



DRAFT

Approved: June 14, 2021

**CITY OF ARDEN HILLS, MINNESOTA
CITY COUNCIL SPECIAL WORK SESSION
MAY 24, 2021
5:45 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor Grant called to order the City Council Special Work Session at 5:45 p.m.

Note: On March 20th, 2020 the Mayor signed a determination allowing Councilmembers to participate in City Council meetings via telephone pursuant to State Statute 13D.021

Present: Mayor David Grant; Councilmembers Fran Holmes, Dave McClung, and Steve Scott

Absent: Councilmember Brenda Holden (excused)

Also present: City Administrator Dave Perrault; City Clerk Julie Hanson and City Attorney Joel Jamnik

1. AGENDA ITEMS

A. Food Truck Discussion

City Clerk Hanson stated that the City Council had directed staff to provide draft language amending City Code pertaining to mobile food units (food trucks) and that staff was looking for further direction. She said some points to be discussed were clarifying language regarding who may be served, limiting food trucks on residential properties to two catered events per year, requiring residential property owners to obtain a permit that could be similar to garage sales, and implementing a penalty if in violation for which the Council could assign a fine or fee if it so chooses. She indicated this draft was just a first round draft for Council discussion and depending on the direction, amendments could involve changes to Sections 395 and 320 and also the Fee Schedule.

Councilmember Scott asked if food trucks need a permit under the current ordinance when serving at a one-off catered event such as a graduation party or wedding reception and asked if it was the responsibility of the resident or the business to obtain the permit.

City Clerk Hanson stated at this time the City holds the actual vendor responsible for obtaining the license since they are the business operating at the event. She said that vendors must submit the City's application, a Certificate of Insurance, a copy of their Minnesota Department of Health license and/Ramsey County and then also written permission from the property owner at which the food truck would be operating.

Councilmember Scott asked for clarification of the temporary license.

City Clerk Hanson stated generally vendors have obtained a temporary license which allows operation of 7 days or less events in a calendar year.

City Administrator Perrault indicated that the vendor is technically issued a license, not a permit, and that a permit would be discussed later in the meeting as it pertains to residential properties.

Councilmember Holmes asked if vendors must obtain permission from the resident in order to have the event on the resident's property.

City Clerk Hanson stated that vendors must obtain written permission from the property owner and that this applies to all locations, commercial or residential properties. She stated she has been obtaining written permission from the host property owner prior to issuing a food truck license.

Councilmember Holmes asked about locations of neighborhoods hosting food trucks in the city.

City Clerk Hanson stated that last year the City was aware of one food truck event and subsequently found out this year that last summer the food trucks had been extended for several weeks. She said that so far this spring the City had been made aware of two locations in the city hosting food trucks. She indicated one property owner was following the current ordinance and providing written permission for trucks operating on their property but that she had not heard from the property owner of the other location and so had reached out to the property owner via mail. She indicated that she did not have confirmation that other location was operating and heard nothing further since the City received a complaint regarding that area. She said that it was confirmed food trucks were operating in the one area of the city and the vendors had been obtaining the required license.

Councilmember Holmes asked if there were violations in the past.

City Clerk Hanson replied that potentially, yes.

Councilmember Holmes stated she wanted to discuss requiring a fee for a residential permit versus a free permit such as is the case for garage sales.

City Administrator Perrault indicated he had spoken with Councilmember Holden who said she supported this and recommended a fee in the range of \$10 to \$20.

Mayor Grant asked what a reasonable fee could be and what other similar permits' fees are.

City Clerk Hanson stated the City has garage sales and boutiques permits that are no fee permits. She said there is also a miscellaneous permit application that provides for 5K races at no fee, block parties at no fee (generally Night to Unite), sidewalk sales at \$53, and solicitors/transient merchants which also have an associated permit and background check fees. She said there are various general rentals and then the actual business licenses that are more defined.

Councilmember McClung stated he supports the proposal to regulate a commercial health food service activity in terms of staff time. He indicated he supports a fee be assessed to recuperate the costs of staff receiving information, answering questions, and so forth and noted the City is not trying to raise money but rather recuperate staff costs.

Mayor Grant said that charging a fee would enable this function to not be overlooked and recover staff time.

A short discussion ensued and the City Council agreed to implement a fee of \$20 for a residential food truck permit.

Councilmember Holmes asked about an administrative penalty for a resident not obtaining a permit and suggested Council discuss a fee of \$100.

Mayor Grant asked what the fee was for violations such as a peddler.

City Clerk Hanson deferred to City Attorney Joel Jamnik as this type of particular fee is not called out currently in the Fee Schedule.

City Attorney Jamnik stated that most misdemeanor violations are on a payables list and may be reduced if it goes to court. He said that having a \$100 administrative penalty could be consistent with City Ordinance and other charges.

Mayor Grant asked if this fee is consistent with other cities that City Attorney Jamnik represents.

City Attorney Jamnik said that most cities double or triple the initial permit fee but that many do not have such a small initial fee for a permit of \$20.

The City Council agreed to propose a \$100 administrative fine.

Councilmember McClung stated regarding conditions of licensing and condition, that he would like better clarification and proposed taking the word “resident” out so there is no ambiguity as to the definition of resident.

Mayor Grant agreed as he had attended a catered event in Shoreview, noting he was invited but is not a resident of Shoreview.

City Attorney Jamnik indicated that the intent of the use of the word resident was to indicate a resident of the property where the truck will be located. He said the intent is to reference that food may be provided to the owners of property and their guests but not to the members of the general public.

Councilmember McClung stated he was fine with this but would like to better clarify the language referring to resident.

City Attorney Jamnik stated that the Council can clarify that the resident is the owner of the property where the truck is located and their guests.

Councilmember McClung stated the purpose of an amendment is to not have a resident say that anyone they invite is a “guest” as it becomes a community event rather than a private catered event.

City Attorney Jamnik noted that a fairly broad net can be cast if the City were to try to classify events and thus enforcement becomes difficult. He stated that rather the City could regulate the events as far as the number of events allowed at a property.

Councilmember Holmes also questioned the word “resident” and agreed that it is ambiguous. She recommended that the permit indicate the type of event and thus not be a general invitation. She said she would prefer to use the word guests as resident is too vague.

City Attorney Jamnik reiterated that limiting the number of events is being proposed just for residential properties and not commercial establishments.

Councilmember Scott asked for clarification about temporary versus annual licenses and the duration of such.

City Administrator Perrault stated that the maximum of no more than 21 days applies to non-residential properties of which can operate up to 21 days at the same location, but the food truck can operate in other locations in the city throughout the year. He reiterated the 21 days for an annual license refers to operation at one, single commercial location.

City Attorney Jamnik concurred with the definition of the annual license as it pertains to commercial properties and reiterated the difference between a temporary and annual license. He said that under the proposed amendment, a residential property would be limited to two events at a single residence.

Councilmember Holmes said yes, the food truck can operate at several residential properties as long as it is not at the same residential property more than twice.

The City Council resumed discussion regarding locations and the reference to “residents” instead of “guests”.

City Attorney Jamnik said his preference would be to elaborate that residents means owners or residents of the subject property and not a broader resident of the community or neighborhood. He suggested adding language to indicate that “resident” is referring to the resident of the property, the owners, the tenants or other occupants.

Councilmember McClung suggested saying “sales or service may only be made to residents of the property requesting the permit and guests at the catered event”.

A short discussion ensued about using the word resident versus owner.

Councilmember McClung further refined the language to state “sales or service may only be made to the applicant of the residential permit, their family and guests at the catered event”.

A discussion ensued about the ordinance being prospective or to look back in 2021. The City Council agreed to implement a residential food truck permit capped at two catered events per year prospective upon adoption of the ordinance and directed staff to bring the changes forward at the next regular meeting in June.

2. COUNCIL/STAFF COMMENTS

None.

ADJOURN

Mayor Grant adjourned the Special City Council Work Session at 6:25 p.m.

Julie Hanson
City Clerk

David Grant
Mayor