



CITY OF MARSHALL
Legislative and Ordinance Committee
A g e n d a
Tuesday, March 01, 2022 at 12:00 PM
City Hall, 344 West Main Street

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consider Approval of the Minutes for the December 12, 2021 Meeting.

NEW BUSINESS

2. Ordinance Amending Chapter 62 of the City Code establishing Sec. 62.11 - Access Management (Driveway Ordinance).
3. Review the 2020 Census Redistricting Data for the purpose of redistricting City Precincts and Wards.

ADJOURN

CITY OF MARSHALL
COUNCIL LEGISLATIVE & ORDINANCE COMMITTEE MEETING
December 7, 2021 at 3:00 PM
On Main, City Hall
344 West Main Street

MEMBERS PRESENT: John DeCramer, Jim Lozinski, and Steven Meister (3:18 PM)

MEMBERS ABSENT: None

STAFF PRESENT: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney, Jason Anderson, Director of Public Works/ City Engineer; Ilya Gutman, Plans Examiner/ Assistant Zoning Administrator and Kyle Box, City Clerk

At 3:00 PM Chairman DeCramer called the meeting to order.

Chairman DeCramer asked approval of the minutes from the October 26, 2021 meeting. With no comments or changes proposed the minutes were approved.

Chairman DeCramer asked for discussion Miscellaneous non-zoning ordinance revisions. Ilya Gutman Plans Examiner/ Assistant Zoning Administrator provided an overview of the ordinance changes.

- Building numbers
- Street Names number 5 and 6 will be amended to meander in place of wander.
- Parking residential areas and lots
 - Construction vehicle or equipment will be amended and be allowed in conjunction with an active or permitted project.
- Winter Parking routes removed
- Damaged and dead trees on private property

Motion by Lozinski, Seconded by DeCramer to approve the proposed changes with noted amendments to the City Council for approval. All voted in favor.

Chairman DeCramer asked for discussion Miscellaneous non-zoning ordinance revisions. Ilya Gutman Plans Examiner/ Assistant Zoning Administrator provided an overview on shipping containers.

There was discussion by the Committee and Staff. There was consensus from the Committee that staff will begin to send letters to properties found in violation of the ordinance.

There was additional discussion on Hardware Hank and the excess mowers and appliances behind the building.

Chairman DeCramer asked for discussion Food Trucks. City Clerk Kyle Box provided discussion on the ordinance and specifically vendors who are out of compliance. Staff are looking for direction to either begin to enforce the ordinance as it is written or to amend the ordinance to allow the vendors to continue to operate as they currently are. There was a consensus

from the Committee to have staff research and amend the ordinance to allow vendors to continue to operate how they currently are.

Chairman DeCramer asked for discussion on potential ordinance amendments introducing a rental ordinance. Ilya Gutman Plans Examiner/ Assistant Zoning Administrator provided an overview of the proposed ordinance.

The proposed rental ordinance does not add any additional requirements and uses the existing housing code as a reference instead of creating a list of new requirements. A list of specific building features that would be inspected has also been created to limit the subjective factor of the inspections/ inspector. This is limited to life safety features and a few livability ones.

It was recommended by staff that during the implementation period of the new ordinance users could be voluntarily for a set period of time and at a reduced fee as an incentive. After a set period of time registration will become mandatory and inspections will continue as time allows. Enforcement will be limited with plenty of time given to correct violations. Non-compliant properties will be permitted to continue operations until the third phase. At that time compliance will be required for continuing operations as a rental property. The proposed time frame for implementation may take several years.

Member Lozinski commented that he is focused on the inspection portion of the ordinance and that he is in favor of using the fire department to inspect the rental units. There was a further review of the inspection list by the Committee and Staff. It was agreed that leaking facets, working bulbs and sockets would be removed from the inspection list.

Administrator Hanson commented that when the ordinance becomes more final that an invitation could be sent out to landlords to provide public input. Member Lozinski commented that he'd like the management company of the property to post their information visible from the outside of the property and that the management company or their responsible party would need to be within 20 miles of the property.

Chairman DeCramer asked a clarifying question regarding section 18-148. There was consensus from the Committee to strike letter E from the proposed ordinance.

At 4:27 PM motion by Meister, Seconded by Lozinski to adjourn. All voted in favor.

Respectfully Submitted,

Kyle Box
City Clerk



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, March 1, 2022
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Ordinance Amending Chapter 62 of the City Code establishing Sec. 62.11 - Access Management (Driveway Ordinance).
Background Information:	<p>City staff is proposing to establish a set of driveway regulations that more explicitly describes the requirements and limitations for driveways in various land uses. The proposed ordinance would apply to new properties or applications for modifying existing driveways. Applications to replace driveways, as they are currently, would be exempt from the requirements in the ordinance.</p> <p>The proposed ordinance describes the requirements for materials and geometrics (size, slope, etc.) for residential, commercial, and industrial-zoned properties. The ordinance also identifies an exemption process, should a property owner wish to install a driveway that does not conform to the requirements in the proposed ordinance.</p> <p>Staff believes that the proposed ordinance would provide clear direction to property owners regarding driveway installations. Limiting driveway width and spacing between driveways can improve safety by helping to reduce vehicle/pedestrian interaction area and by reducing and limiting street access/conflict points, help ensure good gutter drainage, reduce unnecessary storm water runoff, help ensure compliance with vegetative cover ordinance requirements, and help maintain character of a neighborhood. Establishment of driveway regulations are typical for many other communities in Minnesota. Staff can review requirements of other communities as needed.</p> <p>This item was presented to the Public Improvement/Transportation Committee at their meeting on January 25, 2022, with a recommendation from the Committee for approval of the driveway ordinance to the City Council.</p>
Fiscal Impact:	None.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council introduce the Ordinance Amending Chapter 62 of the City Code establishing Sec. 62.11 - Access Management (Driveway Ordinance) at their March 8, 2022 meeting and call for public hearing to be held March 22, 2022.

Chapter 62 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I.: IN GENERAL

Sec. 62-11 - Access Management

(a) Definitions.

(1) Driveway

- a. For the purpose of this Section, driveway is that portion of a private drive leading to an off-street destination such as a garage or parking area and providing access for motor vehicles from a public way that lies between the curb or pavement edge of a public street and the property line.

(b) Review.

(1) Determinations.

- a. Intent.
 1. It is the intent of this chapter to regulate access of abutting property to and from the public streets in order to protect and promote the welfare and safety of the public, the movement of traffic on the public streets, and to eliminate unreasonable traffic hazards.
- b. Permit Issuance.
 1. The City Engineer shall issue a permit hereunder when the City Engineer finds:
 - i. That the work will be done according to the provisions described herein;
 - ii. That the curb cut or proposed driveway will not constitute a traffic hazard or unreasonably impair or interfere with vehicular and pedestrian traffic, the demand and necessity for street parking spaces, and the means of ingress to and from adjacent properties; and
 - iii. That the health, welfare and safety of the public will not be unreasonably impaired.
 2. If a permit is denied, the City Engineer shall forthwith notify the applicant and shall set forth in such notice the reasons for denying the permit.
- c. Appeals to City Council.
 1. Any person aggrieved by any action taken by the City Engineer in granting or denying a permit of any curb cut or driveway may appeal to the City Council by filing in the office of the City Clerk a notice of appeal specifying the grounds thereof. An appeal shall stay all proceedings until the City Council renders action. Such appeal shall initiate an opportunity to be heard before the Council or before a committee of the Council to which the matter has been referred for review and recommendation. Thereafter, the Council may affirm, reverse or modify the action of the City Engineer.

(2) Requirements.

- a. All driveway construction must comply with the requirements of Sections 62-3 and Chapter 86.

- b. All work on private properties beyond driveways as defined in this Section and applications for permits for replacing the existing surfacing of driveway only with no modifications are exempt from the requirements of this ordinance.
- c. All applications for permits that include driveway modifications must conform to the requirements of this ordinance.
- d. Driveway permit applications that include either new driveways or modifications to an existing driveway must include a plan layout of the proposed work illustrating that the proposed driveway will conform to the requirements in this ordinance.

(3) Exceptions.

- a. A property owner may file for an exception to the regulations described herein.
- b. Exception requests shall be submitted to the Office of the City Engineer in the form of a formal letter including additional documentation describing the requested exception(s) including but not limited to the following:
 - 1. Location map;
 - 2. Ordinance requirement(s) requested for exception;
 - 3. Detailed description of proposed work outside of requirements of ordinance; and
 - 4. Contact information of applicant.
- c. Exception requests shall be reviewed by the City Engineer or his/her designee. The Office of the City Engineer shall offer a determination within 30 days of receiving a written request for exception from the provisions of this ordinance.

(4) Quantity.

- a. Residential-Zoned Properties
 - 1. Properties will be granted one (1) curb cut access for driveway for lot frontage to the street up to eighty-five (85) feet. Properties with greater than eighty-five (85) feet of lot frontage to the street will be granted (2) curb cut accesses for driveways.
- b. Commercial and Industrial-Zoned Properties
 - 1. All Commercial and Industrial properties will be granted one (1) curb cut access per parcel for driveway.

(c) Construction.

(1) Materials.

- a. Surface Pavement.
 - 1. All driveways must be surfaced with concrete from the street to the back of the existing sidewalk.
 - 2. If no sidewalk exists, concrete surface shall extend to the back of the City Right-of-Way.
- b. Within the City Right-of-Way, residential and commercial-zoned driveways require a minimum of four (4) inches of gravel base and six (6) inches of concrete pavement. Industrial-Zoned driveways require a minimum of four (4) inches of gravel base and seven (7) inches of concrete pavement.

(2) Geometrics.

- a. Residential-Zoned Properties.
 - 1. Curb cut access for driveways shall not be more than 36 feet in width measured at the full-width opening, not including required flared sections.

2. Curb cut access for shared driveways on a multi-family residential property shall not measure more than 48 feet in width.
 3. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.
 - ii. The cross-slope of the new sidewalk shall measure less than a 2% to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway shall transition required cross-slope to match existing adjacent sidewalk.
 4. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways shall be 24 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side property line shall be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection shall be 25 feet, measured from the Right-of-Way of the intersecting street.
- b. Commercial-Zoned Properties.
1. Curb cut access for driveways shall not be more than 36 feet in width measured at the full-width opening, not including required flared sections.
 2. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.
 - ii. The cross-slope of the new sidewalk shall measure less than a 2% cross-slope to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway shall transition required cross-slope to match existing adjacent sidewalk.
 3. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways shall be 40 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side lot property line shall be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection will be 40 feet, measured from the Right-of-Way of the intersecting street.
- c. Industrial-Zoned Properties.
1. A site plan will be required that includes proposed curb cut access(es) and width(s) for driveways.
 2. The City Engineer shall review that proposed curb cut accesses meet necessary traffic safety requirements.
 3. When Intersecting Existing Sidewalks
 - i. The width of the new sidewalk shall measure a minimum of five (5) feet unless existing surrounding walk is four (4) feet in width, measured perpendicularly to the driveway.

- ii. The cross-slope of the new sidewalk is required to measure less than a 2% cross-slope to meet ADA requirements.
 - iii. A new sidewalk transition panel outside of each end of the driveway will be required to transition required cross-slope to match existing adjacent sidewalk.
- 4. Minimum Distances.
 - i. In the event of a property owning two or more driveways, the minimum distance of separation between the driveways will be 40 feet.
 - ii. The minimum distance of a driveway, not including the required flared section, to the side lot property line will be five (5) feet.
 - iii. The minimum distance of a driveway from an adjacent intersection will be 40 feet, measured from the Right-of-Way of the intersecting street.

CITY OF MARSHALL
Legislative and Ordinance Committee
AGENDA ITEM REPORT

Meeting Date:	Tuesday, March 1, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Review the 2020 Census Redistricting Data for the purpose of redistricting City Precincts and Wards.
Background Information:	<p>Redistricting is the process of redrawing the boundaries of election districts to ensure that the people of each district are equally represented.</p> <p>Redistricting is done in the United States after the completion of Congressional reapportionment, which decides how many seats each state has in the 435 member House of Representatives. Reapportionment happens following the Decennial Census.</p> <p>In Minnesota, the state legislature has constitutional responsibility for redistricting Minnesota's Congressional districts, as well as Minnesota Senate and House districts, and Metropolitan Council districts. Local governments are responsible for redistricting other election districts:</p> <ul style="list-style-type: none"> • County boards are responsible for redistricting county commissioner districts • City councils are responsible for redistricting city wards • School boards are responsible for redistricting board member districts <p>In addition, during the redistricting time period, cities and townships will establish (or reestablish) their precinct boundaries as part of the redistricting process, as will counties that have unorganized territory.</p> <p>After review of our 2020 Census redistricting data, we believe that the accuracy of the Census Tract 3605, which overlaps with our Ward 1 voting district, is wrong. This tract encompasses SMSU and a large amount of rental housing that was unoccupied due to the timing of COVID-19.</p> <p>Under Section 2.10 of our City Charter, The Council shall, by ordinance, provide for the establishment of wards, define or change their boundaries, and increase or eliminate the number of wards in the City. No change, increase, or elimination shall be made within three (3) months prior to any election held in the City governmental offices. Within six (6) months following the official certification of the decennial census of the United States and the filing of the census list with the City, the Council shall, by ordinance, re-determine ward boundaries so as to make said wards as nearly equal in population as practical.</p> <p>It is staff's opinion that with the current data provided by the Census Bureau the City of Marshall will not need to redistrict its precincts or wards, even with the inaccurate population count located in Ward 1.</p>

	<p>However, the results received from the 2020 will affect voting districts for Lyon County if the City of Marshall chooses to reestablish its currently voting districts.</p> <p>Staff have had meetings with Lyon County staff to discuss options to minimize the impact of redistricting by redrawing precinct and ward lines within Marshall.</p> <p>Three options will be presented to the Committee:</p> <p>Option 1: Reestablish the City of Marshall Precincts and Wards (No Changes)</p> <p>Option 2: Move 89 people from Ward 3 to Ward 1. This change will allow Lyon County to keep its current voting districts with minimal impact the City of Marshall voting districts.</p> <p>Option 3: Move 191 people from Ward 3 to Ward 1. This change will reestablish neighborhoods and make the Ward lines between Ward 3 and Ward 1 easier to identify. This change will allow Lyon County to keep its current voting districts with a slightly larger impact, compared to Option 2, to the City of Marshall voting districts.</p> <p>City Clerk, Kyle Box will be in attendance to review the background information and material in your packet.</p>
Fiscal Impact:	Notification will be provided to all residents affected by any changes made to their voting district.
Alternative/ Variations:	
Recommendations:	Staff do not have a final recommendation for the Legislative and Ordinance Committee. All options are acceptable.



MARSHALL MINNESOTA

Ward Map with Polling Locations

— Ward Boundary

● Polling Locations

Ward 1

Red Baron Arena & Expo
1651 Victory Drive

Ward 2

Marshall Middle School
(Gymnasium)
401 S. Saratoga Street

Ward 3

Marshall Area YMCA
200 S. A Street

** Disclaimer: The City of Marshall does not guarantee the accuracy of the data included in this map.

This map data is for referencing purposes only.

