except when such lot is adjacent to the lot where a permitted use main building is located and both lots have the same owner(s), the garden may occupy 20 percent of the area of a rear yard calculated for these two lots combined.
 - b. Vegetable and pollinator gardens occupying more than 50 percent of the rear yard and pollinator gardens with vegetation higher than fifteen inches may be allowed by an interim use permit, provided the garden is surrounded by a two feet high fence and located at least ten feet from any property line.
 - c. All pollinator gardens shall have a sign advising that a pollinator garden is being established. This sign must be not smaller than eight inches square, not larger than one square foot, and have a height between two and three feet.

(6) Community vegetable gardens may be allowed in all business~~other~~ zoning districts by an interim use permit; ~~except interim use permit is not required in agricultural district.~~ Such gardens shall not be located in the required yards or closer than ten feet to any building.

(b) Landscape area shall occupy not less than 25 percent of the exposed ground area of the lot. Landscape area shall include not less than 50 percent live materials (vegetation, including flower and pollinator gardens) with the balance being permeable landscaping decorative materials such as landscape rock or mulch.

- (1) Grade slope over one-foot in three feet is prohibited unless existing site grading is unique and special measures are taken to prevent erosion.
- (2) The trees shall be planted at a rate of at least one tree per 5,000 square feet of landscaped area or one tree per 50 feet of lot street frontage, whichever is greater; existing trees protected during construction may be counted toward the total number of trees required. If more than five trees are required, at least two species shall be used.
- (3) Overgrown vegetation and sizable broken limbs shall be trimmed; dead or severely damaged trees shall be replaced. Infected trees shall be treated in accordance with chapter 82, Vegetation.
- (4) Elms, ash, and box elder trees shall not be used unless disease resistant species are utilized.

(c) In all classes of business and industrial districts, yards adjoining any of the classes of residence districts or public parks shall be landscaped with buffer planting screens unless an adjacent residence district property contains a non-residential use. In R-3 and R-4 multiple family residence districts, yards adjoining lower classes of residence districts shall be landscaped with buffer planting screens unless a multiple family residence district property contains exclusively one- to four-family residences.

- (1) Buffer planting screens shall be at least 80 percent opaque year-round and six feet high. Planting screens shall be planted in such manner that, when fully grown, they remain entirely within the property boundaries. A maintenance-free opaque fence or other means deemed comparable to planting screens by the city staff may be used to substitute for the required buffer planting screens provided requirements of subsection (b) are met.

(d) Building enlargement and expansions over 50 percent of existing building footprint area or construction of additional main use buildings on site shall cause an entire site landscaping review by city staff for ordinance compliance.

(e) All requirements of this section shall be satisfied within one year of receiving a temporary certificate of occupancy. All new site work performed on existing occupied sites shall comply with the landscaping requirements.

(Code 1976, § 11.19(3)(A)(1); Ord. No. 687, § 1, 6-10-2014; Ord. No. 727 2nd series, § 1, 4-24-2018; Ord. No. 749 2nd series, § 1, 6-23-2020)

**CITY OF MARSHALL
AGENDA ITEM REPORT
L&O 8/8/23**

Presenter:	Ilya Gutman
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	ACTION
Subject:	18-2 Required Key Box
Background Information:	<p>This new section is adding requirements for installation of key boxes (generally known by its most common brand name Knox Box) on most commercial buildings. These boxes contain keys and documentation that may be vital for the fire department or police in case of fire or other emergencies, as it will facilitate quick and easy access to buildings and orientation within the building after gaining access. Currently, the fire department is sometimes forced to break the front door or window in order to enter the building in cases of fire alarms, for example, so this regulation may be beneficial to the property owners as well.</p> <p>Based on the discussion that took place at the previous L&O meeting, a minor change to remove a possibility of added rules was made.</p>
Fiscal Impact:	None
Alternative/ Variations:	None recommended
Recommendations:	Staff recommends the recommendation to the City Council approving the new section 18-2 that will require key boxes for most commercial buildings

Section 18-2 Required Key Box.

(a) The following structures shall be equipped with a key box (also called "lock box" or "Knox box"):

(1) Commercial or industrial buildings protected by an automatic alarm system or automatic fire suppression system.

(2) Multi-family residential buildings that have restricted access through locked doors and have a common corridor for access to the living units.

(3) All governmental buildings, hospitals, and nursing care facilities.

(4) All commercial or industrial structures that have an alarm system designed to monitor security or fire status that results in an alert that is audible or transmitted to a central monitoring location or that is designed with heightened security or access limitations that preclude, or may interfere with, ready access to the interior of the building by emergency personnel.

(5) Any building whose owner doesn't want it to be broken into in case of emergency.

(b) The above structures shall be equipped with a key box at the following times:

(1) All newly constructed structures subject to this section shall have a key box installed and operational prior to the issuance of occupancy permit.

(2) All structures subject to this section that undergo additions, remodeling, upgrades, repairs or change of occupancy requiring a building permit shall have a key box installed at the time of construction.

(3) All commercial and industrial structures protected by an automatic fire suppression system in existence on the effective date of this section shall install a key box within one year from the effective date of this section.

(c) The key box shall be installed at the front of the building near the main entrance in a conspicuous and easily accessible location at a height of a minimum of 60 inches and not to exceed 72 inches, or another location determined by the Fire Chief. In multi-tenant building, a separate key box shall be installed near each tenant's main entrance at locations as described above.

(d) The Fire Chief may designate the type of key box system to be implemented within the city and shall have the authority to require all structures to use the designated system.

(e) The required key box shall contain the following:

(1) Main entry key(s) that will allow for access to the building.

(2) Keys to all secured interior accessed tenant spaces.

(3) Keys to the following rooms: all locked mechanical and electrical rooms, sprinkler system room, elevator control room, and other similar spaces; all keys shall be clearly identified.

- a. Mechanical and electrical rooms.
 - b. Sprinkler system rooms and booster pump rooms.
 - c. Elevator control rooms.
 - d. Roof access panels and stairs.
 - e. Security gates.
 - f. All provided keys shall be clearly labeled and identified.
- (4) Special keys or other controls for fire alarm panels, sub-panels, pull stations reset, etc.
- (5) Building plans or legible sketches showing the following:
- a. Location and designation of all rooms in the building.
 - b. All exits, including stairs and corridors.
 - c. Fire alarm panel and sub-panel locations.
 - d. Roof access.
 - e. Main sprinkler riser and controls.
 - f. Fire department connection location.
 - g. Gas meter location.
 - h. Accessible units locations
 - i. All access codes/cards for entry if equipped with electronic locks.
- (6) Building owner's or operator's emergency contact information
- a. Owner's information and phone number.
 - b. Property manager and maintenance employees' information and phone numbers.
 - c. Monitoring company information and phone number.
 - d. Alarm panel ID and security code.
 - e. Sprinkler service company information and phone number.

~~—(f) The Fire Chief shall be authorized to implement additional rules and regulations for the use of the key box system.~~

(f) It shall be the responsibility of the building owner or operator to ensure that if keys, access codes or information stored in the key box become obsolete, they are replaced and that the Fire Chief is notified within 24 hours of the change.