



AGENDA - City Council Meeting

Monday, January 22, 2024
6:00 p.m.

- 1. CALL TO ORDER – Pledge of Allegiance**
- 2. ROLL CALL – CB, JC, DO, RZ, MW – *Silence Electronic Devices***
- 3. APPROVAL OF MINUTES**
 - December 18, 2023 Regular Meeting
- 4. CONSENT AGENDA – *All items listed under the Consent Agenda, unless removed from the Consent Agenda shall be approved by one Council motion.***
 - Claims Payable
 - Milroy Fire Relief Gambling Permit
- 5. ORDINANCES AND RESOLUTIONS**
 - Resolution #1-2024 – Annual Designations
 - Resolution #2-2024 – EFT/automated bank payments
 - Resolution #3-2024 – City Council Code of Conduct
 - Resolution #4-2024 – Appointing Election Judges
- 6. OPEN FORUM – *For those not on the Agenda, only three (3) minutes are allotted for you to address the council. No City Council action will be taken, although the Council may refer issues to staff for follow up or consideration at a future meeting.***
- 7. REPORTS**
 - Fire Department
 - Public Works
 - Mayor/Council
 - City Clerk/Treasurer
- 8. UNFINISHED BUSINESS**
 - Mower
 - ESST policy
 - Council Training
 - Rental Ordinance
- 9. NEW BUSINESS**
 - RFP/Hiring of new City Attorney
- 10. MAYOR/COUNCIL ITEMS**
 - February 19 – President’s Day Observed – City Office Closed
 - February 26 – City Council Meeting
- 11. ADJOURN**

CITY OF MILROY

Regular City Council Meeting Minutes

December 18, 2023

CALL TO ORDER

Mayor Weber called the meeting to order at 6:00 p.m. and the pledge of allegiance was recited.

Present: Mayor Weber, Council Members Brooks, Christensen, Olson (6:03pm) and Zwach. Also present were Clerk/Treasurer Snyder, Public Works Director Duscher and City Attorney Kevin Passe. Guests Present: Kent Miller, Deb and Steve Todd, Jeff and Sharri VanDeWiele, Bryan Weber, Sue Thooft and Shane VanDerostyne.

MINUTES

Motion to approve the November 27, 2023 Regular City Council minutes was made by Brooks, second by Christensen. Motion carried.

CONSENT AGENDA

- Claims Payable

Motion to approve the consent agenda was made by Christensen, second by Brooks. Motion carried.

ORDINANCES/RESOLUTIONS

- Resolution #20-2023 – Setting Fees
- Resolution #21-2023 – Designating Fund Balances
- Resolution #22-2023 Authorizing Claims

Councilmember Zwach had a question about the difference in price between a photocopy and a copy of an Ordinance per page. It was explained that these fees were approved last month and are now being introduced in Resolution form.

These fees will be evaluated next year when reviewed.

Motion to approve these three resolutions was made by Brooks, second by Zwach. Motion carried.

OPEN FORUM

Debbie Todd then read a statement in regard to the behavior of the council the past nine months in which she and her husband Steve have been attending. She referenced procedures, training, term limits, council job descriptions and pay, employee raises and reviews and council members being unprepared for council meetings.

REPORTS & REQUESTS

Assistant Chief Duscher reported the '07 Pumper has been repaired. The CRP burn that was to be done last fall will be done shortly. They will again be applying for a FEMA grant.

Public Works Director Duscher updated the council on the speed signs which should be delivered this week.

Councilmember Olson and Duscher put Christmas lights on the welcome sign coming into town. The big tractor is currently at Weltsch Equipment getting repairs done.

Mayor Weber then reported the City Attorney was present at the meeting because the meetings have not been going well. The League of MN Cities does offer a mediator for no cost to help the council in navigating these issues. Every council member would have to agree to allow the League to come in and if not the city attorney would be used and that will be a cost to the city.

Councilmember Christensen then asked if questions could be directed to the city attorney. Christensen wanted to know what the procedure is when violating the open meeting law. City Attorney Passe stated any resident can report a violation to the state. Christensen also wanted to know proper procedure of being accused of violating the open meeting law at an open council meeting. Passe explained that this might not be appropriate but it is not a violation of the open meeting law. Christensen then asked if this accusation puts the city in jeopardy with the league and the city insurance. Passe stated accusing someone of violating the open meeting law would not necessarily put the city in jeopardy but actually violating the law would. Mayor Weber asked if it is appropriate for council members during a meeting to be on their phones texting other members or residents. Passe stated it might not violate the open meeting law but it would an issue of respect.

Clerk/Treasurer Snyder followed up with the council about the email sent for the upcoming 2024 Elected Leaders training. If any council member wants to attend they should let her know and she will make the arrangements.

UNFINISHED BUSINESS

Mower trade was discussed. Public Works Director Duscher did get a few more quotes on a zero turn but would like to stay with the John Deere. Council member Olson has not had ample time to visit with residents and get their opinions on this purchase; therefore he is not ready to make a decision. Council member Christensen would like to know how purchasing a zero turn would save the city money. Duscher explained the zero turn will save hours when mowing and not putting the mower deck back onto the other tractor/mower will save money when trading in due to not putting all the hours on it for mowing. Christensen then asked how much money would that save the city. Duscher cannot give that answer off the top of his head but could have done some research if that was asked prior to the meeting. Duscher also wanted the council to be aware that this equipment no longer has a warranty. This will be tabled until the January meeting.

Earned Safe and Sick Time (ESST) was discussed. Councilmember Zwach stated the employees currently receive ample time and do not need any added. The city can choose to do this but the hours still need to be tracked for all employees. Mayor Weber will do some research on this for the January meeting.

NEW BUSINESS

The repairs to the digital sign were discussed. The cost is 2,160.00. The city has spoken with the Milroy Lions and it has been discussed that the city would pay ½ and the lions would pay ½.

The computer and camera quotes were then reviewed. Motion to approve the city shop and city hall computer quote from Computers and Beyond with modifications was made by Brooks, second by Zwach. Motion carried. Motion to approve the camera quote from Computers and Beyond with modifications was made by Brooks, second by Olson. Motion carried

MAYOR/COUNCIL ITEMS

- December 25/26 – Christmas Observed – City Office Closed
- January 1 – New Year’s Day Observed – City Office Closed
- January 15 – MLK Jr Day Observed – City Office Closed
- January 18/19 – City Office Closed – Attending IIMC Region 6 Meeting
- January 22 – City Council Meeting/*Councilmember Christensen will not be in attendance*

ADJOURN

Motion to adjourn the meeting at 6:48 p.m. was made by Brooks, second by Christensen. Motion carried.

Approved this 22nd day of January, 2024.

Betsy Snyder, City Clerk/Treasurer

Combined AP / Payroll Check Register Report - First Independent Bank-1005284

Bank: First Independent Bank-1005284, Status = 'O' OR Status = 'C'

For The Date Range From 12/15/2023 To 1/18/2024

Check # / eCheck ID	Type	AP/PR	Date	Payee	Amount	Status
12450	C	AP	12/18/2023	Otter Tail Power Company	\$1,366.11	O
12451	C	AP	12/18/2023	DVS	\$40.50	O
R1728E1	E	PR	12/25/2023	Snyder, Bette	\$1,588.75	O
R1728E63	E	PR	12/25/2023	Duscher, Dean	\$1,632.52	O
R1728E90	E	PR	12/25/2023	Soupir, Sara	\$47.75	O
R1727E3	E	PR	12/26/2023	Brooks, Colleen	\$207.79	O
R1727E59	E	PR	12/26/2023	Zwach, Renee	\$207.79	O
R1727E61	E	PR	12/26/2023	Christensen, John W.	\$207.79	O
R1727E93	E	PR	12/26/2023	Weber, Megan	\$230.87	O
R1727E94	E	PR	12/26/2023	Olson, Drew W	\$207.79	O
12452	C	AP	12/28/2023	Passe & Whitmore, P.A.	\$415.50	O
12453	C	AP	12/28/2023	Redwood County Attorney's Office	\$262.50	O
12454	C	AP	12/28/2023	Menards	\$94.98	O
12455	C	AP	12/28/2023	TrafficLogix	\$5,616.00	O
12456	C	AP	1/4/2024	Emergency Apparatus Maintenance, Inc.	\$1,932.44	O
12457	C	AP	1/4/2024	FCAM	\$71.50	O
12458	C	AP	1/4/2024	Gopher State One-Call	\$1.35	O
12459	C	AP	1/4/2024	MN Valley Telephone Co.	\$195.92	O
12460	C	AP	1/4/2024	MCI	\$46.67	O
12461	C	AP	1/4/2024	City of Milroy	\$126.38	O
12462	C	AP	1/4/2024	Southwest Regional Fire Department Association	\$100.00	O
12463	C	AP	1/4/2024	Volunteer Firefighters Benefit Association of MN	\$180.00	O
12464	C	AP	1/4/2024	MN State Fire Department Association	\$130.00	O
12465	C	AP	1/4/2024	Northland Trust Services, Inc.	\$33,796.25	O
12466	C	AP	1/4/2024	NCPERS Group Life Ins.	\$16.00	O
MEDICA	E	AP	1/4/2024	MEDICA	\$3,234.50	O
Southwest Sanitation	E	AP	1/4/2024	Southwest Sanitation	\$1,229.78	O
12467	C	AP	1/8/2024	Weltsch Equipment, INC.	\$2,093.52	O
12468	C	AP	1/8/2024	Alpha Wireless Communications Co.	\$1,647.00	O
12469	C	AP	1/8/2024	Minnesota Valley Testing Labs	\$112.50	O
R1730E1	E	PR	1/8/2024	Snyder, Bette	\$1,521.07	O
R1730E63	E	PR	1/8/2024	Duscher, Dean	\$1,922.93	O
R1730E90	E	PR	1/8/2024	Soupir, Sara	\$62.33	O
12470	C	AP	1/9/2024	Utility Service Co., INC.	\$7,813.24	O
					0 Cleared	\$0.00
					34 Outstanding	\$68,360.02
					0 Voided	\$0.00

RESOLUTION 2024-1

**CITY OF MILROY
COUNTY OF REDWOOD
STATE OF MINNESOTA**

ANNUAL DESIGNATIONS

WHEREAS, at the first council meeting, certain designations are required to be made by the City Council;

THEREFORE, BE IT RESOLVED, by the Milroy City Council that the following designations shall be made for 2024:

OFFICIAL NEWSPAPER: The Official Newspaper of the City of Milroy shall be the Redwood Gazette.

OFFICIAL DEPOSITORIES: The following financial institutions shall be designated as the official City depository: First Independent Bank. The designated signers for these accounts shall be Megan Weber, Bette Snyder and Colleen Brooks.

ACTING MAYOR: who shall preside and perform duties in absence of the Mayor shall be Colleen Brooks.

MILROY FIRE DEPARTMENT OFFICERS: The Milroy fire department recommends appointing the following officers

- Chief.....Matt Krueger
- Assistant Chief.....Dean Duscher
- Secretary.....Adam Snyder
- Safety Training Officer.....Dean Duscher
- Training Officers.....Jacob Welu & Nick Mueller
- Civil Defense Directors.....Mike Debbaut, Adam Snyder, Dean Duscher & Nick Mueller

COMMITTEES: The Council may create such standing or special committees as it deems necessary. Such committees shall consist of as many members and perform such duties that are related to the policy setting role of the council as the Council may desire.

Adopted by the Mayor and Council of the City of Milroy, Minnesota, this 22nd day of January, 2024.

SIGNED: _____
Megan Weber, Mayor

ATTEST: _____
Betsy Snyder, City Clerk/Treasurer

RESOLUTION 2024-2

**CITY OF MILROY
COUNTY OF REDWOOD
STATE OF MINNESOTA**

EFT/AUTOMATED BANK PAYMENTS

WHEREAS, the City Council acknowledges the need for wire and automated bank payments for such things as payroll, payroll withholdings, taxes payable, health insurance premiums, water permit fees, VEBA contribution fees, Garbage fees, LP, First Independent VISA credit card charges and USDA loan payments.

THEREFORE, BE IT RESOLVED, the Milroy City Council does hereby authorize the City Clerk/Treasurer to make such payments by eft/automation instead of paper checks. These payments will be approved at the appropriate council meeting.

Adopted by the Mayor and Council of the City of Milroy, Minnesota, this 22nd day of January, 2024.

SIGNED: _____
Megan Weber, Mayor

ATTEST: _____
Betsy Snyder, City Clerk/Treasurer

RESOLUTION 2024-3

**CITY OF MILROY
COUNTY OF REDWOOD
STATE OF MINNESOTA**

CODE OF CONDUCT FOR EACH MEMBER OF THE CITY COUNCIL

BE IT RESOLVED: that the City of Milroy hereby adopts the following Code of Conduct for each member of the City Council:

- Respect and adhere to the American ideals of government, the rule of law, the principles of public administration and high ethical conduct in the performance of public duties.
- Represent and work for the common good of the City and not for any private interest.
- Refrain from accepting gifts or favors or promises of future benefits which might compromise or tend to impair independence of judgment or action.
- Provide fair and equal treatment for all persons and matters coming before the Council.
- Learn and study the background and purposes of important items of business before voting.
- Faithfully perform all duties of office.
- Refrain from disclosing any information received confidentially concerning the business of the City, or received during any closed session of the Council held pursuant to state law.
- Decline any employment incompatible with public duty.
- Refrain from abusive conduct, personal charges or verbal attacks upon the character, motives, ethics or morals of other members of the Council, staff or public, or other personal comments not germane to the issues before the Council.
- Listen courteously and attentively to all public discussions at Council meetings and avoid interrupting other speakers, including other Council members, except as may be permitted by established Rules of Order.
- Faithfully attend all sessions of the Council unless unable to do so because of disability or some other compelling reason.

Maintain the highest standard of public conduct by refusing to condone breaches of public trust or improper attempts to influence legislation, and by being willing to censure any member who willfully violates the rules of conduct contained in this Code of Conduct.

Adopted by the Mayor and Council of the City of Milroy, Minnesota, this 22nd day of January, 2024.

SIGNED: _____
Megan Weber, Mayor

ATTEST: _____
Betsy Snyder, City Clerk/Treasurer

RESOLUTION 2024-4

**CITY OF MILROY
COUNTY OF REDWOOD
STATE OF MINNESOTA**

**APPOINTING ELECTION JUDGES FOR THE PRESIDENTIAL NOMINATION PRIMARY ELECTION (PNP), STATE
PRIMARY & GENERAL ELECTION**

WHEREAS, a PNP, State Primary Election and General Election will be held March 5, 2024, August 13, 2024 and November 5, 2024 respectively; and

WHEREAS, Minnesota Statute 204B.21, subd. 2, requires election judges for precincts in a municipality be appointed by the governing body of the municipality; and

WHEREAS, Election judges protect and promote public trust and confidence by conducting fair, accurate and open elections; and serve as gatekeepers of democracy to the voting process by upholding election laws with integrity, dignity and accuracy; and

THEREFORE BE IT RESOLVED, the Milroy City Council hereby appoints the following to serve as election judges for the above referenced elections:

Betsy Snyder – Head Judge
Sharri VanDeWiele – Head Judge
Sara Soupir – Judge
Dan Christensen – Judge
Rich Moudry – Judge
Bruce Kesteloot – Judge
Greg Janachovsky – Judge
Dane Schmiesing – Judge
Jamie Jenniges – Judge
Lisa Dallenbach – Judge

Adopted by the Mayor and Council of the City of Milroy, Minnesota, this 22nd day of January, 2024.

SIGNED: _____
Mike Schmitt, Mayor

ATTEST: _____
Betsy Snyder, City Clerk/Treasurer

Milroy FD Update

Council Meeting 01/22/24

1. Need approval to accept Joe Kern as a new member of the Milroy Fire Department. With Joe joining the department that brings us back up to 19 members, we are allowed 24. Hopefully have 2 more joining next month. We have 6 guys that can retire today if they want.
2. We will be moving our picnic and raffle to June 17th, 2024. We are trying this because of how busy August gets for feeds in Milroy. I have submitted our raffle permit to the city to approve, so we can start our process with that.
3. The FEMA grant will open at the end of January and stay open till the beginning of March. We will be applying again.
4. The fire department would like to use some of the Public Safety Funds that were allocated to the city to purchase a TV for training and a smoke machine.
 - a. There are 55" TVs at Walmart for \$250.00 this would take care of our needs. We would want to hang this tv in the meeting room.
 - b. I got 2 quotes for a smoke machine that would be used for training and fire prevention week. Heimen Fire was the low bid at \$805.00, and the 2nd bid was from Alex Air at 2,074.00
5. Dean and I are putting together a supply list of flashlights, Nomex hoods, spanner wrenches, gloves, etc. With the addition of our new firefighter and hopefully at least 2 more if not more joining we are low on these supplies. Also, gear is getting hard to make work for some that are taller. We will need to look at options there.

Milroy Fire Chief

Matt Krueger



December 19, 2023

QUARNSTROM & DOERING, P.A.'S
PROPOSAL FOR CITY ATTORNEY SERVICES FOR THE
CITY OF MILORY

Contact Person:

Matthew B. Gross
Quarnstrom & Doering, P.A.
109 South 4th Street
Telephone: (507) 537-1441
Facsimile: (507) 537-1445
Email: mgross@qdlawfirm.com

Michael W. Cable
Dennis H. Simpson
William J. Toulouse
Matthew B. Gross



Lee E. Doering, Retired
W.P. Quarnstrom (1925-2020)
Patrick J. Leary (1938-2019)
Durward Pederson (1919-1998)
Brian J. Murphy (1946-2003)

109 South Fourth Street
Marshall, Minnesota 56258-1223
Telephone: (507) 537-1441
Fax: (507) 537-1445

December 19, 2023

**VIA EMAIL ONLY @
milroy@mnval.net**

Betsy Snyder
City Clerk
City of Milroy
410 Euclid Avenue
P.O. Box 9
Milroy, Minnesota 56263

Dear Ms. Snyder,

The law firm of Quarnstrom & Doering, P.A. submits this proposal to the City of Milroy for consideration of City Attorney professional services.

General Information:

- a. **Firm Background:** The law firm of Quarnstrom & Doering has been in existence from 1958 to the present. Quarnstrom & Doering is a general practice firm located in Marshall, Minnesota (main office) with a satellite office in Ivanhoe, Minnesota. Quarnstrom & Doering is comprised of four (4) attorneys, who are all are partners. The partners names and specialties are as follows:

Michael W. Cable: estate planning, estate administration, real estate, and municipal law.

Dennis H. Simpson: municipal law, general practice law, Social Security Disability, general real estate practice.

William J. Toulouse: family law, estate planning, corporations, and other business organizations.

Matthew B. Gross: municipal law, including prosecution services, civil litigation including, personal injury, contract and real estate disputes and estate planning.

- b. **Legal Staff.** Our attorneys are supported with a staff of four (4) highly capable and qualified assistants sharing the use of updated technology, computerized legal research, sharing editing documents electronically. Our firm does not bill or charge

our municipality clients for our support staff's time. Office organization is connected with the court system for e-filing court documents and real estate documents. Our firm utilizes Westlaw for all legal research, which includes municipality specific research databases, along with resources from the League of Minnesota Cities.

There have been no malpractice claims and no ethics complaints taken against the firm and any of its' individual attorneys the last five years. There are no pending or threatened malpractice claims nor ethics complaints.

The firm is insured through Minnesota Lawyers Mutual Insurance Policy with \$1 million dollar coverage. Current exemptions not covered for malpractice insurance includes bond counsel matters.

c. Attorney Qualifications:



Attorney Michael W. Cable:

Indiana University Northwest, Gary, Indiana – Bachelor of Science with Distinction, 1972.

Indiana University School of Law, Indianapolis, Indiana – Juris Doctorate, 1975.

Assistant Lincoln County Attorney, 1975-1978.

Lincoln County Attorney, 1979 – 2004.

Currently serves as City Attorney for the following cities:

Lake Benton, MN; Ivanhoe, MN; Cottonwood, MN. Continues to handle all civil disputes on behalf of the three cities represented.



Attorney Dennis H. Simpson:

Jamestown University, Jamestown, North Dakota – Bachelor of Science Magna Cum Laude, 1979.

University of North Dakota School of Law, Grand Forks, North Dakota – Juris Doctorate, 1984.

Previously represented Yellow Medicine River Watershed Board of Managers – 1984 – 2000.

Served as either Assistant City Attorney for the City of Marshall or the City Attorney for the City of Marshall from

1984 to 2022.



Attorney William J. Toulouse:

Southwest Minnesota State University, Marshall, Minnesota – Bachelor of Arts Summa Cum Laude, 1994.

University of Nebraska College of Law, Lincoln, Nebraska – Juris Doctorate, 1997.

Presently serves as lead counsel for Southwest Health and Human Services. Presently represents Marshall Public

Housing Commission. Continues to represent Public Housing Commission on evictions and other matters as requested.



Matthew B. Gross:

University of Michigan, Ann Arbor, Michigan – Bachelor of Arts, 2006.

Thomas M. Cooley Law School, Lansing, Michigan – Juris Doctorate, 2009.

Continues to serve as Assistant Marshall City Attorney handling all criminal prosecution matters. In addition, Matthew is the appointed City Attorney presently representing the following Minnesota cities:

Balaton – 2019 – Civil

Echo – 2022 - Civil

Russell – 2019 - Civil

Tracy – 2015 - Civil

Vesta – 2013 - Civil

Wabasso – 2016 – Civil

d. Designated Lead Attorney:

Matthew B. Gross would be the designated lead attorney for all legal services as requested by the City of Milroy. If Mr. Gross was unavailable for some reason, Mr. Toulouse or Mr. Simpson would be available. Both Mr. Toulouse and Mr. Simpson, as noted above, have vast experience in representing cities and governmental entities.

e. Priority of Workload.

Our firm is aware of the unique timing requirements municipalities face in their operations. Priority will be given to ensure that all legal opinions, documents, memorandums, notices, etc. will be timely submitted to City staff and the City Council prior to meetings or deadlines. Our firm has a general practice of responding to phone calls, emails, or other communication within twenty-four (24) hours. However, our attorneys typically respond to communications the same day. Absent any emergency, Mr. Gross would solely be responsible for handling all matters involving the City of Milroy. Mr. Gross' experience and knowledge representing municipalities has allowed him to become proficient (and efficient) in almost every kind of legal issues cities can face. This experience and comfortability with municipal legal issues allows him to concisely and efficiently address and respond to legal issues as they occur. As noted above, for some reason Mr. Gross is unavailable, Mr. Simpson or Mr. Toulouse can also provide the same level of expertise and knowledge. Both Mr. Simpson and Mr. Toulouse have represented public entities and possess the necessary knowledge and experience to provide timely counsel.

2. Knowledge and Experience.

- a. **General municipal laws: Mr. Gross has over ten (10) years of experience in advising municipalities regarding state statutes and their own charters. Most recently, Mr. Gross assisted in advising municipalities regarding the changes to the legalization of cannabis within the State of Minnesota and federal and state statutes relating to the expenditure of ARPA funds.**
- b. **General state and federal laws relating to municipal government: See answer to a.**
- c. **Development Issues**
 - i. **Zoning, housing, annexation, subdivision and land use law: Mr. Gross assisted the City of Tracy in annexing three parcels to the City's boundaries, including the annexation of city-owned property for a sewer pond. Mr. Gross has also assisted the re-zoning of multiple cities' zoning maps and uses.**
 - ii. **Platting and Land Development Issues: Mr. Gross has been involved in various real estate projects within the City of Tracy (sale and development of city-owned property into a private business, purchase of agricultural property for construction of new sewer ponds), City of Vesta (sale of city-owned liquor store bar to private business), City of Balaton (sale and redevelopment of former City-run nursing home into residential housing).**
 - iii. **Eminent Domain**
 - iv. **Minnesota Statute Chapter 429 Projects (Procedures and Appeals): Mr. Gross has been involved in three infrastructure projects in the City of Tracy, all involving special assessments for funding these projects. Mr. Gross reviewed and advised the City of Tracy on all procedures, with assistance from City staff and engineering staff. Mr. Gross was involved in a special assessment appeal involving over 15 properties, resulting in a trial.**
- d. **Development activities including development, redevelopment, enforcement, and property/real estate law: See answer to c(i) and (c)(ii) above. In addition, Mr. Gross has prepared and finalized the sale and purchase of numerous real estate transactions on behalf of numerous cities and has advised and represented multiple economic development authorities. Also, Mr. Gross has commenced and successfully pursued multiple abatement actions involving nuisance properties and hazardous building/properties.**
- e. **Municipal Financing: Mr. Gross has reviewed numerous contracts with State and Federal Government (Rural Development, FAA, USDA) regarding the financing of airport improvements, the construction of a new water tower and the acquisition of required real estate, sewer and street improvements, and collaborating with and assisting bond counsel to secure the issuance of general obligation bonds.**
- f. **Ordinance and resolution development and interpretation: Mr. Gross has drafted numerous ordinances and resolutions for his municipal clients, including prohibiting cannabis use in public, permitting of chickens, personnel policies, vacation of streets, annexation ordinances, restrictions involving water inflow/outflow, and utility delinquency procedures.**

- g. Government Data Practices: **Mr. Gross has advised his municipal clients in numerous data practices requests involving personnel data, criminal investigatory data, property complaint data, real estate/property data, and union grievances/complaints.**
 - h. City Code issues
 - i. Contract law: **Mr. Gross has drafted and reviewed contracts affecting each aspect of city operations.**
 - j. Environmental law
 - k. Franchise law: **Mr. Gross has reviewed, interpreted, and revised the City of Tracy's cable television franchise agreement/ordinance.**
 - l. Municipal leases: **Mr. Gross has drafted numerous leases, including farm leases of city-owned agricultural property, business leases for city-owned buildings, and leases/rental agreements for city-owned community centers.**
 - m. Trial activity: **Mr. Gross has tried over thirty (30) civil and criminal trials.**
 - n. Municipal Litigation: **Mr. Gross has litigated various municipal claims, including hazardous building actions, nuisance property abatements, special assessments, and collecting debts owed to municipalities.**
3. *Specialized Issues.* Outside of his municipal practice, Mr. Gross specializes in representing individuals injured in automobile accidents and families in wrongful death actions. Mr. Gross has vast experience and knowledge of litigating with insurance companies, taking and defending depositions, mediation, motion practice, and trial experience. In addition, Mr. Gross represents businesses and individuals selling and purchasing real estate and represents businesses and individuals in debt collection actions.
4. *References/Contact Persons.*

City of Tracy, Minnesota
Shane Daniels, Former Interim City Administrator/ Jeff Carpenter- Current City Administrator
336 Morgan Street
Tracy, Minnesota 56175
(507) 629-5528
sdaniels@tracymn.org; jcarpenter@tracymn.org

City of Balaton, Minnesota
Kim Wall, City Clerk/ Lonnie Lambertus, Mayor
134 Third Street
P.O. Box 388
Balaton, Minnesota 56115
(507) 734-4711
balatonmn@gmail.com

City of Russell, Minnesota

Laurie Millner, City Clerk/Treasurer
P.O. Box 357
Russell, Minnesota 56169
(507) 823-4366
cityofrussell@woodstocktel.net

5. *Fees.* Our firm would bill all attorney's time at a rate of \$165.00 per hour. Our firm does not bill for travel time to and from city council meetings. Our firm would also be available to attend any meetings electronically, either by Zoom, Teams, or other video conference platform. However, our firm understands the importance of attending meetings in person and would prefer in-person attendance, but would defer to the City's preference. Our firm does not bill for our support staff's time.
6. *Conflict of Interest Statement.* Quarnstrom & Doering, P.A. does not currently represent and has not represented any client which would conflict with our firm's ability to serve as City Attorney for the City of Milroy. Quarnstrom & Doering, P.A. does not currently represent any real estate developers doing business with, or anticipating doing business with the City of Milroy.

If you have any questions, feel free to contact Matthew B. Gross at your convenience. We look forward to hearing from you.

Regards,

QUARNSTROM & DOERING, P.A.

Matthew B. Gross
Matthew B. Gross

Presenter:	Pamela Whitmore
Meeting Date:	Tuesday, January 9, 2024
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Introduction of Ordinance Adding Article 18-VIII Residential Rental Code and Call for Public Hearing
Background Information:	<p>Rental ordinances are common in cities. In fact, the rights and duties of property owners/landlord and tenants in Minnesota are spelled out not only in local ordinances, but also in federal law, state statutes, safety and housing codes, common law, contract law, and a number of court decisions. In January 2023, the city considered a proposed rental ordinance which met push back from the community. The Council decided to not act on the proposed ordinance in January 2023, and directed staff to start a process for creation of a Rental Committee. The City Attorney drafted a registration-based ordinance for review and feedback from the Rental Committee once formed.</p> <p><u>Rental Committee</u></p> <p>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 staff, fire, council, tenant advocates and landlords and was facilitated by John Decramer and Mark 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.</p> <p>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. These discussions led to productive collaboration and revisions.</p> <p>On October 31, 2023, the Rental Committee approved, by unanimous vote, to recommend the attached ordinance. Please note, the Rental Committee expressed a desire to be notified of the Ways & Means Committee meeting, and of the future Council Meeting at which the Ordinance will be discussed. The Rental Committee requested that both Ways & Means, and L&O, be made aware that this program is not intended to be cost prohibitive to registrants (and Committee expressed a desire for fees to be reasonable) and should not place a huge burden on staff or city resources.</p> <p><u>The Rental Ordinance</u></p> <p>The final draft of the Ordinance is attached. As the City will notice, this is a registration only ordinance as desired by staff, with inspections on a complaint basis. Registrations of renewals or new applications are on a biannual basis, with self-inspection of the properties requested on the off years.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	To introduce the ordinance amending Chapter 18 adding Article 18-VIII Residential Rental Code and call for a public hearing to be held on February 13, 2024.

CITY OF MARSHALL
ORDINANCE 24-XXX

AN ORDINANCE AMENDING CHAPTER 18 BUILDINGS AND BUILDING
REGULATIONS OF THE CITY CODE TO ADD ARTICLE VIII RESIDENTIAL
RENTAL CODE

NOW THEREFORE, The Common Council of the City of Marshall does ordain:

SECTION 1: ADOPTION “ARTICLE 18-VIII RESIDENTIAL RENTAL
CODE” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

ARTICLE 18-VIII RESIDENTIAL RENTAL CODE(*Added*)

SECTION 2: ADOPTION “Section 18-137 Findings and Purpose” of the
Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-137 Findings and Purpose(*Added*)

- (a) Legislative finding. It is hereby found that there exist and may in the future exist, within the City, residential rental premises, rooming units, or parts thereof, and renter-occupied mobile homes or rented premises on which the mobile home sits, which, by deficiencies in the structure, equipment, sanitation, maintenance, use or occupancy, affect or are likely to affect adversely the public health, including the physical, mental and social well-being of people, their safety, and general welfare. To correct and prevent the existence of such adverse conditions, to achieve and maintain such levels of residential environmental quality that will protect and promote public health, safety and general welfare, preserve property values and prevent blight, it is further found that the establishment and enforcement of minimum rental housing standards are required. It is further found that a municipal registration program is appropriate to effectively enforce residential rental unit maintenance standards and correct or prevent law violations, nuisances and other disturbances and disorders involving residential rental units within the City.
- (b) Purpose. The purpose of this chapter is to establish a program for identifying rental housing units within the City of Marshall. This chapter is adopted to protect the public health, safety and general welfare of the citizens of the City of Marshall by:
- (1) Promoting safety from fires and accidents;

- (2) Providing a means for the fair administration and enforcement of this Code for all residential rental housing units;
- (3) Providing minimum standards for basic equipment and facilities;
- (4) Reducing environmental hazards to health; and
- (5) Assisting in controlling criminal activities in rental housing

SECTION 3: ADOPTION “Section 18-138 Scope” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-138 Scope(*Added*)

This chapter applies to rental housing units described herein that are rented or leased in whole or in part, including apartment buildings, town homes, single family and multifamily housing, guest and caretaker houses, manufactured homes and condominiums. It also includes any accessory structures of the rental housing units, such as garages and storage buildings, and appurtenances such as sidewalks, driveways, and retaining walls, which are on the property of the rental housing unit. This chapter does not apply to public housing commission units, on-campus college or university housing units; Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed group homes; nursing 2 homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home sitting on rented premises, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

SECTION 4: ADOPTION “Section 18-139 Definitions” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-139 Definitions(*Added*)

For purposes of this Ordinance, the following definitions shall apply:

“Bed and Breakfast” means a place of lodging that: (1) provides not more than eight rooms for rent to no more than 20 guests at a time; (2) is located on the same property as the owner's personal residence; (3) provides no meals, other than breakfast served to persons who rent rooms; and (4) was originally built and occupied as, or was converted to, a single-family residence prior to being used as a place of lodging.

“Calendar Year” means the period of time starting on January 1 and ending on December 31.

“City” means the City of Marshall, its Council, and staff.

“ Dwelling” means any building or other permanent or temporary structure, including a manufactured or mobile home which is wholly or partly used, or intended to be used, for living or sleeping by human occupants.

“Local Property Manager” means a natural person residing within 50 miles of the City of Marshall who is authorized by the rental unit owner to make decisions for the owner about rental, occupancy and maintenance of the rental unit, or a licensed, or bonded, and/or insured company engaged primarily in providing such services for hire.

“Occupant” means any person residing in a rental unit on a permanent or short-term basis.

“Permanent Basis” means any consecutive term of 30 days or more or inconsecutive terms adding up to more than 30 days in a calendar year.

“Premises” means a dwelling unit and the grounds on which the structure containing the dwelling unit is located, or in the case of a multiple dwelling unit structure, the dwelling units and any common areas including those both inside and outside of the building and the grounds on which the dwelling units and/or common areas are located.

“Private/vacation home rental” – Any home, cabin, condominium, bedroom(s) or similar building that is advertised as or held out to be a place where sleeping accommodations are furnished to the public on a nightly, weekly, or for less than a 30-day time period, and is not a bed and breakfast, hotel or motel.

“Registration holder” means a person or entity to whom registration for a rental unit is issued under this ordinance.

“Rent”, “Lease”, “Let” or “Sublet” means the leasing or a rental unit to a non-owner for a fixed or nonfixed period of time and shall include other similar arrangements whereby nonpayment of a periodic payment means the occupants may be evicted without the necessity of either a statutory mortgage foreclosure procedure, a statutory termination of contract for deed procedure, or a statutory repossession procedure.

“Rental Unit” or “Residential Rental Unit” means any house, apartment, condominium, townhouse, room or group of rooms, constituting or located within, a dwelling and forming a single habitable unit which is leased or rented for occupancy for a period of not less than thirty (30) days. A room offered for rent or lease to a roomer or boarder is considered a rental unit.

Renter occupied mobile home includes (1) those mobile or manufactured homes which are leased or rented for occupancy for a period of not less than thirty (30) days or (2) those owner-occupied mobile or manufactured homes that sit on a lot or premises where the lot or premises is rented or leased for a period of not less than thirty (30) days).

“Short term rental” means a dwelling, or portion of a dwelling unit, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty (30) consecutive nights. Shortterm rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms overnight rental, nightly rental, and vacation rental are interchangeable with short-term rentals. Additionally, for purposes of administration and enforcement of this title, general references to “rental unit” includes short term rentals unless specifically exempted. Subleasing or subletting of units for short- term rental is prohibited if the underlying zone prohibits such use. Short term rental does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured home on rented premises or lots, or to a house, townhouse or condominium which is being “rented back” to its immediate prior owner.

Other applicable terms in this Ordinance, not otherwise defined, are as defined in the State Building Code, State Fire code and the City Zoning Ordinances.

SECTION 5: ADOPTION “Section 18-140 Registration Requirements” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-140 Registration Requirements(*Added*)

- (a) It shall be unlawful for any owner to rent or cause to be rented, leased or let within the City, any Rental Unit, including short-term rental occupancy), unless that Rental Unit is registered for occupancy pursuant to a valid and current rental registration issued by the City of Marshall.
- (b) Each rental unit must have an owner, or Local Property Manager designated by the owner, who resides within 50 miles of the City of Marshall.
- (c) Any person or entity desiring to rent, let, lease or sublet any rental unit shall apply for registration by using forms furnished by the City for that purpose. The application must provide the following information:
 - (1) Name, address, telephone number, and email address of the property owner.
 - (2) Name, address, telephone number, and email address of the Local Property Manager.
 - (3) The street address of the rental property.
 - (4) The number of units within the rental property.
 - (5) The name, telephone number, physical and mailing address, and email address of the person authorized to make repairs or services for the property if in violation of City or State codes, if the person is different from the owner or Local Property Manager.

- (6) For dwellings containing multiple rental units, a sketch of the property identifying all rental units by assigned number, and a sketch of the parking lot, unless all required parking is provided within enclosed attached garages or unless off-street parking is not required by Ordinance.
- (7) For dwellings containing common entry/space, the information of the fire sprinkler system, fire panel, and fire extinguishers' most recent testing and inspection dates, when applicable.
- (8) An acknowledgment that the applicant has received and reviewed the provisions of this Article, intends to abide by its provisions, and will include reference to this Article in any written agreement used in renting the property.
- (9) The self-inspection list on the form provided by the city.
- (d) Exemptions. This Ordinance does not apply to on-campus college or university housing units; Minnesota Department of Health licensed rest homes; licensed convalescent care facilities; licensed group homes; licensed nursing homes; hotels; motels; or owner-occupied units, other than mobile or manufactured owner-occupied homes sitting on rented premises or lots, or to a house, townhouse or condominium which is being "rented back" to its immediate prior owner.

SECTION 6: ADOPTION "Section 18-141 Manner of Registration Renewal" of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-141 Manner of Registration Renewal(*Added*)

- (a) Initial registration of any new rental properties and renewals of existing properties shall be issued in the calendar year in which the City received the registration. For purposes of this ordinance, the term "calendar year" means the period of time starting on January 1 and ending on December 31. Renewals for all registration occur on an even-numbered biennial renewal basis which means renewal occurs every even-numbered calendar year. If an initial registration occurs in an odd numbered calendar year, the renewal of that specific registration shall be due by the 15th day of December in the next even numbered calendar year immediately following the initial registration. For rental properties in existence at the time of the effective date of this Ordinance, any rental property owner who registers their corresponding rental properties within the first six months of the effective date of this Ordinance will not owe a registration fee for their initial registration of those respective properties.
- (b) The City will bi-annually remind rental unit owners (or their designated Local Property Managers) of any rental unit of this requirement. Registration renewal forms, which includes a selfinspection checklist, must be delivered to the City no later than the 15th day of December each year due and must contain the same information as required for new registration in Section 18-140 herein. Failure of the City to issue reminder notice and/or failure of an owner (or Local Property Manager) to receive a

reminder notice, does not excuse or waive the registration required by this Ordinance.

- (c) Upon receipt of a completed registration application and payment of the applicable registration fee, City will issue a Registration Certificate for the applicable property unless otherwise prohibited under this Article or other applicable provisions of the Code.
- (d) At the beginning of each calendar year in which rental unit owners (or their designated Local Property Managers) do not need to renew, rental unit owners (or their designated Local Property Managers) will complete a self-inspection checklist for each rental unit, whether long term or short-term rental, and keep those self-inspection checklists on file and will make available to the City upon request.

SECTION 7: **ADOPTION** “Section 18-142 Transfer Of Property” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-142 Transfer Of Property(*Added*)

Every new owner of a rental unit, whether fee owner or contract purchaser, shall furnish to the City the new owner’s name, physical and mailing address, telephone number, email address and fax number, if one (and the name, address, telephone number, email and fax number, if one, of the new owner’s designated Local Property Manager) before taking possession of the rental property upon closing the transaction. No new registration fee is required of the new owner during the year in which such possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Ordinance and any violations of health, zoning, fire or safety codes of the City. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration application will be required.

SECTION 8: **ADOPTION** “Section 18-143 Posting Of Registration” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-143 Posting Of Registration(*Added*)

Each rental unit registration holder must provide an up-to-date rental unit certification to the tenant/renter of each unit in building with fewer than four (4) units. Buildings with four or more units and a common entry shall have the certification posted near the common entry. Buildings with four or more units and no common entry shall either post the certification in a conspicuous location on the premises or, if not conspicuous location, then provide the current rental unit certification to the tenant/renter of each unit directly.

SECTION 9: **ADOPTION** “Section 18-144 Fees” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-144 Fees(*Added*)

The fees for registration, registration renewal, late fees and inspection may be set by resolution of the Marshall City Council adopted from time to time. The fee for registration and the fee for registration renewals are subject to the City fee schedule and are nonrefundable.

SECTION 10: **ADOPTION** “Section 18-145 Maintenance of Records” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-145 Maintenance of Records(*Added*)

All records, files and documents pertaining to rental unit registration and rental unit inspections will be maintained by the City and will be available to the public as allowed, permitted, or required by State Law and City Ordinance.

SECTION 11: **ADOPTION** “Section 18-146 Maintenance Standards” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-146 Maintenance Standards(*Added*)

- (a) Every rental unit shall be maintained in a safe, sanitary, and habitable condition and in compliance with any standards or requirements imposed by state or local statutes, codes, ordinances, or other laws applicable to rental housing, including, but not limited

to current applicable Housing Code, Minnesota Building Code and the state Fire Code. In addition, for basement living units, or sleeping units below the ground floor, an egress window meeting the requirements of the Minnesota Building Code, or another acceptable means of exit must be provided. Additionally, site conditions constituting a nuisance as described in this Article or elsewhere in the City Code shall be considered a violation of the Maintenance Standards of this Ordinance.

(b) Responsibilities of occupants.

- (1) Occupants of a rental unit shall not remove any smoke or CO detectors or remove the batteries powering the said detectors or render them inoperable in any other way. Owners shall make good faith efforts to regularly replace batteries or inoperable detectors and must, within two (2) days of receiving notice from an occupant of a rental unit, replace expired batteries or inoperable detectors.
- (2) Occupants of a rental unit shall store and dispose of their rubbish, garbage, refuse and any other waste in accordance with their lease or rental agreement and the City Ordinance. Occupants shall not accumulate any of the above on the property except within the garbage enclosure if provided on the premises. Occupants who fail to comply with this section may be subject to applicable remedies under the lease or rental agreement. At no time does the failure of the occupants to comply with this section waive the property owners' duty for the property to comply with applicable state and local laws or regulations.
- (3) Occupants of a rental unit will park in the designated areas, or, if street parking, will limit parking to the street frontage area of the lot on which the rental unit is located.

SECTION 12: ADOPTION "Section 18-147 Inspections and Investigations" of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-147 Inspections and Investigations(*Added*)

- (a) The city has the authority to inspect any Rental Housing Unit if required pursuant to the State Building Code or Housing Code which has been incorporated, by reference, into the City Code; pursuant to State Fire Code; or upon receiving a complaint of code violations. All respective designees/representatives or "contractors" identified by the City Administrator or hired by the City, are hereby authorized to make the inspections. The identities of any person filing a complaint about violations of state law or local ordinance concerning the use of real property, and any information that would identify such person, is classified as confidential information under Minnesota Statute 13.44. No employee or agent of the City shall release or reveal such information except by court order.
- (b) Forms. The city shall provide forms upon which complaints may be made regarding

the condition or registration status of any rental property.

- (c) Upon receipt of a complaint, the City shall notify the owner/representative of the existence of the complaint and allow the owner/representative forty-eight (48) hours to address the issue unless the City determines that the complaint alleges an immediate safety or health concern. If the City, through review and authorization of the City Administrator, City Administrator's designee or City Attorney, deems that the complaint alleges an immediate safety or health concern ("emergency situation") or if a public safety emergency exists, all persons authorized herein on behalf of the City, after making reasonable attempts to provide notice to the owner/representative, shall have authority to enter, at reasonable times and with consent of the tenant or occupant, if any, for purposes of enforcing this ordinance. If after forty-eight (48) hours, the Complainant, either independently or in response to an inquiry by the City, notifies the City that the issue has not been addressed, the owner or occupant shall provide access to the Rental Unit upon request of the City or, if the complaint relates to a common area, then access to the common area upon request of the City. Refusal to reasonably grant access shall be grounds for rejection or suspension of a rental registration. All persons authorized herein to inspect shall have the authority to enter, at reasonable times, and following 48 hours written notice to the property owner or designated Local Property Manager for any rental unit or structure containing a rental unit registered or required to be registered, for the purpose of enforcing this Ordinance. If occupied, the City will also make a good faith effort to give the tenant or occupant reasonable notice under the circumstances in the same manner contemplated under Minnesota Statutes Section 504B.211. Property owner or designated Local Property Manager may be present while the inspection is being carried out.
- (d) Fees. The owner/representative shall be assessed appropriate inspection fees if the complaint is found to be substantiated by this inspection. When a city employee or agent makes an inspection as a result of a written complaint and no violations are found the city shall issue a notice of compliance to the tenant and the owner/representative. If the complaint is substantiated by the inspection, written notice of the observed violation(s) shall be given to the owner/representative and tenant.
- (e) Written notice of a violation of this Ordinance may be given to the registration holder by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail with delivery notification and receipt requested when sending that email to the email as shown by the City's registration application file or by delivery in person. Said notice may contain a Compliance Order stating that compliance with this Ordinance shall be made immediately and, in that case, the notice shall advise the registration holder that the property may be re-inspected in not less than fifteen (15) days, unless extended by the City based on good cause. In the alternative, the city will work with the owner/representative to develop a timeline for the required repairs. A re-inspection will be conducted at the expiration of the time period set for repairs. If the repairs have been completed in a satisfactory manner, a notice of compliance will be issued to the owner/representative and the tenant. In the event the repairs have not been completed in a satisfactory manner further action will be taken as permitted by this Code or state law.
- (f) A registration holder may appeal pursuant to the administrative procedure process set

forth in the City of Marshall City Code.

- (g) If the complaint is that a residential rental housing unit is not registered, the city shall inform the owner in writing that the owner has sixty (60) days to either:
- (1) Comply with the terms of this chapter by registering the unit and by paying all applicable fees; or
 - (2) Cease rental operations.

SECTION 13: ADOPTION “Section 18-148 Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-148 Failure to Grant Registration, Revocation, Suspension or Failure to Renew Registration(*Added*)

- (a) The City reserves the right to not register a rental unit unless it complies with the requirements of this Ordinance, or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota
- (b) Any registration issued under this Ordinance is subject to the right, which is hereby expressly reserved by the City, to deny, suspend, revoke or not renew the same should the registration holder or their agents, employees, representatives or lessees directly or indirectly operate or maintain the rental dwellings contrary to the provisions of this Ordinance or any other ordinance of the City or any special permit issued by the City, or the laws of the State of Minnesota. Provided, however, registration shall not be denied, suspended, revoked, or not renewed if the registration holder complies with a compliance order or orders pursuant to this section or within a reasonably timely manner as mutually agreed upon by the City and the registration holder or their authorized agent or representative.
 - (1) In buildings containing more than one (1) rental housing unit, the revocation, suspension, denial, or non-renewal may apply to one (1) or more rental housing units based on specific violations.
 - (2) The basis for such revocation, suspension, denial or non- renewal includes, but is not limited to, any of the following circumstances:
 - a. The registration was procured by misrepresentation of the facts with regard to the rental dwelling unit.
 - b. The applicant or one (1) acting on his/her behalf made oral or written misstatements pertaining to the application.
 - c. The actions of the owner or owner’s representative involving a rental unit have created a danger to the public health, safety or welfare.
 - d. The rental dwelling unit contains conditions that endanger the safety, health or welfare of any member of the public.

- e. Failure to pay any required application, penalty or reinstatement fee, if any.
 - f. Failure to correct violations of this section in the time period specified in the notice of violation and correction.
 - g. Following the third instance of disorderly conduct specified in state statutes.
 - h. Any violation of this chapter or violations in the rental housing unit or premises where rental housing unit is located of the City Housing or Building Code.
- (c) The City shall notify the applicant that registration has been denied, or the registration holder that registration is being suspended, revoked or not renewed. The suspension, revocation or non-renewal shall occur thirty-five (35) days after the date of the notification order, or at such later date as set out in the notification. The revocation shall never occur until sixty (60) day minimal grace period of suspension expiration.
- (d) A determination by the City to deny, suspend, revoke or not renew registration of a rental unit may be appealed to the City Council of Marshall by filing with the City Administrator a written notice of appeal within fifteen (15) days of the date on which the City mails such determination to the applicant or registration holder. In that event, the appeal will be heard by the Council at its next meeting occurring at least fifteen (15) days after the filing of the Notice of Appeal.
- (e) At any appeal of a determination by the City under this Ordinance, the registration holder or applicant, (Local Property Manager for the registration holder or applicant), or an attorney representing said party, may appear and make a presentation to the City Council. The City shall present to the City Council the basis for the determination being appealed. After the hearing, the Council may uphold, reverse or modify the decision of the City based upon the provision of this Ordinance and upon the protection of the public health, sanitation safety or general welfare of the residents of rental units within the City. The City Council shall issue written findings and determination within thirty-one (31) days of the hearing, unless the Council extends that time for good cause.
- (f) A decision of the City Council made as provided in this section may be appealed by Writ of Certiorari to the Court of Appeals of the State of Minnesota pursuant to its Rules of Civil Appellate Procedure and Minnesota Statutes.

SECTION 14: ADOPTION “Section 18-149 Additional Conditions for Short-Term Rental Units” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-149 Additional Conditions for Short-Term Rental Units(*Added*)

- (a) No additional occupancy in recreational vehicles, campers, and tents shall be permitted. Off-street parking shall comply with Section 86-230, the City Parking

Ordinance. Additionally, no more than two guest parking on the street shall be permitted.

- (b) If the short-term rental owner owns both short-term and regular rental units in the same property, the owner must register the short-term and regular units separately. Short-term rental registration follow the same fee structure and registration cycle as regular registrations and may include either a conversion fee or a change of ownership fee, depending on the type of unit being rented. The annual fee for a short-term rental registration shall be as established in the city fee schedule.
- (c) Any person operating a short-term rental property must comply with Minnesota Department of Health rules regarding public pools and shall, during the course of any such rental period, post a sign with the information required by the Department of Health.
- (d) Any identification signs must comply with City's sign ordinance.
- (e) The property shall not be listed for sale at the time of initial application for registration or any renewals.
- (f) If a short-term rental unit is located in a single-family residence or a duplex, the short-term rental owner must post either on the property or in the agreement, the provisions related to pets. Additionally, the property lines shall be clearly marked with hedge line, fencing, or corner posts. If pets are permitted, then, when outside, pets must be contained within the yard, including by leash or secured kennel, if the yard is not fenced in a manner that provides a containment area for the pet within the yard.
- (g) The owner, local property manager, or responsible party shall include the applicable short-term rental registration number on all advertisements, listings, or postings of the unit.
- (h) The owner of any short-term rental dwelling unit required to be registered shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than three hundred thousand dollars (\$300,000) or conduct each short-term rental transaction through a short-term rental platform that provides equal or greater coverage.
- (i) Unless further restricted by occupancy laws, no short-term dwelling unit shall be occupied by more than two (2) times the number of legal bedrooms plus one. A "legal bedroom" is "any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit as required by the most recent International Property Maintenance Code regardless of property size.
- (j) The owner, local property manager, or responsible party shall post the following information in a conspicuous place within each dwelling unit used as a short-term rental:
 - (1) Emergency contact information that is accessible at all times;
 - (2) Contact information for the property owner, or local property manager;
 - (3) Street address;
 - (4) Floor plan indicating fire exits and escape routes; and
 - (5) The short-term rental registration number.
- (k) In Bed and Breakfast facilities, the owner shall operate and permanently occupy such facility, shall not operate other commercial enterprises, including food and beverage services to anyone other than registered guests, from such facility, and shall not permit

or provide cooking equipment in guest bedrooms.

SECTION 15: ADOPTION “Section 18-150 Conduct on Registered Premises” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-150 Conduct on Registered Premises(*Added*)

- (a) The Owner, as registration holder, shall take such actions as are reasonably necessary to assist in the prevention of instances of disorderly conduct by tenants, members of tenant's household, occupants, members of occupants' household and guests. For the purposes of this section, rental housing units shall include any common areas in the building where the rental housing unit is located.
- (b) Disorderly Conduct. For the purposes of this section, disorderly conduct may include, but is not limited to, the following:
 - (1) Illegal activity involving controlled substances as defined in MN Stat. § 152.01, et seq., in the rental housing unit.
 - (2) Acts of violence or threats of violence including but not limited to discharge of firearms, prostitution, intimidation, assault, or any other act that otherwise jeopardizes the health, safety or welfare of the registration holder, his agents, tenants or any other person.
 - (3) Violation of Minnesota Statute, Section 609.72, prohibiting disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the registered premises or other premises, other than the unit occupied by the person(s) committing the violation.
 - (4) Violation of Minnesota Statutes 609.74 and 609.745 Public Nuisances.
 - (5) Violation of Minnesota Statutes 609.66, Subd. 1a, 609.67 or 624.713 Unlawful use or possession of a firearm or weapon.
 - (6) Violation of Minnesota Statute 609.50 Obstructing Legal Process.
 - (7) Violation of Marshall Code Chapter 14, Animals, Division 86-VI-4 Performance Standards, Noise, Chapter 42 Offences, and Chapter 50, Solid Waste.
 - (8) Violation of Minnesota Statutes 609.321-609.324, prohibiting prostitution and acts relating thereto.
 - (9) Violation of Minnesota Statutes 340A.401, prohibiting the unlawful sale of alcoholic beverages.
 - (10) Violation of Minnesota Statutes 340A.503, prohibiting the underage use of alcoholic beverages.
- (c) Notice of Violations.
 - (1) First instance. Upon determination by the city that a rental housing unit was the location of disorderly conduct, the city shall notify the registration holder

either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder and direct the registration holder to take steps to prevent further violations.

(2) Second instance. If a second instance of disorderly conduct occurs at a rental housing unit within twelve (12) months of the time a notice was sent for previous disorderly conduct at the same unit, the city may notify the registration holder either by certified mail directed to the address of the registration holder as shown by the City's registration application file or by e-mail as shown by the City's registration application file with delivery notification and receipt requested when sending that email to the registration holder of the violation and direct the registration holder to submit, within ten (10) days of the date of the notice, a written report of all actions taken by the registration holder since the first violation notice and actions the registration holder intends to take to assist in the prevention of disorderly conduct. The registration holder shall notify the tenant or tenants within ten days of the notice of disorderly conduct violation.

(3) Third instance. If a third instance of disorderly conduct occurs at a rental housing unit within twelve (12) months after the first of two (2) previous notices of disorderly conduct at the same unit, the rental housing unit registration may be revoked, suspended, or not renewed by the city. The owner/representative has the right to appeal the decision as provided in the City of Marshall Administrative Procedure Section of the City Code.

(d) For purposes of this section, second and third instances of disorderly conduct shall be those which:

- (1) Occur at the same rental housing unit; or
- (2) Involve tenants at the same rental housing unit; or
- (3) Involve guests or invitees at the same rental housing unit; or
- (4) Involve guests or invitees of the same tenant; or
- (5) Involve the same tenant.

(e) No adverse action shall be taken against the rental registration when the instance of disorderly conduct occurred during a pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the registration holder to a tenant to vacate the rental housing unit. However, adverse registration action may proceed when the registration holder fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a registration based upon violations of this section may be postponed or discontinued at any time if the registration holder has taken appropriate measures which will prevent further instances of disorderly conduct which may include a failed eviction process, or if the registration holder has proceeded in good faith to secure termination of the tenancy but was unsuccessful for reasons beyond the registration holder's reasonable control.

(f) In lieu of revoking, suspending or not renewing the rental registration, the city may require an action plan to be completed and complied with by the registration holder, or local property manager within a designated time frame which outlines the steps

necessary to be taken and complied with in order to correct identified violations and the measures to be taken to ensure ongoing compliance with the city code and other applicable laws.

- (g) Determining disorderly conduct. A determination that the rental housing unit has been the location of disorderly conduct shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly conduct, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse registration action under this section.
- (h) Enforcement. Enforcement actions provided in this section shall not be exclusive, and the city may take any action with respect to a registration holder, a tenant, or the registered rental housing unit(s) as is authorized by the City Code or state law.

SECTION 16: **ADOPTION** “Section 18-151 Interim Housing” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 18-151 Interim Housing(*Added*)

As a condition of receiving a rental unit registration, the registration holder agrees that in the event that the registration is denied, suspended, revoked, or not renewed due to the action or inaction of the registration holder or registration holder’s agent, representative, employee or lessee, all tenants or sub-tenants of the residential rental unit shall be provided, at the registration holder’s expense, suitable interim housing approved by the City after notice to the registration holder from the City and the expiration of a reasonable time agreed upon by the City for the registration holder to cure. The registration holder shall provide such interim housing until the registration for the unit is restored or until the end of the lease or agreement term, whichever occurs first. Failure of the registration holder to provide and/or pay for such interim housing shall be grounds for suspension of the rental unit registration held by the registration holder.

SECTION 17: **ADOPTION** “Section 18-153 Violations; Injunctive Relief” of the Marshall Municipal Code is hereby *added* as follows:

A D O P T I O N

Section 18-153 Violations; Injunctive Relief(*Added*)

- (a) Nothing in this Ordinance prevents the City from taking enforcement action under any

of its fire, housing, zoning, health, safety or other codes, ordinances, and State laws for violations thereof, or to seek injunctive relief and criminal prosecution for violations of any ordinance, code or law. Nothing contained in this Ordinance prevents the City from seeking injunctive relief against a property owner or designated property manager who fails to comply with the terms and conditions of this Ordinance or to obtain an order closing such rental units until violations of this particular Ordinance have been remedied by the property owner or designated property manager.

- (b) Violation of this Ordinance is a misdemeanor. Violations include operation of a rental unit without proper registration and/or operation of a rental unit after revocation or suspension of registration. Each separate day on which a continuing violation occurs is a separate violation. Any written or oral agreement to rent or cause to be rented, leased or let, any Rental Unit that is in violation of this Ordinance is illegal as a matter of law.
- (c) This chapter may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

SECTION 18: **ADOPTION** “Section 18-152 Applicable Laws” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-152 Applicable Laws(*Added*)

Registration holders are subject to all of the ordinances and/or laws of the City and State of Minnesota relating to rental dwellings, and this Ordinance shall not be construed or interpreted to supersede or limit any other applicable ordinance or law.

SECTION 19: **ADOPTION** “Section 18-154 No Retaliation” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-154 No Retaliation(*Added*)

Per Minnesota State Statute Section 5048.205, Subd. 2, Emergency calls are permitted.

(a) A landlord may not:

- (1) Bar or limit a residential tenant's or short-term rental occupant's right to call for police or emergency assistance in response to domestic abuse or any other conduct, including calling the City to file a complaint; or
- (2) Harass a residential tenant's or short-term rental occupant's for calling police or requesting emergency assistance in response to domestic abuse or any other

- conduct, including calling the City to file a complaint; or
- (3) Impose a penalty on a residential tenant or a short-term rental occupant for calling for police or emergency assistance in response to domestic abuse or any other conduct.
- (b) A residential tenant or short-term rental occupant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

SECTION 20: **ADOPTION** “Section 18-155 Written Notices” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-155 Written Notices(*Added*)

Notices from the City required by this Ordinance shall be effective if personally delivered or if mailed to the addressee to the address shown in the City file pertaining to the rental unit involved in the notice.

SECTION 21: **ADOPTION** “Section 18-156 Conflict Of Ordinances; Effect Of Partial Invalidity” of the Marshall Municipal Code is hereby *added* as follows:

ADOPTION

Section 18-156 Conflict Of Ordinances; Effect Of Partial Invalidity(*Added*)

- (a) Conflict. In any case where a provision of this Article is found to be in conflict with a provision of any zoning, building, fire safety or health ordinance or code of the City existing on the effective date of this section, or of any state or federal statute, rule or regulation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this section which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Article shall be deemed to prevail to the extent allowed by the State and Federal law.
- (b) Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED BY THE CITY OF MARSHALL COMMON COUNCIL

Presiding Officer

Attest

Robert Byrnes, Mayor, City of
Marshall

Steven Anderson, City Clerk, City of
Marshall

**Notice of Public Hearing
Residential Rental Code**

The City Council for the City of Marshall, Minnesota, will be conducting a public hearing on Tuesday, February 13, 2024, in the Council Chambers of City Hall located at 344 West Main Street, Marshall, Minnesota. The purpose of the public hearing will be to consider an ordinance requiring registration of residential rental properties and short-term vacation rentals.

All interested persons desiring to comment on the proposed ordinance should appear at the above date and time.

Dated this 13th day of January 2024
Steven Anderson, City Clerk



Office of the Revisor of Statutes

2023 Minnesota Statutes

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FR1 - Term Limits Info

205.07 MS 1957 [Repealed, [1959 c 675 art 13 s 1](#)]

205.07 CITY GENERAL ELECTION.

§ Subdivision 1. **Date of election.** The municipal general election in each city shall be held on the first Tuesday after the first Monday in November in every even-numbered year. Notwithstanding any provision of law to the contrary and subject to the provisions of this section, the governing body of a city may, by ordinance passed at a regular meeting held at least 180 calendar days before the first day to file for candidacy in the next municipal election, decide to hold the election on the first Tuesday after the first Monday in November in either an even- or odd-numbered year. A city may hold elections in either the even-numbered year or the odd-numbered year, but not both. When a city changes its elections from one year to another, and does not provide for the expiration of terms by ordinance, the term of an incumbent expiring at a time when no municipal election is held in the months immediately prior to expiration is extended until the date for taking office following the next scheduled municipal election. If the change results in having three council members to be elected at a succeeding election, the two individuals receiving the highest vote shall serve for terms of four years and the individual receiving the third highest number of votes shall serve for a term of two years. To provide an orderly transition to the odd or even year election plan, the governing body of the city may adopt supplementary ordinances regulating initial elections and officers to be chosen at the elections and shortening or lengthening the terms of incumbents and those elected at the initial election. The term of office for the mayor may be either two or four years. The term of office of council members is four years. Whenever the time of the municipal election is changed, the city clerk immediately shall notify in writing the county auditor and secretary of state of the change of date. Thereafter the municipal general election shall be held on the first Tuesday after the first Monday in November in each odd-numbered or even-numbered year until the ordinance is revoked and notification of the change is made. A municipal general election scheduled to be held in an odd-numbered year may be postponed for inclement weather as provided in section [205.105](#).

Subd. 1a. **City council members; expiration of terms.** The terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire. All officers of charter cities chosen and qualified shall hold office until their successors qualify.

Subd. 2. [Repealed, [1976 c 44 s 70](#)]

Subd. 3. **Effect of ordinance; referendum.** An ordinance changing the year of the municipal election is effective 240 days after passage and publication or at a later date fixed in the ordinance. Within 180 days after passage and publication of the ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition shall be signed by eligible voters equal in number to ten percent of the total number of votes cast in the city at the last municipal general election. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by a majority of the voters voting on the question at a general or special election held on a date authorized by section [205.10, subdivision 3a](#). If the petition is filed, the governing body may reconsider its action in adopting the ordinance.

History: [1959 c 675 art 6 s 7](#); [1973 c 123 art 3 s 4](#); [1974 c 337 s 3](#); [1976 c 44 s 5](#); [1981 c 29 art 7 s 38](#); [1983 c 62 s 3](#); [1986 c 444](#); [1991 c 227 s 19.20](#); [1994 c 646 s 6](#); [1995 c 8 s 5](#); [2010 c 201 s 58.59](#); [2014 c 264 s 22](#); [2017 c 92 art 1 s 23](#); [art 2 s 9](#)