

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
January 29, 2019
7:00 PM**

1. CALL TO ORDER

Chairman Smith called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Smith, Kruckman, Humphrey, Hanson and Priebe

Members absent and excused: Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson and
Community Development Intern Haley Sevensing

2. PLEDGE OF ALLEGIANCE

Chairman Smith led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Humphrey to approve the agenda as submitted. Motion carried: (5-0).

4. PUBLIC COMMENT

A. None

5. ANNOUNCEMENTS

A. Introduction of Planning Commissioner Todd Priebe

Christianson introduced newly appointed Planning Commissioner Todd Priebe who was recently appointed by the City Council to serve the remainder of Heather Vetter's term. His term expires on March 31, 2020. Priebe also introduced himself, citing that he works as a Realtor and has also done development work in the Scott County area.

6. APPROVAL OF MINUTES

A motion was made by Kruckman and seconded by Hanson to approve the minutes of the November 27, 2018 Planning Commission meeting with one correction. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. None

8. GENERAL BUSINESS

A. Food Truck Discussion

Sevening presented her staff report containing information regarding the regulation of food trucks. She explained that Minnesota State Statute defines all Mobile Food Units, Seasonal Temporary Food Stands and Seasonal Permanent Food Stands. A food truck is considered a Mobile Food Unit based on definition. She explained that Mobile Food Units and Food Stands are annually licensed by the Minnesota Department of Health, and the licensing process includes a review of the menu, sinks/plumbing, ceilings, utilities (water, wastewater, sewage disposal) and an inspection is required. They must also operate in compliance with the Minnesota Food Code. She explained that all food storage and preparation must occur in the Mobile Food Unit or in a licensed establishment. No catering operations are allowed from the Mobile Food Unit unless approved by the local jurisdiction.

Sevening explained that the Elko New Market City Code does not currently address the licensing of food trucks specifically. By the City's current definitions a food truck is considered a transient merchant, which does require an annual license of the individual operating the food truck. She explained that many cities have chosen to regulate food trucks in order to mitigate potential negative impacts that may be created, such as noise, smell, light, traffic or safety hazards, and to address possible unfair competition with brick and mortar food establishments. She noted that some cities have chosen not to regulate food trucks / Mobile Food Units, some cities adopt regulations but do not require a city license, and some cities adopt regulations and do require a city license.

It was explained to the Commission that if the City Council ultimately decided to regulate Mobile Food Units, the regulations would not be contained in the City's zoning ordinance, but in the business regulations section of the code. Input is being sought from numerous stakeholder groups; the input will be forwarded to the City Council for consideration.

Sevening and Christianson asked for input from the Planning Commission regarding the topic. After discussion, the Commission recommended that the City Council regulate food trucks by creating an additional section in the City Code pertaining to Mobile Food Units and that a City license should be required. They also recommended that the following:

- Mobile Food Units should be allowed in commercial and industrial zoning districts.
- Mobile Food Units should not be allowed in residential zoning districts, but an exception should be made for them to operate at private parties (such as weddings or graduation parties) and for licensed block parties. They should also be allowed on the golf course property.
- Mobile Food Units should be allowed in City parks in conjunction with community events, only with the permission of the City.
- Mobile Food Units should not be allowed within road rights-of-way or on trails or sidewalks, unless the street is closed down in conjunction with a community event.
- Mobile Food Units should have restricted hours from 7:00 a.m. to midnight.
- There should not be a minimum distance requirement from existing restaurant/food establishments or schools.

- Mobile Food Units should be allowed in conjunction with community events such as church, school or community festivals, and also farmers markets.
- Catering should be allowed from Mobile Food Units in the City.
- A City license should be required for a Mobile Food Unit wishing to operate in the City and a fee required, although the license fee should be very minimal.
- Proof of insurance and state licensure should be provided to the City at the time of issuance of a local license.
- Background checks for Mobile Food Unit employees should not be required.
- The Planning Commission saw no need to regulate the size of the truck, the signage, lighting or power supply associated with a Mobile Food Unit.
- There should be an exception made to the current peddler/solicitor licensing requirements for those youth that are participating in youth fundraising events, such as Girl Scouts, Boy Scouts, or those taking orders for youth sports fundraising.
- The City staff person / department responsible for enforcement of Mobile Food Unit regulations should be clearly identified, and the process for enforcement and the penalty for noncompliance should be clear.

9. MISCELLANEOUS

A. City Staff/Consultant Business Updates and Reports

Community Development Specialist Christianson stated that a report containing updates on various projects was contained in the Planning Commission packets. She reminded the Commission of the upcoming open house related to the roundabout project.

B. Planning Commission Questions and Comments

There were no questions or comments from the Commission.

10. ADJOURNMENT

A motion was made by Smith and seconded by Kruckman to adjourn the meeting at 8:02 p.m. Motion carried: (5-0).

Submitted by:



Renee Christianson
Community Development Specialist