



CITY OF MARSHALL
Legislative & Ordinance Committee
A g e n d a
Tuesday, August 23, 2022 at 12:45 PM
344 W. Main St., City Hall

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. Consider approval of the minutes from the L&O meeting held on June 28, 2022.

NEW BUSINESS

2. HVAC license

ADJOURN

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	APPROVAL OF MINUTES
Type:	ACTION
Subject:	Consider approval of the minutes from the L&O meeting held on June 28, 2022.
Background Information:	Enclosed are the minutes from the L&O meeting held on June 28, 2022.
Fiscal Impact:	None
Alternative/ Variations:	Staff encourages City Council 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 L&O meeting held on June 28, 2022, be approved as filed with each member and that the reading of the same be waived.

CITY OF MARSHALL
COUNCIL LEGISLATIVE & ORDINANCE COMMITTEE MEETING
June 28, 2022 at 2:30 PM
On Main, City Hall
344 West Main Street

MEMBERS PRESENT: John DeCramer, Jim Lozinski, and Steven Meister

MEMBERS ABSENT: None

STAFF PRESENT: Sharon Hanson, City Administrator; Dennis Simpson, City Attorney, Jason Anderson, Director of Public Works/ City Engineer; Jessie Dehn, Assistance City Engineer; Ilya Gutman, Assistant Zoning Administrator/ Plans Examiner; Ray Henriksen, Building Services Coordinator; and Steven Anderson, City Clerk

At 2:30 PM Chairman DeCramer called the meeting to order.

Chairman DeCramer asked approval of the minutes from the April 12, 2022 meeting. Motion by Lozinski Seconded by Meister to approve the minutes. All voted in favor.

Chairman DeCramer asked for discussion on considering Surface Water Management Ordinance Amendment – Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances.

Assistant City Engineer Jessie Dehn explained that the included ordinance amendments are being proposed to simplify the City's stormwater management ordinance by referencing the State of Minnesota's stormwater management requirements. Section 30-43 will reference the most current version of the Construction Stormwater (CSW) General Permit as adopted by the Minnesota Pollution Control Agency (MPCA). By referencing the most current CSW permit, we can likely reduce the number of times that ordinance amendments must be made in the future.

Section 30-45 will reference the most current version of the Small Municipal Separate Storm Sewer Systems General Permit as adopted by the MPCA. By referencing the most current MS4 permit, we can likely reduce the number of times that ordinance amendments must be made in the future.

Motion by Lozinski, seconded by Meister to recommend Council introduction and adoption of the proposed amendment to Chapter 30, Article II, Section 30-43 and Section 30-45 of the City Code of Ordinances. All voted in favor.

Chairman DeCramer asked for discussion on considering the Floodplain Management Ordinance Amendment – Chapter 38, Article II, Section 38-21 to Section 38-34 of the City Code of Ordinances.

On March 15, 2022, the City received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA). The LFD explains that the Flood Insurance Rate Maps (FIRMs) and Lyon County Flood Insurance Study is complete and will become effective on September 15, 2022. In the City of Marshall, map panels 304, 308, and 312 were amended to reflect that the land that is protected by the 1963 levee is land that contains levees that are not accredited, and therefore are not shown to protect from the 1 percent-annual-chance flood. Now that our flood maps and insurance study have been amended, we are required to ensure that our floodplain management regulations meet Federal standards. Our community must amend our floodplain ordinance or adopt a new floodplain ordinance prior to September 15, 2022 in order to continue participating in the National Flood Insurance Program (NFIP). The Minnesota Department of Natural Resources (MNDNR), has reached out to provide the City with a model floodplain ordinance that meets the Federal criteria. Staff is recommending approval of the DNR model floodplain ordinance.

Motion by Meister, seconded by Lozinski to recommend Council introduction and adoption of proposed amendment to Chapter 38, Article II, Section 38-21 to Section 38-34 of the City Code of Ordinances. All voted in favor.

Chairman DeCramer asked for discussion on HVAC Contractors.

Ilya Gutman, Assistant Zoning Administrator/ Plans Examiner provided the background on this item. State Building Code requires a building permit for essentially all Heating, Ventilation, and Air Conditioning (HVAC) work, with a few exceptions. This includes all furnaces and A/C replacements, the most common type of HVAC work. However, unlike residential and plumbing contractors, HVAC contractors do not need a MN State license – only a bond is required, which means that the State doesn't have any way of dealing with non-compliances. Consequently, staff has no recourse in cases when HVAC contractors do not apply for building permits or do not call for inspections. Staff suggest implementing a local registration process for HVAC contractors. Staff are seeking Council direction. Committee and Staff discussed need for HVAC contractors within Marshall and the desire for a simplified process.

Topic was informational only and no motions were made.

Chairman DeCramer asked for discussion on the rental ordinance related to VRBO properties.

Ilya Gutman, Assistant Zoning Administrator/Plans Examiner provided the background on this item. In summer of 2021, staff received direction to develop an ordinance addressing the short-term rentals. At the L&O committee meeting, it was suggested that short-term rentals should be handled like most other cities, which regulate them through a rental ordinance along with other rental properties. Staff recommend amending the ordinance by allowing renting to more than three unrelated adults with a Conditional Use Permit, which would expand rental opportunities for college students living in single family houses. The proposed process for implementing this ordinance includes two phases and will be done in collaboration with our Fire Department. The City will start with voluntary registration and will waive fees for this step as an incentive. Inspections will be conducted by current Community Planning department staff as time permits. For multi-unit buildings, only a fraction of units will be inspected, provided the City does not receive a valid complaint. The license term is currently proposed to be three years. Staff will discuss fees with the Ways and Means Committee later.

Motion by Meister, seconded by Lozinski to approve the proposed ordinance and implementation path and recommending the City Council support the proposed Rental Ordinance and calling for public hearing. All voted in favor.

At 3:31 PM motion by Lozinski, seconded by DeCramer to adjourn. All voted in favor.

Respectfully Submitted,

Steven Anderson
City Clerk

CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, August 23, 2022
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	HVAC license
Background Information:	<p>State Building Code requires a building permit for practically all Heating, Ventilation, and Air Conditioning (HVAC) work with few exceptions. This includes all furnaces and A/C replacements, the most common type of HVAC work. However, unlike residential and plumbing contractors, HVAC contractors do not need a State license – only bond is required, which means that the State doesn't have any way of dealing with non-compliances. Consequently, staff has no recourse in cases when HVAC contractors do not apply for building permits or do not call for inspections, which is common.</p> <p>To rectify the situation, staff suggested implementing a local registration process for HVAC contractors. Only locally registered contractors will be permitted to work in the City, which may give local contractors an edge regarding their work in town. Some time ago, the City of Marshall had a local plumbing license provision, but it was repealed in 2011 to offset the cost of adding fees for plumbing permits because plumbing permits were free prior to the repeal. Several cities in the State of Minnesota have local registration/license process for HVAC contractors and they like it as a way to have some control.</p> <p>In the last L&O meeting, staff was directed to develop the actual ordinance, which is now being presented. Proposed Ordinance has a two-year cycle and suggested fee will be \$50, just to cover expenses.</p>
Fiscal Impact:	None
Alternative/Variations:	None
Recommendations:	Staff recommends the L&O pass a motion to recommend council introduce the Ordinance to establish a local HVAC license

Chapter 22 Businesses

Article 22-VII Mechanical and HVAC Construction

Section 22-211 Mechanical license

- (a) *Definitions:* Mechanical contracting includes installation and service of heating, ventilation, and air conditioning work including associated ducting, piping, and equipment, such as furnaces and fireplaces. This work is generally regulated by the State Mechanical and Fuel Gas Code.
 - (1) For the purpose of this Section, stand-alone (not duct connected) electric heaters, air conditioners, and combination units; bathroom and wall exhaust/supply fans; and low voltage HVAC control equipment are excluded from the mechanical contracting.
- (b) *License required:* It is unlawful for any person to engage in the work or business of Mechanical contracting without a mechanical business license from the City of Marshall.
- (c) *License term:* The term of the license shall be two calendar years.
- (d) *License fee:* The City Council may, by resolution, establish a fee for this license.
- (e) *Bond required:* Proof of mechanical bond with the State of Minnesota shall be required before a license is granted to any person or business.
- (f) *Suspension or revocation:* The City Council may, after giving a 10-day notice and a hearing, suspend or revoke a license for providing false information on the application or conducting a business of mechanical contracting in violation of any State or local laws, including violation of the State Building Code.
- (g) *Penalty:* Violation of this Article, including working without mechanical business license, shall be a misdemeanor under the State law.