

A regular meeting of the City Council was held on Monday, July 24, 2023, at 6:30pm in the Council Chambers with Mayor Kirby presiding. Council Members present: Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Also participating: City Administrator, Joe Roby

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Approval of the Agenda:** Motion by Council Member Sullivan seconded by Council Member Williams to agenda as presented. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.
4. **Public Hearing:** Motion by Council Member Swanberg seconded by Council Member Huntington to open the public hearing. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.
 - 4A. Public Hearing: Ordinance 598: Mobile Food Units

Administrator Roby presented City Council with an overview of why the public hearing is being held and how it related to ordinance 598 as it pertains to mobile food units. Council Member Sullivan asked Administrator Roby why there seems to be a push to get this approved versus at the beginning of the year? Administrator Roby replied that it was simply timing of food truck inquiries and that it's been discussed at a staff level for a couple years. Council Member Sullivan continued with questions asking if the proposed ordinance differs from what other surrounding communities have passed, what the ordinance does to protect the city of Le Sueur, and what the purpose and depth of background checks? Administrator Roby responded that the ordinance doesn't contain any language that would differ from other communities that have passed such ordinances. He continued that the ordinance would protect the city by removing some of the liability of allowing food trucks to set up on public property, which many would be setting up in public spaces such as parking lots, parks, or city of ways. Mr. Roby concluded that the purpose of the background check is similar to those that are required for peddler or solicitor permits. Council Member Swanberg clarified that the section prohibiting loud noises and use of amplification isn't preventing vendors from calling out food orders. Council Member Touhey asked about ice cream trucks? Administrator Roby replied that yes food trucks would be held to the noise portion but with most ordinances it will be complaint based. Pete Schoeppner, owner of Luke's Diner located at 205 S. Main Street, spoke to City Council about his concerns how the new food truck ordinance would hinder town events specifically Music and a Meal that he funds. He added that he was in favor of some licensing requirements but feels the new ordinance is an overreach. He questioned why the City of Le Sueur needed to be listed as a secondary on the insurance certificate, the distance a food truck has to stay away from a brick-and-mortar restaurant, and the need to do background checks. Mr. Schoeppner commented that background checks aren't necessary in his opinion because event organizers are bringing in food trucks that they know. Jamie Erickson, a member of the Giant Days committee, voiced his concern about the length of the ordinance hindering food truck participation in Le Sueur. He added that background checks on each employee seems unnecessary and that should be held to the employer.
5. Motion by Council Member Sullivan seconded by Council Member Huntington to close the public

hearing. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.

6. **Consent Agenda:** Motion by Council Member Schlueter seconded by Council Member Williams to approve the following consent agenda as presented:

5A. City Council Minutes 07/10/2023

5B. Disbursements Through July 24, 2023 Meeting

5C. Approve Payment Application #1 – 2023 Street Maintenance (Patching)

5D. Approve Amended Payment Application #3 – North Taxilane Construction

5E. Personnel Action- Public Works Manager

Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Voting no: None. Motion carried 7-0.

7. **Public Comment:** None

8. **City Administrator Update:**

Administrator Roby welcomed Joel Schmidt as the new Public Works Manager! Mr. Roby met with Assistant Administrator of Henderson, Tim Pautsch, who will be taking over at the end of 2023 for Lon Berberich, to discuss mutual city goals. He also met with the Giant Days Committee to discuss the plans for Giant Days celebration. Planning Commission reminder that the community survey is out. There was an open house a couple weeks ago for the Veteran's Memorial at Legion Park held at the library. Last week he attended two meetings with the League of Minnesota Cities. Gave brief update on county meeting being held regarding the legalization of adult use cannabis and that staff are looking into couple ordinance options. Police Chief hiring process has begun with posting the open position. Finally, welcome Sam Kaderlik as our new water/wastewater operator!

9. **Regular Agenda:**

9A. Second and Final Reading of Ordinance 598: Mobile Food Trucks

Administrator Roby presented the suggested amended ordinance 598 as it pertains to mobile food trucks. City Council made changes to the ordinance before the first reading removing the exemption to brick and mortar businesses from having to pull a permit if they are selling outside their building and adding an exception to the use of public electricity at city sponsored events. Council Member Touhey asked why the City of Le Sueur had to be listed as a secondary insured on the policy if the vendor already has the required amount of insurance? Administrator Roby replied that it was for liability purposes if the food truck was setting up on public property and that if the food truck was set up on private property and not city owned property, the secondary insured would not need to list the city. Council Member Sullivan commented that Mankato, Jordan, and Carver all have the exact wording in their policies. He added that he doesn't want to see the city pass something that will hinder events coming to Le Sueur and that he doesn't want the City to rush anything. Council Member Swanberg thanked the people who brought the issues forward to inform City Council. He added that he believes the cities that don't have anything in place to address mobile food units are only asking for trouble but does feel that employee background checks seem a bit excessive. Ultimately, everyone wants to protect the citizens and the food truck vendors. Council Member Swanberg would like to change the language around distance from a brick and mortar, giving those businesses an opportunity to grant permission.

Discussion was held regarding next steps if the second reading was not held.

Motion by Council Member Sullivan seconded by Council Member Touhey to deny a second reading of Ordinance 598 as it pertains to mobile food units. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.

9B. Giant Days 2023 City Support Request

Administrator Roby presented City Council with a request from the Giant Days Celebration to give an in-kind donation in the amount of an estimated \$8,000.

Motion by Council Member Swanberg seconded by Council Member Touhey to approve the Giant Days Celebration in-kind donation. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.

9C. Assistant Local Weed Inspector Appointment

Administrator Roby presented that Mayor Kirby is the city's designated local weed inspector but Mayor Kirby had appointed Public Works Manager, Scott Schroeder, as the assistant local weed inspector but now that Mr. Schroeder has left his employment with the city, it is now being recommended that the new Public Works Manager be appointed as assistance local weed inspector with the city's Public Services Director being appointed to secondary assistance.

Motion by Council Member Touhey seconded by Council Member Swanberg to approve the appointments of the Public Works Manager and Public Services Director as assistant and secondary assistant local weed inspector. Voting in favor: Kirby, Schlueter, Sullivan, Swanberg, Touhey, and Williams; Voting against: Huntington. Motion carried 6-1.

9D. MMUA Delegate Appointment Updates

The City for many years has belonged to Minnesota Municipal Utilities Association and when votes are required, the city has sent a delegate to represent our interests. Justin Anderson has in years past been the appointed delegate to MMUA but staff is recommending that Foster Transburg be appointed as Le Sueur's delegate to represent the city with Justin Anderson and Rich Kucera being appointed alternates.

Motion by Council Member Swanberg seconded by Council Member Huntington to appoint Foster Transburg as the city's delegate to MMUA with Justin Anderson and Rich Kucera being appointed alternates. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.

9E. Sasse Farms 2023 Request

Administrator Roby presented City Council with a request from Sasse Farms to utilize space in the public parking lot at the corner of Second and Bridge Street to set up and sell their sweet corn. Sasse Farms has set up in this location for many years.

Motion by Council Member Sullivan seconded by Council Member Williams to approve the request from Sasse Farms to utilize space in the public parking lot at Second and Bridge. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg, Touhey, and Williams. Motion carried 7-0.

10. Comments/Reports/Items of Appreciation:

- Huntington: Nothing
- Schlueter: Attended Planning Commission meeting and two public hearings were scheduled to be held. One public hearing took place to rezone 811 S. 4th and the second public hearing

was postponed.

- Sullivan: A transit meeting was held but was unable to attend. EDA meeting tonight.
- Swanberg: Thank all the volunteers who helped run the Legion tournament.
- Touhey: Attended a transit meeting that went over the annual audit and it passed with flying colors.
- Williams: HRA meeting and Hillside Court is filling up. There were 11 finding in the HUD compliance review.
- Kirby: Next week is the town's celebration and have a good time! There will also be a parade so it would be appreciated if property owners could clean up with boulevards.

Motion by Council Member Huntington to adjourn meeting at 7:28pm. Voting in favor: Kirby, Huntington, Schlueter, Sullivan, Swanberg Touhey, and Williams. Voting no: None. Motion passed 7-0.

Lindsey Dhaene
City Clerk