

**ELKO NEW MARKET PARKS COMMISSION  
REGULAR MEETING AGENDA  
TUESDAY, FEBRUARY 12, 2019 @ 4:00 PM  
Elko New Market City Hall**

- 1. Call to Order/Roll Call**
- 2. Approve Agenda**
- 3. Citizen Comments**
- 4. Approval of Minutes of January 8, 2019 Parks Commission Meetings (Attached)**
- 5. Petitions, Requests, and Communications:**
  - a. MRPA Legislative Update**
- 6. Updates:**
  - a. Review Parks Commission Update for January 31, 2019 (Attached)**
  - b. CCEC Update (Chair Sutton)**
  - c. New Prague Community Ed Advisory Board Representative for March 8<sup>th</sup> Meeting**
- 7. Old/New Business**
  - a. Consider Approval of Purchase of Additional Pet Waste Stations (Handout @ Meeting)**
  - b. Consider Approval of “March Madness” Programming at ENM Library**
  - c. Review SMSC Trail Grant Submittal (Attached)**
  - d. Update on Archery Equipment Replacement**
  - e. Discuss Proposed Food Truck Ordinance (Attached)**
  - f. Discuss Farmer’s Market (Handout @ Meeting)**
  - g. Consider Approval of Bills – Schlomka’s Portable Restrooms (Attached)**
- 8. Other Business**
  - a. Reappointment of Parks Commissioners Update**
- 9. Set Next Meeting**
  - a. Regular Parks Commission Meeting on Tuesday, February March 26, 2019 @ 4 PM @ ENM City Hall**
- 10. Park Commissioner Comments**
- 11. Adjournment**



**ELKO NEW MARKET PARKS COMMISSION  
TUESDAY, JANUARY 8, 2019  
REGULAR MEETING MINUTES**

**PRESENT:**

Present at Roll Call were Commissioner Melgaard; Commissioner Miller; Commissioner Dornseif; and Chair Mike Sutton. Also present was Assistant City Administrator Mark Nagel

**CALL TO ORDER:**

The meeting was called to order at 4:04 PM in Conference Room B at Elko New Market City Hall, 601 Main Street.

**APPROVE AGENDA:**

Mr. Nagel said that there were no revisions to the January Parks Commission Meeting Agenda. On motion by Commissioner Melgaard, seconded by Commissioner Dornseif, the January Meeting Agenda was unanimously approved by voice vote.

**CITIZEN COMMENTS:**

There were no citizens present at the January Parks Commission Meeting to make comments to the Parks Commission.

**APPROVAL OF MINUTES OF DECEMBER 11, 2018 PARKS COMMISSION MEETING:**

Upon motion by Chair Sutton; seconded Commissioner Melgaard, the Parks Commission unanimously approved the December 11, 2018 Parks Commission Meeting Minutes as printed by voice vote.

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## **PETITIONS, REQUESTS, AND COMMUNICATIONS**

Mr. Nagel reviewed articles from the Minnesota Recreation and Park Association Magazine's Fall, 2018 Issue noting that it may be time to consider doing a Park System Master Plan. He said that he provides information both nationwide and statewide to help provide perspective to Commissioners on their work at the local level to enhance parks and recreation in Elko New Market.

Mr. Nagel handed out copies of the Winter/Spring Community Ed Catalogues to the Commissioners for their review. He said that the focus was on adding senior programming, including a Movie Day at the senior building; Valentine's Day and Spring Fling parties; programs on Long Term Health Care, How to Pay for a Nursing Home, and Understanding Wills and Trusts; AARP Smart Driving classes; and computer/cell phone classes.

## **UPDATES:**

Mr. Nagel reviewed the December 31, 2018 ENM Parks Commission Update, which contained 14 items, with the Commissioners. Mr. Nagel said commented that the ice rink was open now that the weather is cold enough and was seeing significant use.

Chair Sutton reported that the CCEC would be discussing the 2019 Egg Hunt at their January 15, 2019 meeting.

Commissioner Zahratka was not in attendance at the meeting, so the report was tabled until the January meeting.

## **OLD/NEW BUSINESS:**

Mr. Nagel said that Commissioner Dornseif had requested that consideration of additional pet waste stations at agreed upon locations be placed on the Agenda. Mr. Nagel said that there have been improvements to them since the first 3 were placed along paths about 3years ago and directed Commissioners to copies of examples for review in the Agenda packet. After discussion, Commissioners agreed that new locations should include the trail entrance at Seurer Street connecting the neighborhood to Downtown; the Pete's Hill entrance; Wagner Park; along the CSAH 2 Bike/Hike trail; and Windrose Park. The criteria for selecting the additional pet waste stations include: green color; covered, closed chute bin; bag dispenser; a dog leash hook; bags that can be tied; durable, weather-resistant

materials; and a larger bin. Upon motion by Commissioner Dornseif, seconded by Commissioner Miller, the Commission unanimously approved the addition of 5 pet waste station, plus an additional one in case of damage to an existing one. Further, they directed Mr. Nagel to return at a future Parks Commission Meeting with a Pet Waste station option that met the criteria outlined by the Commission, along with final costs.

Mr. Nagel said that several residents had requested that the Parks Commission consider placing a new water fountain at Wagner Park. He reviewed his Memorandum on 4 options – the cost would vary by the type of fountain and installation costs from a wall-mounted type in the \$350 range to variations of a free-standing one was placed near the playground equipment that would cost between \$1,300 and \$4,100, including installation. Upon motion by Commissioner Dornseif, seconded by Commissioner Miller, the Parks Commission unanimously approved the purchase and installation of the low cost water fountain for Wagner Park.

Mr. Nagel said that Commissioner Dornseif had requested that consideration of additional pet waste stations at agreed upon locations be placed on the Agenda. Mr. Nagel said that there have been improvements to them since the first 3 were placed along paths about 3 years ago and he passed out copies of examples for review by the Parks Commissioners. Possible new locations could include the trail connecting Seurer Street and the Downtown; Pete's Hill Wagner Park, and Windrose Park. After discussion consensus was table the item until January, so that Commissioners could review locations and design options in more detail. Upon motion by Commissioner Dornseif, seconded by Commissioner Miller, the Commission unanimously tabled this item until the January 8, 2019 Parks Commission Meeting.

Mr. Nagel said that he was working with Jessica Davidson from New Prague Community Ed on the lineup for the "Fabulous February Fun Nights" at the Elko New Market Library. The Community Room has been reserved for Thursday evenings for the programs, but they were waiting to hear back for confirmation on one event. Consensus of the Parks Commissioners was to proceed with the programming for these events.

Mr. Nagel reviewed the Annual Goals Process for 2019 with Commissioners. He said that a draft Memo of the 2018 Accomplishments would be presented to the Commission at the February 2019 meeting. Discussion of each of the 16 draft goals took place at the January Parks Commission Meeting. In addition to minor

wording changes, the Commissioners added a 17<sup>th</sup> goal – Establish a working Relationship with Boulder Pointe Golf Course for Use for Cross Country Skiing. Upon motion by Commissioner Miller, seconded by Commissioner Dornseif, the Parks Commission unanimously approved the 2019 Goals. Further, that they be conveyed to the City Council for their information by attaching them to these Minutes.

Mr. Nagel presented the Bill List to the Commissioners – a bill from Schlomka’s Portable Restrooms for services for December for a total of \$420.00. Upon Motion by Commissioner Miller; seconded by Commissioner Melgaard, the Parks Commission unanimously approved the Bill List as presented.

### **OTHER BUSINESS:**

Mr. Nagel reported that he had forwarded the interest of Commissioners Melgaard and Miller to be reappointed to a 3-year term. He said that the Council accepted their interest in continuing to serve the community, but chose to consider other potential applicants, as well.

There were no additional business items to come before Commissioners at the January 8, 2019 Parks Commission meeting.

### **NEXT MEETING:**

On motion by Commissioner Melgaard; seconded by Commissioner Miller, the next meeting of the ENM Parks Commission was set for Tuesday, February 12, 2019 at 4 PM in Conference Room B of Elko New Market City Hall.

### **PARK COMMISSIONER COMMENTS:**

Chair Sutton requested Mr. Nagel check on the timers for the Little Windrose Ice Rink lights, since they were not coming on until well after dark.

There were no additional comments from Commissioners at the January 8th, 2019 Parks Commission meeting.

## **ADJOURNMENT:**

There being no further business to come before the Parks Commission, upon motion by Commissioner Melgaard, seconded by Commissioner Miller, the meeting was adjourned by voice vote at 5:09 PM.

**Respectfully Submitted,  
Mark Nagel, Assistant City Administrator**

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# Minnesota Recreation and Park Association

## 2019 SESSION TRACKING LIST BILL INTRODUCTIONS AND STATUS REPORT

Current as of – February 1, 2019

For Legislation and Bill Status: <http://www.leg.state.mn.us>  
or simply press CTRL + CLICK on Bill Number for automatic link

Prepared by the Legislative Department of  
McGrann Shea Carnival Straughn & Lamb, Chartered

### BILLS INTRODUCED THIS WEEK ARE HIGHLIGHTED

Bill Description	House	House Progress Notes	Senate	Senate Progress Notes
Prohibiting payment of certain indirect costs from legacy funds; amending Minnesota Statutes 2018, section 16A.127, subdivision 8; 85.53, by adding a subdivision; 97A.05, by adding a subdivision; 114D.4, by adding a subdivision; 129D.1, by adding a subdivision.	Green/ <u>H.F. 32</u>	01/14/2019 Introduction and first reading, referred to Ways and Means pg. 42  01/14/2019 Referred by Chair to Legacy Finance Division	<b>Utke/ S.F. No. 591</b>	01/28/2019 Introduction and first reading pg. 189  01/28/2019 Referred to Environment and Natural Resources Policy and Legacy Finance
Expanding the exemption for certain nonprofit ice facilities; amending Minnesota Statutes 2018, section 297A.70, subdivision 20.	Hertaus/ <u>H.F. 43</u>	01/14/2019 Introduction and first reading, referred to Taxes pg. 43	<b>Osmek/ S.F. No. 48</b>	01/10/2019 Introduction and first reading pg. 53  01/10/2019 Referred to Taxes
Requiring a specific grant of authority in law for adoption of rules; reducing the threshold for conducting a public hearing on expedited rules; amending Minnesota Statutes 2018, sections 14.05, subdivision 1; 14.389, subdivision 5.	Green/ <u>H.F. 53</u>	01/14/2019 Introduction and first reading, referred to Government Operations pg. 45	<b>Utke/ S.F. No. 603</b>	01/28/2019 Introduction and first reading pg. 191  01/28/2019 Referred to State Government Finance and Policy and Elections

Prohibiting use of money in environment and natural resources trust fund for payment of debt service on bonds; amending Minnesota Statutes 2018, sections 16A.96<sup>1</sup>, subdivision 2; 116P.08, subdivisions 1, 2.

None

01/10/2019 Introduction and first reading pg. 56  
01/10/2019 Referred to Environment and Natural Resources Policy and Legacy Finance

[Ruud/  
S.F. No. 63](#)

01/14/2019 Author added Rest

01/17/2019 Authors added Housley; Anderson, P.

Appropriating money for aquatic invasive species grants; proposing coding for new law in Minnesota Statutes, chapter 84D.

None

01/17/2019 Introduction and first reading

[Laine/  
S.F. No. 169](#)

01/17/2019 Referred to Environment and Natural Resources Finance

01/22/2019 Author added Rest pg. 142

Appropriating money for aquatic invasive species work.

None

01/17/2019 Introduction and first reading

[Laine/  
S.F. No. 170](#)

01/17/2019 Referred to Judiciary and Public Safety Finance and Policy

01/22/2019 Author added Rest pg. 142

Establishing the no child left inside grant program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84.

[Becker-Finn/  
H. F. 133](#)

01/17/2019 Introduction and first reading, referred to Environment and Natural Resources Policy pg. 63

01/31/2019 Committee report, to adopt as amended and re-refer to Ways and Means pg. 152a

01/31/2019 Referred by Chair to Environment and Natural Resources Finance Division

Limiting amount a public agency may pay to acquire real property or an interest in real property; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 2018, section 16B.297.	Green/ <u>H. F. 162</u>	01/17/2019 Introduction and first reading, referred to Government Operations pg. 68	Utke/ <u>S.F. No. 602</u>	01/28/2019 Introduction and first reading pg. 191  01/28/2019 Referred to State Government Finance and Policy and Elections
Appropriating money for a municipal athletic complex in St. Cloud; authorizing the sale and issuance of state bonds.	Theis/ <u>H. F. 166</u>	01/17/2019 Introduction and first reading, referred to Ways and Means pg. 69  01/17/2019 Referred by Chair to Jobs and Economic Development Finance Division	Relph/ <u>S.F. No. 264</u>	01/17/2019 Introduction and first reading pg. 116  01/17/2019 Referred to Capital Investment
Appropriating money to the Minnesota Amateur Sports Commission for Mighty Ducks grants; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2018, section 240A.01. Referred to the Committee on Capital Investment.	Lillie/ <u>H. F. 541</u>	01/31/2019 Introduction and first reading, referred to Ways and Means pg. 167  01/31/2019 Referred by Chair to State Government Finance Division	Newton/ <u>S.F. No. 352</u>	01/22/2019 Introduction and first reading pg. 131  01/22/2019 Referred to Capital Investment  01/24/2019 Author added Housley  01/28/2019 Author added Dziedzic pg. 196
Prohibiting false labeling of certain pesticide-treated plants as pollinator friendly; amending Minnesota Statutes 2018, section 18H.14	None		Marty/ <u>S.F. No. 424</u>	01/24/2019 Introduction and first reading  01/24/2019 Referred to Agriculture, Rural Development, and Housing Policy
Appropriating money for Green Giant Museum.	Gunther/ <u>H. F. 336</u>	01/24/2019 Introduction and first reading, referred to Ways and Means Pg. 110  01/24/2019 Referred by Chair to Legacy Finance Division	None	

<p>Appropriating money from outdoor heritage fund; modifying previous appropriations; amending Laws 2015, First Special Session chapter 2, article 1, section 2, subdivision 2, as amended; Laws 2017, chapter 91, article 1, section 2, subdivision 2.</p>	<p><u>Lillie/</u> <u>H. F. 340</u></p>	<p>01/24/2019 Introduction and first reading, referred to Ways and Means pg. 111</p> <p>01/24/2019 Referred by Chair to Environment and Natural Resources Finance Division</p>	<p>None</p>
<p>Modifying requirements for funding; creating civil penalty for project promoting terrorism or criminal activity; amending Minnesota Statutes 2018, section 129D.11, subdivision 2, by adding a subdivision.</p> <p>Appropriating money for forest pest response.</p>	<p><u>Green/</u> <u>H. F. 358</u></p>	<p>01/24/2019 Introduction and first reading, referred to Ways and Means pg. 114</p> <p>01/24/2019 Referred by Chair to Judiciary Finance and Civil Law Division</p> <p>01/28/2019 Introduction and first reading, referred to Ways and Means pg. 126</p> <p>01/28/2019 Referred by Chair to Agriculture and Food Finance and Policy Division</p> <p>01/31/2019 Authors added Mahoney, Nelson, Mariani, Tabke pg. 185</p>	<p><u>Utke/</u> <u>S.F. No. 605</u></p> <p>01/28/2019 Introduction and first reading pg. 191</p> <p>01/28/2019 Referred to Environment and Natural Resources Policy and Legacy Finance</p> <p>01/31/2019 Introduction and first reading pg. 220</p> <p>01/31/2019 Referred to Agriculture, Rural Development, and Housing Policy</p>
<p>Creating an exemption for purchases of certain herbicides; amending Minnesota Statutes 2018, section 297A.67, by adding a subdivision.</p>	<p><u>McDonald/</u> <u>H. F. 413</u></p>	<p>01/28/2019 Introduction and first reading, referred to Taxes pg. 129</p>	<p><u>Anderson, B./</u> <u>S.F. No. 585</u></p> <p>01/28/2019 Introduction and first reading pg. 188</p> <p>01/28/2019 Referred to Taxes</p>
<p>Providing an exemption for a certain nonprofit arena board and construction of a certain community arena; amending Minnesota Statutes 2018, sections 297A.71, by adding a subdivision; 297A.71, by adding a subdivision; 297A.71, subdivisions 1, 2, 3.</p> <p>Referred to the Committee on Taxes.</p>	<p><u>Grossell/</u> <u>H. F. 468</u></p>	<p>01/28/2019 Introduction and first reading, referred to Taxes pg. 139</p>	<p><u>Utke/</u> <u>S.F. No. 604</u></p> <p>01/28/2019 Introduction and first reading pg. 191</p> <p>01/28/2019 Referred to Taxes</p>

Changing the source of funds from the environment and natural resources trust fund to the general fund to pay back certain appropriation bonds; amending Minnesota Statutes 2018, sections 16A.965, subdivisions 1, 2, 4, 7; 116P.03, subdivision 1; Laws 2018, chapter 214, article 6, section 4.

None

01/31/2019 Introduction and first reading pg. 209

[Eaton/  
S.F. No. 647](#)

01/31/2019 Referred to Capital Investment

Appropriating money for Como Park Zoo and Conservatory.

None

01/31/2019 Introduction and first reading pg. 212

[Marty/  
S.F. No. 664](#)

01/31/2019 Referred to Environment and Natural Resources Policy and Legacy Finance

Appropriating money for shade tree replacement.

None

01/31/2019 Introduction and first reading pg. 222

[Little/  
S.F. No. 724](#)

01/31/2019 Referred to Agriculture, Rural Development, and Housing Finance

Reallocating 40 percent of the money from the arts and cultural heritage fund to public school art programs; requiring a report; appropriating money; amending Minnesota Statutes 2018, section 129D.17; proposing coding for new law in Minnesota Statutes, chapter 126C.

[Heintzeman/  
H.F. 577](#)

01/31/2019 Introduction and first reading, referred to Ways and Means pg. 173

01/31/2019 Referred by Chair to Education Finance Division

None



# ENM Parks Commission Update

## January 31, 2019

1. The City Council approved a budget of \$171,234.00 for the Parks Department for 2018. Through November 30, 2018, expenditures total \$126,323, or about 73.77%, of the total budgeted. We are well under the 92% guideline for the first 11 months of 2018. We should be getting the final numbers for 2018 from our new Accountant, Kellie Stewart, who started on January 15<sup>th</sup>...say "hi" next time that you're in City Hall!
  2. Shortly after the January 8<sup>th</sup> Parks Commission meeting, I found out that the Shakopee Mdewakanton Sioux Community (SMSC) had issued an RFP for back in October for applications for trail grant funds. Fortunately, there were funds remaining after the SMSC awarded grants on January 7<sup>th</sup> to Shakopee and Prior Lake, so I applied for them with the assistance from Bolton-Menk, Inc for a segment to connect Windrose 8<sup>th</sup> Addition to Woodcrest Addition, so that Woodcrest residents could have better access to the Pete's Hill "Lookout" and trail and the Windrose 8<sup>th</sup> residents could have access to Woodcrest Park. This segment cost of about \$23,000 fit into the parameters for the remaining funds – the 2-trail links in our 2019 Goals would've have been expensive to qualify for funding. That application was filed on January 29<sup>th</sup> to make the January 31<sup>st</sup> deadline. My apologies for not getting your thoughts prior to making the application, but you will have a chance to consider it further if we are fortunate enough to get funding for the project by recommending to the Council that we accept the funds.
  3. The Rowena Pond Park RePurposing Master Plan is now underway! The Public Works Department has completed the first phase by relocating the playground equipment. Now that the playground equipment has been moved, the next step will be to move the baseball field. I will meeting with the neighbors adjacent to the park in February before that part of the project is started to go over resolution of their current drainage issues now that the City Engineer has determined options. Assuming assent from the neighbors, we can start grading next Spring for the new T-Ball field, while the current one is in use over the Summer. I will be looking at a Twins Community Fund grant to see if the upgrade T-Ball Field qualifies for funding.
  4. The Skating Rink at Little Windrose Park opened on Wednesday, December 19<sup>th</sup> for use over the Holidays and has seen a lot of use this Winter,
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especially in January with the colder weather. Thanks to the PW Department for keeping them in good shape!

5. The Parks Commission approved the purchase of archery equipment at the December meeting. I have contacted, Terri Murtagh of the Three Rivers Parks staff, to outline a list of needed equipment to purchase through New Prague Community Ed or Three Rivers Parks. The City's Community Development/Administrative Intern has given me an outline of possible grants to look at for purchasing the necessary replacement equipment. We are working to have the archery equipment ordered in February for use in 2019.
6. Jessica Davidson and I discussed the "lineup" for the Winter programming at the library on Thursday, January 24th. Unfortunately, she has health issues that would prevent her from doing the programs in February, but she would be able to do them in March on Thursday evenings. I have told her that would work fine...more at our February 12<sup>th</sup> Parks Commission meeting. Again, our thanks to Jessica Davidson and New Prague Community Ed for their support in managing these events!
7. Speaking of programming, the Winter/Spring Community Ed catalogues are out for both New Prague and Lakeville. This Winter, we've focused on more senior programming, so a sampling of those in Elko New Market include: AARP Smart Driver Courses at the ENM Library; Hearts and Flowers for Valentine's Day; a movie day; and Spring Fling. Other programming along the same lines includes: How to Pay for a Nursing Home; Long Term Care insurance; and Understanding Trusts and Wills. In addition, the popular Adult Open Basketball is back at Eagle View every Tuesday evening from 8 PM to 10 PM and Zumba; Dance Fitness; Pilates; and Hall Walking return to Eagle View for the Winter. Finally, online learning on 52 different subjects is available on [ed2go/ce721](https://ed2go.com/course/ce721) to all ENM residents! Of course, there are many programs for young adults and kids, too!
8. As you recall from the November Parks Commission Meeting, the Open House on the Disc Golf Course was held. I did 2 Facebook postings on it and a Website invitation to talk about it with interested residents at the meeting, but none showed, nor did I receive any other email or phone feedback. I've firmed up the course design with the assistance of the City Engineer's Office and showed you a better graphic at the December Parks Commission Meeting. I met with the vendor on December 10<sup>th</sup> and

reviewed/confirmed the design layout and he will begin construction in early May. I will do a couple of Facebook postings when I have an official start date, so the neighborhood is aware of the project.

9. As we discussed at the December Parks Commission meeting, another residential development starting to take shape is the Le Property on the NW Quadrant of Dakota Avenue and James Parkway, which would be annexed to the City for about 70 single family homes. I conveyed the Parks Commission recommendation that should the development move forward, cash, rather than land, should be paid by the developer. There has been no further progress to date on the development.
10. Since Commissioner Zahratka will be out of town for the next New Prague Community Ed Advisory Council Meeting on Thursday, March 11<sup>th</sup> @ 6 PM, please check your calendars and let me know if you can attend on behalf of the Parks Commission.
11. Based on the criteria established by the Parks Commission at the January meeting, I will have a couple of options, along with costs, for the additional pet waste stations ready to go for approval at the February Parks Commission meeting.
12. Also, as requested by the Parks Commission, I attached a copy of the 2019 Parks Commission Goals for Councilmembers to the January Meeting Minutes. They were in the Council's January 24<sup>th</sup> Meeting Packet.
13. On January 14<sup>th</sup>, I met with Morton Building Systems on repairing the damage to the Wagner Park Shelter. The City Council approved the downpayment of \$1,369 for the repairs at their January 24<sup>th</sup> meeting. I will be working with them to get a firm date for the repairs.
14. The terms of Commissioner Miller and Commissioner Melgaard are up on March 31, 2019. I passed along their interest in being reappointed for a 3-year term to the City Council. They did decide to open the process to see if anyone else was interested at their January 10, 2019 City Council meeting. I'll have a status report at the February Parks Commission meeting.
15. I will be on vacation for the Tuesday, March 12<sup>th</sup> Parks Commission meeting, so there will be an item on the February 12<sup>th</sup> Parks Commission meeting to consider a motion that the next Parks Commission Meeting be on Tuesday, March 26<sup>th</sup>, 2018 at 4:00 PM at ENM City Hall.
16. See you February 12<sup>th</sup> @ 4 PM @ ENM City Hall for our February Parks Commission meeting!



# **ELKO NEW MARKET SMSC TRAILS GRANT APPLICATION NARRATIVE**

## **Project Location:**

After the cities of Elko and New Market merged effective January 1, 2007, one of the first goals outlined for the new community was the completion of a comprehensive Park and Trail Plan. In the Plan approved unanimously by the City Council was a recommendation to connect the two former cities by a paved bike/hike/running handicapped accessible trail “spine” that stretches over four miles from Windrose Park on the Elko Side to Wagner Park on the New Market side. In addition to the symbolic tying together two cities that had been apart for nearly 75 years, the bike/hike/running trail is intended to link each existing neighborhood in both cities together to foster a sense of community, as well as provide safe access to the cities two major, community parks for families. From this “spine”, there are paved bike/hike/running trail segments to most of the neighborhood park in the newly-formed city contributing to the City’s efforts to promote wellness programming to residents. Overall, the intent is to provide a safe pedestrian, biking trail for a family living on the Elko side near Windrose Park to go to the Summer Movies and Music in Wagner Park series without getting in a car and vice versa for the summer recreational programs at Windrose Park.

The only remaining link to complete this “spine” was a 300-foot segment from the bottom of Pete’s Hill to the trail through the Boulder Pointe Addition along Xerxes Avenue, which the previous SMSC Trail Grant enabled the City to complete in 2014. In addition, remaining funds from that grant enabled the City to complete a trail from the “spine” to the top of Pete’s Hill, which includes links to the highest point in Scott County, a geological marker, interpretive signage and a viewing area for observation. We celebrated the completion with the SMSC Summer, 2018. We thank the SMSC for their past generous assistance for completing the city’s paved trail “spine”.

The proposed project will continue this past partnership in the City’s trail system by the SMSC by linking 2 neighborhoods with a 450- foot paved segment that will enable the Windrose 8<sup>th</sup> Addition residents to a scheduled neighborhood park renovation and allowing Woodcrest Addition residents easier access to the Pete’s Hill “Lookout” and the City’s trail “spine”. See Attachment File #1 – Community Context – that shows the location of the project and its importance to the overall trail system.

## **Project Description**

This grant request is for financial assistance to complete another segment of the bike/hike/running trail “spine”, which would link the Woodcrest and Windrose 8<sup>th</sup> Addition neighborhoods together. Woodcrest Neighborhood Park is scheduled for a complete update this Fall, so the trail would allow approximately 180 Windrose 8<sup>th</sup> Addition households to have

access to the upgraded park. In addition, the link would enable approximately 60 Woodcrest households to have greater access to the trail “spine” and the Pete’s Hill “Lookout” project.

The preliminary engineering work – File Attachment #2 shows the cost estimates for the trail link – the construction cost is around \$25,000, so the grant request is for \$20,000. The remaining \$5,000 will be covered by in-kind services and/or existing funds in the Parks Capital Improvement Program. The City will be responsible for any cost overruns on the project. The project would be included in the City’s 2019 Capital Improvements Program and would be completed by the 12/31/19 deadline, as it is “shovel ready” for construction now.

## **Project Need**

The proposed “link” would offer a way for residents to safely bike/hike from the southern part of the entire Windrose neighborhood to access Pete’s Hill without needing to bike/hike along traffic heavy Xerxes Avenue and Windrose Curve. This important “link” enhances trail investment made by the 2 previous City/SMSC partnerships.

As with all the bike/hike/running trail “spine”, the trail link will be completely handicapped accessible, as is this is a key goal for all trails in the City.

Construction of this trail section will increase access to the City’s preeminent natural area – Pete’s Hill and an updated Woodcrest Park.

Attachment File #2 – Neighborhood Context - shows visual confirmation of this trail segment and the increased connectivity to the main trail “spine”.

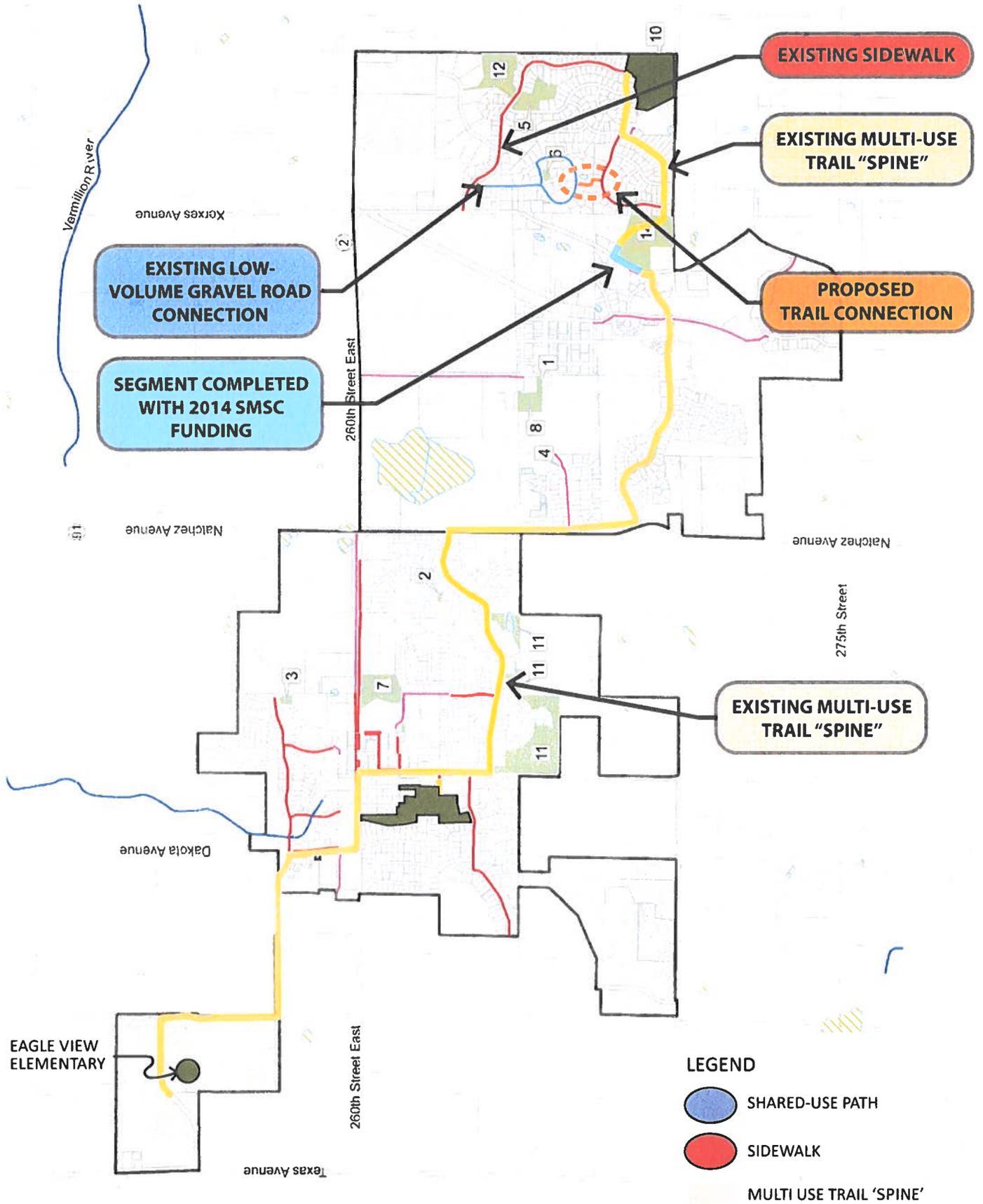
## **Volunteer Involvement**

The project will be administered by the Elko New Market Parks Commission, which is made up of 5 citizens that provides advice to the City Council on park and trail matters.

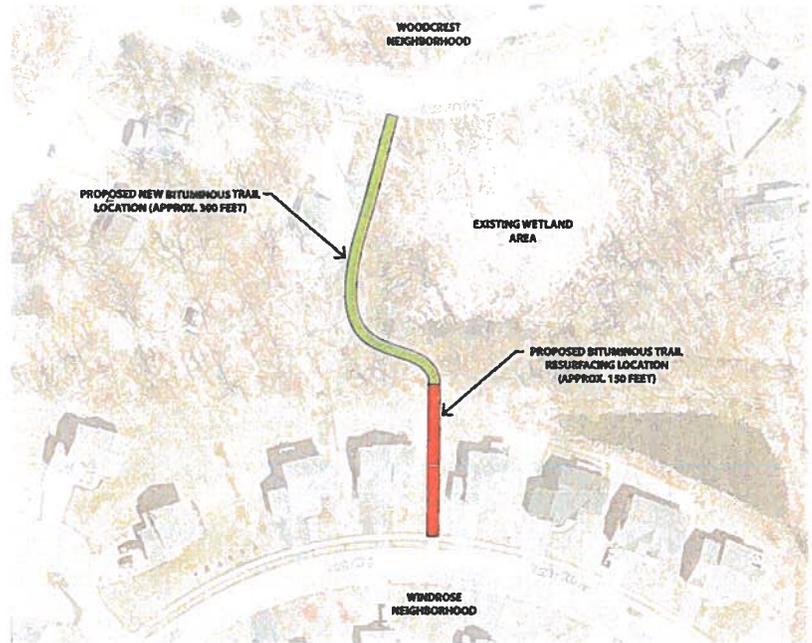
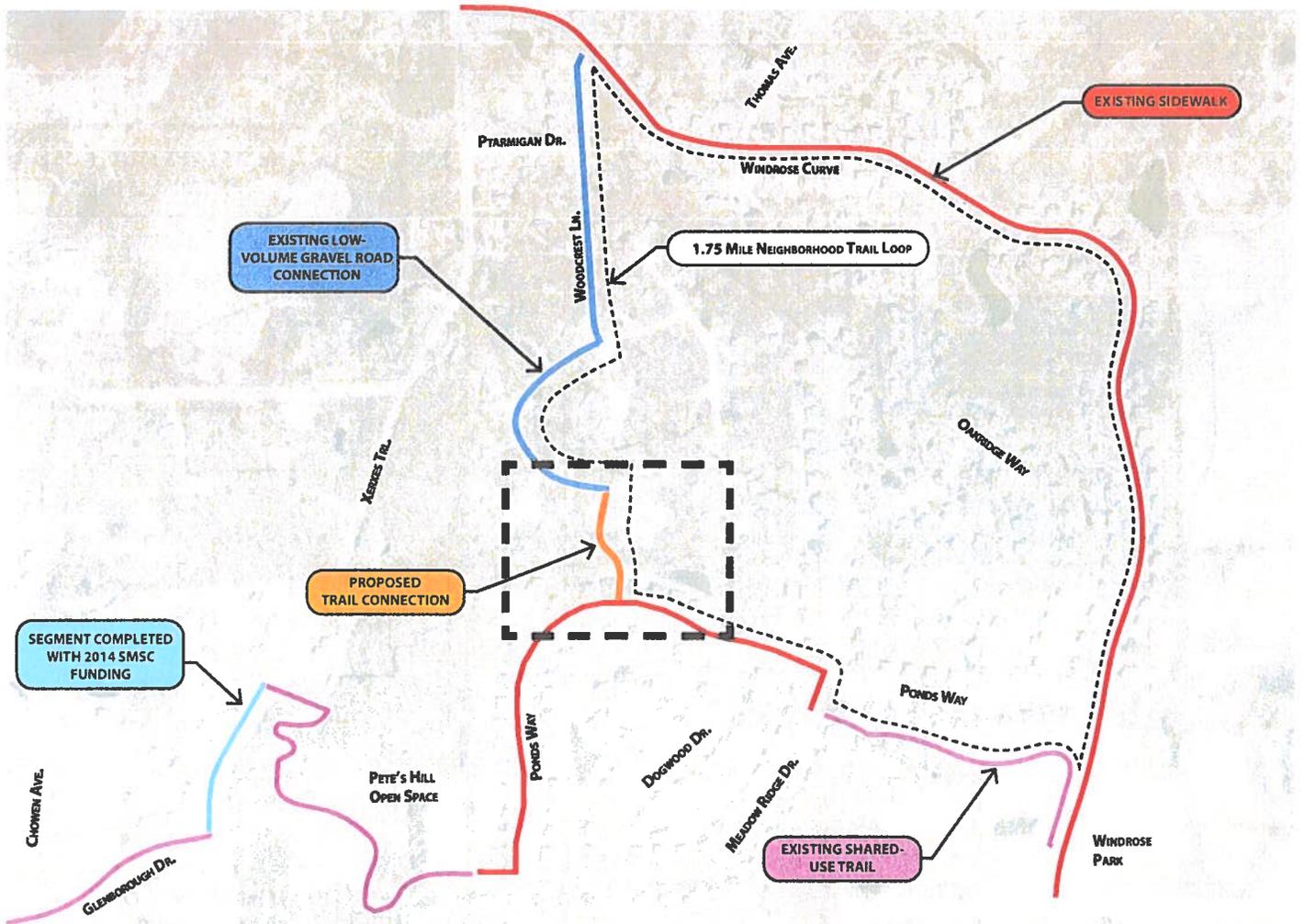
It is anticipated that Eagle Scout candidates from Elko New Market’s two area Boy Scout Troops will provide a bench for resting, as they have for much of the City’s bike/hike/running trail “spine”.

We thank SMSC for the opportunity to submit this grant application and look forward to your involvement in our community effort to improve our bike/hike/running trail “spine” by adding a vital “link” to further connect Elko New Market residents to city parks and trails.

# COMMUNITY CONTEXT



# NEIGHBORHOOD/SITE CONTEXT



**ELKO-NEW MARKET**  
 PROPOSED WINDROSE-WOODCREST TRAIL CONNECTION



**COST ESTIMATE**

WINDI OSE-WOODCREST TRAIL CONNECTION  
CITY OF ELKO NEW MARKET, MN

1/25/2019

ITEM NO.	BID ITEM	UNIT OF MEASURE	ESTIMATED UNIT PRICE	TOTAL ESTIMATED QUANTITY	TOTAL ESTIMATED COST
1	3" DEPTH BITUMINOUS TRAIL W/ 6" AGG. BASE (10' WIDE)	SY	\$22.00	270	\$ 5,940
2	BITUMINOUS TRAIL RESURFACING + 2' WIDENING (10' WIDE TRAIL)	SY	\$22.00	140	\$ 3,080
3	SELECTIVE TREE REMOVAL	LS	\$3,000.00	1	\$ 3,000
4	GRADING	LS	\$3,000.00	1	\$ 3,000
5	TURF RESTORATION (SOD)	SY	\$7.00	300	\$ 2,100
6	EROSION CONTROL (SEDIMENT LOG)	LF	\$4.00	250	\$ 1,000
7	WAYFINDING SIGNAGE	EA	\$1,000.00	1	\$ 1,000
8	LIMITED ACCESS GATES	EA	\$1,500.00	2	\$ 3,000
<b>PROJECT TOTAL</b>					<b>\$ 22,120</b>





601 Main Street  
Elko New Market, MN 55054  
phone: 952-461-2777 fax: 952-461-2782

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** HALEY SEVENING, COMMUNITY DEVELOPMENT INTERN  
RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** FOOD TRUCKS  
**DATE:** JANUARY 29, 2019

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### **Background / Existing Regulations**

Staff would like to resume the discussion of food truck regulations within the City limits with the Planning Commission. Currently, food trucks are not specifically regulated within the City Code. However, food trucks and food stands operating in Scott County are licensed and regulated by the Minnesota Department of Health (MDH) based on the following definitions:

“Mobile food unit” means a food and beverage service establishment that is a vehicle mounted unit, either:

- (1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- (2) operated in conjunction with a permanent business licensed under chapter 157 or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location. – Minnesota Statutes, section 157.15, subdivision 9

“Seasonal temporary food stand” means a food and beverage service establishment that is a food stand which is disassembled and moved from location to location, but which operates for no more than 21 days annually at any one location, except as provided in paragraph (b).

- (b) A seasonal temporary food stand may operate for more than 21 days annually at any one place with the approval of the regulatory authority, as defined in Minnesota Rules, part 4626.0020, subpart 70, that has jurisdiction over the seasonal temporary food stand. – Minnesota Statutes, section 157.15, subdivision 13

“Seasonal permanent food stand” means a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 21 days annually. – Minnesota Statutes, section 157.15, subdivision 12a

Food Truck

January 29, 2019 Planning Commission Meeting

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Mobile Food Units (MFUs), Seasonal Temporary Food Stands (STFs), and Seasonal Permanent Food Stands (SPFs) are subject to the Minnesota Food Code and must undergo a plan review and preoperational inspection by the MDH prior to being licensed by the State. Plan review includes a detailed look at:

- The intended menu
- A description of the proposed project including the anticipated volume of food to be stored, prepared, sold or served
- Easily readable layout drawn to scale indicating the location of all equipment (e.g., cooking equipment, ventilation hood, refrigerators, food prep counters, handwashing sink(s), three-compartment sink, and food prep sink)
- Finish materials for floors, base coves, walls, and ceilings
- Proposed equipment list that includes types, manufacturers and model numbers
- Manufacturer's specification sheets for new equipment
- Counters and cabinetry shop drawings, indicating cabinet construction, and countertop finish
- Size of water heater, and fresh water and wastewater holding tanks
- The source of water (private or public) for the MFU, STF or SPF
- The method of sewage disposal (public or private) for the MFU, STF or SPF
- A copy of the zoning approval or building permit from the local unit of government for SPF

Minnesota Statute also restricts MFUs, STFs, and SPFs from using or serving food that was stored or prepared in a private home and conducting catering operations, unless the catering operations are approved by the local jurisdiction.

Apart from State Statute the Elko New Market City Code does not currently contain regulations specific to food trucks. Under the current code, a MFU would be considered a Transient Merchant, which is defined as:

“A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than fourteen (14) consecutive days.”

The City Code requires that a Transient Merchant license, which is an “annual” license, be obtained. The current fee is \$65 per person. Transient Merchant licensing requirements are not contained within the zoning or subdivision regulations, and are therefore, not currently under the purview of the Planning Commission.

### **Why Might Mobile Food Units be Regulated?**

Food trucks are growing in popularity throughout the region and have begun operating on occasion in Elko New Market. Regulations specific to MFUs are commonly considered by cities in order to reduce potential negative impacts such as competition with brick and mortar restaurant establishments and to mitigate public nuisances. MFUs are commonly viewed as a means to promote economic activity within a community and provide culinary diversity at community events. However, some fear that they may also prevent fair competition with existing brick and mortar establishments since MFUs are not subject to property taxes or other zoning or building regulations. MFUs also have the potential to become a public nuisance through the noise, smell, and/or light they emit and the fire, traffic, and/or safety hazards they may create. Finally, since the existing Transient Merchant regulations are not specific to MFUs, licensing and regulating MFUs is more challenging.

### **Mobile Food Unit Research**

Staff researched the MFU regulations of several other communities, the results of which are summarized in the attached “The Mobile Food Unit Regulations Attachment”. The research of other community’s codes revealed three ways in which MFUs are commonly regulated:

- (1) No Regulation (i.e. New Prague and Prior Lake)
- (2) Regulation without a License (i.e. Eden Prairie)
- (3) Regulation with a License (i.e. Jordan, Lakeville, Shakopee, etc.)

Every city researched seems to regulate food trucks differently based upon the unique needs and concerns of the community. For those cities that chose to regulate MFU’s, there are common sections in their codes, including license applications (when a license is required), limitations on locations, performance standards (i.e. days/hours of operation, grey water/waste disposal, size of truck, power supply, signs, fire/safety regulations, and proof of MDH license), prohibited practices, suspension or revocation of license, and penalties. Within each of these sections a number of additional factors must also be considered such as:

- Should the regulation require a license? If so, should it be annual, temporary, and/or daily and what are the fees and application requirements associated with the license?
- Where should MFUs be able to operate? On private property only? On public property/public rights of way? A specific distance from existing brick and mortar establishments? Within certain zoning districts only?
- When should MFUs be able to operate? Between certain months? Between certain hours of the day? At community events?
- What performance standards should MFUs be subject to?
- Should MFUs be prohibited from catering?
- How will the City enforce the regulation?

Also attached is a document published by the National League of Cities, Food on Wheels: Mobile Vending Goes Mainstream, which summarizes their research regarding MFU’s and provides best practices intended to balance the concerns of mobile vendors, restaurant owners, the community, and government.

### **Next Steps**

City staff is seeking input on the topic from the following identified stakeholder groups:

- Planning Commission (representing the community as a whole)
- Community & Civic Events Committee (CCEC) (representing various community events)
- Chamber of Commerce (representing the business community)
- Fire Department (representing Fire Rescue Days)
- Local restaurant businesses and liquor establishments

Input received from the various stakeholder groups will be presented to the City Council for consideration. The City Council will provide further direction on the matter after considering input from the stakeholder groups.

### **Requested Action**

Staff is seeking Planning Commission feedback on the potential development of a regulation specific to MFUs. Any potential regulations would be contained in the business and license regulations section of the

Food Truck

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City Code and not the zoning or subdivision regulations. The City's full code can be found online at [https://www.sterlingcodifiers.com/codebook/index.php?book\\_id=898](https://www.sterlingcodifiers.com/codebook/index.php?book_id=898) and the business and license regulations are contained in Title 4. Planning Commission feedback will be provided to the City Council for consideration, along with feedback from the other stakeholder groups. Specific questions for the Planning Commission are shown below and additional input is welcome.

- Should the City Council regulate Mobile Food Units (MFU)?
- If MFU regulations are recommended, should the regulations simply be stated in the City Code, or should a license be required?
- Should the Commission feel that MFU's be regulated, additional questions are as follows:
  - Should MFU's be allowed in commercial zoning districts?
  - Should MFU's be allowed in industrial zoning districts?
  - Should MFU's be allowed in residential zoning districts?
  - Should MFU's be allowed on private property?
  - Should MFU's be allowed on public property?
  - Should MFU's be allowed within public street rights-of-way? (streets and sidewalks)
  - Should MFU's be limited to specific areas of the City?
  - Should MFU's have restricted hours of operation?
  - Should MFU's be required to be a minimum distance from existing restaurant establishments?
  - Should MFU's be required to be a minimum distance from schools?
  - Should MFU's be allowed to operate only in certain months of the year?
  - Should MFU's be allowed to operate during special community events, such as church, school or community festivals?
  - Should MFU's be allowed in conjunction with farmer's markets?
  - Should ice cream trucks be subject to the MFU regulations? Or should there be an exception for ice cream trucks to operate on City streets?
  - Should catering be allowed from a MFU?
  - Should a MFU be required to provide proof of state licensure? Proof of insurance?
  - Should background checks be required for MFU employees?
  - Should there be a City fee associated with licensing of MFU's?
  - Should the size of the MFU truck be regulated (maximum size)?
  - Should signage and / or lighting associated with MFU's be regulated?
  - Should the power supply options for MFU's be regulated?

Attachment:

Mobile Food Unit Regulations – Summary Table

Food on Wheels: Mobile Vending Goes Mainstream, National League of Cities

## Mobile Food Unit Regulations (Research 2019)

City/Ordinance	License/Permit	Application Requirements	Exceptions	Conditions	Suspension/Revocation	Penalty	Notes
<u>Arden Hills</u>	Temporary (7 days or less, \$30) or Annual (8 days or more, \$100)	See application.	None	Locations, Performance Standards, Practices Prohibited.	License suspended, revoked, or denied for renewal for any violations of the code or conditions of the license.	Misdemeanor.	
<u>Baxter</u>	Is uses no more than four (4) mobile vending permits per calendar year (\$300/year).	Unknown	Mobile vending operations necessary to a permitted special event permit that is approved by the city. Mobile catering operations on private property.	Locations, Performance Standards, Permit Review.	Revoked by the city at any time for failure to comply with the provisions of the chapter/conditions of the permit.	Public nuisance.	Identified districts in which food trucks can operate.
<u>Brainerd</u>	\$ 00/year	See application.	None	Boundaries/Permitted Hours of Operations, Permitted Uses.	Following a violation of the section, permits may be revoked after notice and a hearing conducted.	Misdemeanor.	Regulations included in conjunction with "Peddlers, Transient Merchants, and Solicitors.
<u>Delano</u>	\$ 0/day	See application.	None	Locations, Performance Standards, Permit Provisions, Restrictions.	N/A	Misdemeanor or public nuisance.	No permit/license. "All food stands and special event food stands shall comply with the following..."
<u>Eden Prairie</u>	None	None	None	Locations, Performance Standards.	N/A	N/A	Regulations included in conjunction with "Peddlers, Transient Merchants, and Solicitors.
<u>Elk River</u>	Annual \$100	See application.	Mobile food units operating at a special event (special event permit). Mobile food units privately contracted by residential property owners for private parties in which food is not sold. Mobile food units operating at a school event on school property.	Locations, Performance Standards.	License can be suspended or revoked if failure to comply with ordinance.	N/A	
<u>Jordan</u>	Annual (\$200) or one-day (\$25).	See application.	Existing licensed restaurants with brick and mortar physical sites within city limits are exempt from licensing requirements for special events.	Locations, Performance Standards, Prohibited Practices.	License can be suspended or revoked if ordinance is violated.	Guilty of misdemeanor and fined.	
<u>Lakeville</u>	Annual (\$150) or one-day (\$50).	See application.	Allowed only in conjunction with community events.	Performance Standards.	N/A	N/A	licenses in order to better support economic development.
<b>New Prague</b>	N/A	N/A	N/A	N/A	N/A	N/A	Prior Lake considered and researched regulating food trucks, but "Council decided to just see how it goes before regulating them. Our council decided to not 'create a solution without a documented problem' -- so really, a wait and see approach. So far, we don't have any complaints. If that changes in the future, we may revisit it." Lorri Olson, Assistant City Manager.
<u>Prior Lake</u>	N/A	N/A	N/A	N/A	N/A	N/A	
<u>Rothsay</u>	Annual \$50 Temporary (10 days between March 15- Nov 15, FREE) and annual (April 1-Oct 31, \$50).	See application.	None	Locations, Performance Standards.	Failure to comply can result in suspension/revocation.	Letter, phone call, visit from City Staff. Failure to comply may result in citations, fines, suspensions, and/or revocation.	
<u>Shakopee</u>		See application.	None	Locations, Performance Standards, Practices Prohibited.	License can be suspended or revoked if ordinance is violated.	Extensive.	



Schlomka's Portable Restrooms & Mobile  
Pressure Washing LLC  
P.O Box 2429  
Inver Grove Heights, MN 55076  
651-332-4200



# INVOICE

**BILL TO**  
City of Elko New Market

**INVOICE #** 5714  
**DATE** 01/29/2019  
**DUE DATE** 02/28/2019  
**TERMS** Net 30

ACTIVITY	QTY	RATE	AMOUNT
<b>Rental Unit</b> Little Windrose Park -12511 Oakridge Way	1	80.00	80.00
<b>ADA Unit</b> Little Windrose Park -12511 Oakridge Way	1	130.00	130.00
<b>Rental Unit</b> Wagner Park -220 St. Mary St	1	80.00	80.00
<b>ADA Unit</b> Wagner Park -220 St. Mary St	1	130.00	130.00

January 2019

**BALANCE DUE**

**\$420.00**

