

Mission of the City of Courtland

We envision Courtland as a city with managed growth which offers a high quality of life for individuals, families and businesses at an affordable cost.

City Council Minutes

Regular Meeting

June 1, 2023

Members Present: Mayor Al Poehler
Council Member Pam Rodewald
Council Member Justin Kraus
Council Member Paul Bode
Council Member Ralph Bents

Members Absent:

Others Present: Julie Holm Dave Ubel Mark Fiemeyer Karen Fluegge Bryce Kloeckl Ken Reckard

The regular city council meeting was called to order by Mayor Al Poehler at 7:00 pm on June 1, 2023 in the Council chambers in City Hall.

Rodewald made a motion to approve the agenda. Bents seconded the motion. The motion carried with all in favor.

Kraus made a motion to approve May 4, 2023 regular Council minutes. Bode seconded the motion. Motion carried with all in favor.

Bents made a motion to approve monthly bills. Kraus seconded the motion. Motion carried with all in favor.

| Check# | Vendor | Date | \$AMT | description |
|--------|--------------------------|-----------|------------|--|
| EFT | MICROSOFT | 08-May-23 | \$8.86 | office 365 subscription |
| EFT | IRS | 12-May-23 | \$1,206.39 | federal payroll taxes |
| EFT | MN DEPT OF REVENUE | 12-May-23 | \$220.00 | mn payroll taxes |
| EFT | PERA | 12-May-23 | \$535.64 | PERA contributions |
| EFT | CITY OF COURTLAND | 24-May-23 | \$8,000.00 | transfer lions donation to 4MFund Savings park equipment |
| EFT | IRS | 26-May-23 | \$862.64 | federal payroll taxes |
| EFT | MN DEPT OF REVENUE | 26-May-23 | \$156.00 | mn payroll taxes |
| EFT | PERA | 26-May-23 | \$541.15 | PERA contributions |
| 22255 | COURI & RUPPE, P.L.L.P | 10-May-23 | \$625.00 | legal services for fire department joint powers agreement |
| 22256 | Holm, Julie | 18-May-23 | \$946.77 | Payroll 4/30-5/13/23 |
| 22258 | Voges, Jessie | 18-May-23 | \$553.37 | Payroll 4/30-5/13/23 |
| 22272 | Ubel, David | 18-May-23 | \$1,391.08 | Payroll 4/30-5/13/23 |
| 22259 | CITY OF COURTLAND | 18-May-23 | \$296.08 | fire hall, comm center, main shed, city office utilities |
| 22260 | CITY OF NEW ULM | 18-May-23 | \$7,708.99 | flow fees to new ulm |
| 22261 | COMCAST, INC | 18-May-23 | \$91.37 | main street office internet |
| 22262 | COURTLAND MART | 18-May-23 | \$781.13 | gas |
| 22263 | DAKOTA SUPPLY GROUP | 18-May-23 | \$1,027.49 | water valve shut off key, tracer wire lids, hydrant flange packages |
| 22264 | DAVE UBEL | 18-May-23 | \$45.00 | landfill fee to dispose of desks |
| 22265 | HAWKINS, INC | 18-May-23 | \$455.53 | water plant treatment supplies |
| 22266 | LMCIT | 18-May-23 | \$6,584.00 | 2023-2024 WC Insurance Premium |
| 22267 | MN LIFE INS COMPANY | 18-May-23 | \$5.00 | dave life insurance premium |
| 22268 | PROKORE INSPECTIONS, LLC | 18-May-23 | \$462.00 | building permit remittance - April |
| 22269 | RIVER VALLEY LAWN CARE | 18-May-23 | \$324.70 | crabgrass and fertilizer spraying parks & fire station |
| 22270 | UNITED NATURAL GAS | 18-May-23 | \$906.82 | main shed, firehall, wtr plant, city office natural gas |
| 22271 | XCEL ENERGY | 18-May-23 | \$1,505.98 | office, firehall, wtrtwr, park, lifts, wtrplnt, main shed, st lights |
| 22273 | Holm, Julie | 01-Jun-23 | \$918.65 | Payroll 5/14-5/27/23 |
| 22274 | Ubel, David | 01-Jun-23 | \$1,391.08 | Payroll 5/14-5/27/23 |
| 22275 | Voges, Jessie | 01-Jun-23 | \$553.37 | Payroll 5/14-5/27/23 |

| | | | | |
|-------|------------------------------|-----------|-------------|---|
| 22276 | BADGER METER | 01-Jun-23 | \$115.08 | beacon web program support meter reading 386 units apr_may |
| 22277 | BOLTON & MENK, INC | 01-Jun-23 | \$602.00 | Hwy 14 Turnback Meeting, sewer televising contract administration |
| 22278 | CLEARWAY COMMUNITY SOLAR LLC | 01-Jun-23 | \$1,945.76 | solar subscription |
| 22279 | CLIFTONLARSONALLEN | 01-Jun-23 | \$2,730.00 | audit services |
| 22280 | COMCAST, INC | 01-Jun-23 | \$93.37 | comm center, fire hall internet |
| 22281 | HAWKINS, INC | 01-Jun-23 | \$404.04 | water plant supplies |
| 22282 | LOFFLER | 01-Jun-23 | \$61.92 | mfp maintenance 5/24-6/23/23, color copies |
| 22283 | RUNNINGS SUPPLY, INC. | 01-Jun-23 | \$116.72 | gas can replacement spout, city maintenance supplies |
| | | | \$44,172.98 | |

Public Utilities Report:

Dave reports a fire hydrant was damaged by the construction company while drawing water for the highway project. The hydrant will be repaired and the construction company billed for the repair.

Reported having to shut off water at 324 Main Street for failure to pay.

Dave has received a bid for replacing the city lawn mower after testing a couple of styles. The current mower is eleven years old. The dealership uses state bid pricing which gives a significant price reduction and with trade in the cost is \$8247. Dave will obtain an additional bid for comparison.

Bents made a motion to purchase lawn mower. Rodewald seconded the motion. Motion carried with all in favor.

Mayor Report: None

Council Report: None

Street Committee: None

City Clerk has list of items that have been approved during the most recent legislative session and has provided documents in online packet for review. Highlights are an increase in LGA is coming, one time public safety aid of \$32,469 and a small city assistance of approximately \$25,000 these onetime aids are to be paid in December when our regular LGA is paid out.

Legalization of Adult Use Cannabis and coming will be procedure for licensing sales in the future. Possession and home growth is effective August 1st, 2023.

Another bill passed is for Paid Family and Medical Leave creating state-administered insurance program which will go into effect in 2026 and will be funded by a payroll tax similar to unemployment.

Other note is Juneteenth Holiday (June 19) is effective this year as a state holiday and the city office will be closed, this is a change as it was not set to be effective until 2024.

The employee personnel policy will need to be updated to reflect changes for the holiday and the paid leave act.

City Clerk will be on vacation July 3rd through July 5th for the holiday.

New firefighter hire: The fire department has interviewed and approved hiring new firefighter Brandon Hanevik and need council approval.

Rodewald made a motion to approve hiring Brandon Hanevik pending physical completion. Kraus seconded the motion. Motion carried with all in favor.

Fire Department Temporary Liquor License for street dance. The fire department is requesting approval of Temporary On Sale Liquor License for street dance August 19, 2023.

Rodewald made a motion to approve Temporary On Sale Liquor License for Fire Department Street Dance August 19, 2023. Kraus seconded the motion. Motion carried with all in favor.

Clerk presents annual liquor license renewals for Swany's and The Crow Bar and Grill. Each have submitted paperwork needed and paid fees.

Kraus made a motion to approve Swany's 2023-2024 Liquor License renewal. Bents seconded the motion. Motion carried with all favor.

Rodewald made a motion to approve The Crow Bar & Grill 2023-2024 Liquor License renewal. Bents seconded the motion. Motion carried with all in favor.

Clerk presents Ordinance 23-102 An Ordinance Amending Part 2 of Chapter VII in regards to Mobile Food/Non Alcoholic Beverage Units forwarded from Planning Commission after public hearing was held.

Council discussion regarding fee and charged for all regardless of where they plan to park and making a map showing where allowed to park.

Kraus made a motion to approve Ordinance 23-102 Amending Part 2 of Chapter VII waiving the reading. Bents seconded the motion. Motion carried with all in favor.

Clerk has prepared Resolution 23-102 Publication of Ordinance 23-102 by Title and Summary.

Rodewald made a motion to approve Resolution 23-102 A Resolution Approving Publication of Ordinance 23-102 by Title and Summary. Kraus seconded the motion. Motion carried with all in favor.

Old Highway 14 Turn back Preliminary Engineering Analysis proposal from Bolton & Menk. Mayor Poehler, Dave and Julie attended a meeting with Nicollet County representatives and consulting firm they have hired to make a plan for section of the highway that will be turned back to the county, the portion east of 4th Street, County Road 24 to County Road 25. Discussion during that meeting led to having Bolton and Menk prepare the analysis for the portion west of 4th Street that will become a City street. Council discussion is with the proposal to make sure tasks approved are using data already available, not duplicating tasks. Consensus is to wait for a proposal from MNDOT and determine what is needed from Bolton and Menk.

Zach Baker approaches the council to discuss payment plan for past due water bill which led to his water being shut off. Clerk Holm provided data on amount and history of account. The amount past due is \$521.45 plus \$50 reconnect fee. Mr. Baker can make an additional payment of \$100 now leaving balance of \$471.45. Average monthly bill is approximately \$70. After calculation, council proposes 6 month plan of \$160 per month and waives monthly late fee charges until bill is paid. Should payment not be made on time, late fees will be charged and water will be shut off. Mr. Baker is in agreement with plan, clerk will prepare agreement and send with next water bill.

Bode made a motion to approve payment plan to Zach Baker of \$160 per month waiving late fees during plan. Rodewald seconded the motion. Motion carried with all in favor.

Bode made a motion to adjourn. Bents seconded the motion. Motion carried with all in favor.

Meeting adjourned 7:40pm

A signed written copy of the minutes is on file in the office of the city clerk.

Respectfully submitted,

Signed: _____
Al Poehler, Mayor

Attest: _____
Julie Holm, City Clerk

ORDINANCE 23-102
CITY OF COURTLAND
NICOLLET COUNTY, MINNESOTA

AN ORDINANCE AMENDING PART 2 OF CHAPTER VII
OF THE CITY CODE OF THE CITY OF COURTLAND

702.01 : SUBDIVISION 7: MOBILE FOOD/NON ALCOHOLIC BEVERAGE UNIT.

(A) *Purpose.* The purpose of this section is to establish standards to ensure that mobile food units/vendors as defined herein are appropriately located, licensed and inspected, do not impede vehicular access, traffic flow or circulation, or create public safety hazards.

(B) *General regulations.*

(1) *Definitions.* For the purposes of this section, the following definitions shall apply:

MOBILE FOOD/NA Beverage UNIT and **MOBILE FOOD UNIT VENDOR.** Any self-propelled vehicle or fully contained trailer, licensed by the State of Minnesota to operate on public city streets and roadways, which vends food or NA drink (either pre-packaged or prepared in the unit) at retail for immediate consumption by the customer, and who are licensed by the State of Minnesota Department of Agriculture and/or Department of Health and/or the Brown-Nicollet County Environmental Health Department, and the City of Courtland as a mobile food unit.

VEND or **VENDING.** The process of the transfer of a food product from the unit operator to a customer. Vending begins when the unit initially stops in a location at which customers can access the unit and continues until the unit leaves that location.

(2) *Applicability.* Notwithstanding any contrary provision of any city ordinance, regulation, or rule, mobile food units/vendors shall be licensed and located as provided in this section:

(a) *Licenses required.* Within the City of Courtland, no person shall vend from a mobile food unit without first having obtained a license to do so from the city.

(b) *Fees.* The fee for an annual license shall be established from time-to-time by the City Council and shall entitle the operator to vend from one such unit for 1 year from the date on which the license is issued. The license shall be displayed on or within the unit, visible from the outside of the unit, whenever the unit is vending.

(c) *Other licenses required.* Applicants must provide evidence of current licensing of the unit by the Minnesota Department of Agriculture, the Minnesota Department of Health and/or Brown-Nicollet Environmental Health as appropriate.

(d) *Insurance.* Applicants must provide evidence of liability insurance in which the city is named coinsured which shall provide a limit of coverage as established from time-to-time by the City Council for both bodily injury and for property damage. Written notice of cancellation of such insurance must be given to the city not less than 30 days prior to actual cancellation.

(e) *Restrictions on vending activity.*

1. Mobile food units/vendors are prohibited from vending activity within 500 feet of the nearest property line of any business in the city holding a food-service license issued by the Brown-Nicollet County Environmental Health Department.

2. Mobile food units/vendors are prohibited from vending activities within 500 feet of a community event for which the city has issued a special event permit, unless they are specifically authorized by the event sponsor to participate in the event. The terms of the special event permit shall apply.

3. Mobile food units/vendors are allowed to vend on public city streets between the hours of 5 a.m. and 8:00 p.m. on all days of the week in B-1, B-2, I-1, I-2 zoning districts if they are 500 feet from the nearest property line of any business in the city holding a food- service license issued by the Brown-Nicollet County Environmental Health Department.

4. Mobile food units/vendors are allowed to vend on private property between the hours of 5:00 a.m. and 8:00 p.m. on all days of the week in the B-1, B-2, I-1, I-2 zoning districts if they are 500 feet from the nearest property line of any business in the city holding a food- service license issued by the Brown- Nicollet County Environmental Health Department and if permission has been granted by the landowner to vend. Mobile food units/vendors shall collect and remit all applicable licenses, fees, and taxes of the City of Courtland, Nicollet County, and the State of Minnesota.

(f) *Exemptions on restrictions.*

1. Business owners holding a food-service license with the Brown-Nicollet County Environmental Health Department may operate a mobile food unit owned by the business owner on their property, within 500 feet of another food-service license holding establishment in Courtland, for 50 days each year.

2. Breweries and wineries licensed by the Minnesota Department of Public Safety are exempt from locating a food truck within 500 feet of a business holding a food-service license issued by the Brown-Nicollet County Environmental Health Department.

3. Mobile food units which are vending at an event hosted by the city are allowed to operate as authorized by the organizers/managers of the event, at the location of, and for the duration of the event. Participation at an event hosted by the city does not apply to toward the cumulative 50 day exemption authorized in 702.01 SBDV7 (B) (2) (f) (1) above.

4. Special events permits approved by the city for business owners within 500 feet of another food-service license holding establishment in Courtland apply toward the cumulative 50 day exemption authorized in 702.01 SBDV7(B)(2)(f)(1).

(g) *Location or placement.*

1. On public city streets, no unit shall occupy more than 2 parking spaces.

2. The unit shall vend only from the side of the vehicle away from moving traffic and pedestrian walkways of no less than 6 feet shall be maintained on the service side of the unit.

3. In no case shall a unit vend while occupying a traffic lane, parked on a sidewalk, parked on a pedestrian crossing location, or in any location which obstructs or impedes vehicle or pedestrian traffic.

4. The unit shall not vend to any person standing in the traveled portion of any public roadway.

5. On public city streets, no unit shall vend within 60 feet of the intersection of 2 or more public streets, nor within 30 feet of a driveway which enters onto a public city street.

6. There shall be no overnight parking of food trucks on the public right-of-way.

7. No unit shall vend while the unit is in motion.

8. Connection of the unit to public utilities is not permitted.

(h) *Dimensions.* No mobile food unit shall exceed 40 feet in length (overall length for a self-propelled vehicle; trailer length including the towing vehicle for self-contained trailers) or 10 feet in height.

(i) *Signs and appurtenances.*

1. Mobile food units/vendors shall not employ or utilize any signs that are not attached directly to the vehicle/trailer. Signs may not project above the unit, nor more than 6 inches from the

side of the unit. No flashing, strobing or intermittent lighting is allowed.

2. No external seating shall be provided or utilized except as may be provided by the owner, manager, or agent of any private property on which the unit may be properly located.

3. Any generator used by the unit must be self-contained within or on the unit, screened from view, and operate at no more than 70 decibels.

4. While vending, the operator may not call attention to the unit by crying out, blowing a horn, ringing a bell, or playing music or other sounds discernible beyond the unit. Amplified sound is not permitted outside of the unit.

5. Waste receptacle(s) must be provided by the unit operator and the vending site must be cleaned of all litter and garbage generated by the unit and customers before the unit leaves the location.

(C) *Enforcement.* Any violation of this section, including but not limited to the vending operation of a mobile food unit within the city without a license issued pursuant to this section, shall be a misdemeanor punishable by up to a \$1,000 fine and/or 90 days in jail.

SUBDIVISION 8 VIOLATION.

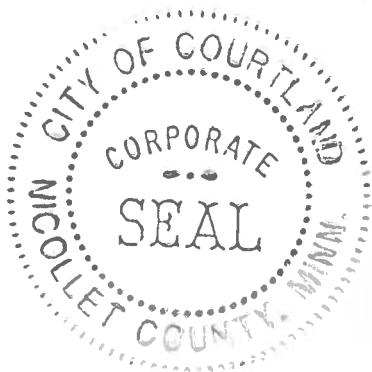
Every person violates a section, division, subsection or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions thereof.

This Ordinance shall be in full force and take effect from and after its passage, approval and publication.

Passed by the City Council of the City of Courtland, Minnesota on the 1st day of June 2023

Signed: Al Poehler
Al Poehler, Mayor

Attest: Julie Holm
Julie Holm, City Clerk



RESOLUTION NO. 23-102

A RESOLUTION APPROVING PUBLICATION OF ORDINANCE 23-102 BY TITLE AND SUMMARY

WHEREAS, on June 1, 2023, the City Council of the City of Courtland adopted Ordinance 23-102 which amends Part 2 "Offenses" of the Courtland Code of Ordinances Chapter VII; and

WHEREAS, Minnesota Statutes §412.191, subd.4 allows publication by title and summary in the case of lengthy ordinances upon a vote of 4/5 of the city council; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COURTLAND:

1. The City Council of the City of Courtland has adopted Ordinance 23-102, which amends Part 2 "Offenses" of the Courtland Code of Ordinances Chapter VII. The ordinance is relating to regulations of Mobile Food/Non Alcoholic Beverage Units in the City of Courtland with the purpose to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
2. The City Clerk is directed to publish this resolution in lieu of publication of the entire ordinance.
3. The City Clerk is directed to post a copy of the entire text of Ordinance 23-102 on the City website for a period of not less than thirty (30) days. In addition, a copy of Ordinance 23-102 is available upon request, or for inspection by any person during regular office hours at Courtland City Hall.

Whereupon, said Resolution is hereby declared passed on this 1st day of June, 2023.



Al Poehler, Mayor

ATTEST:



Julie Holm, City Clerk Treasurer

