

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON June 18, 2018, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

Vice Chairman Hansen called the meeting to order at 5:30pm. Roll Call was taken. A quorum was present.

MEMBERS PRESENT: Eynon, Hansen, Long, Giovig Bauer, Christensen, Aafedt

MEMBERS ABSENT: NONE

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Mark Schneider, Development Services Director; Bob Hanson, City Engineer; Jordon Evert, Assistant City Attorney; Christine Edwards, P&Z Office Manager.

COMMUNICATIONS:

A. Approval of minutes of the May 21, 2018, Planning Commission Meeting.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to approve the May 21, 2018, minutes as presented. **CARRIED ON VOICE CALL**

PUBLIC HEARINGS:

A. Ordinance 1083, an Update to Section 20-2, Food Trucks and review of Ordinance 1084, an update to Section 25Q, Food Trucks - Staff

Chairman Aafedt introduced this item (as above) and asked Laqua to present. Laqua stated that this ordinance amends these two ordinances 1083 and 1084 both update City regulations on food trucks. Ordinance 1084 modifies Section 25.Q of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston. Ordinance 1083 modifies Section 20-2 of the City of Williston Code of Ordinances.

Laqua explained that only Ordinance 1084 requires a public hearing at this Commission meeting as a Planning and Zoning Ordinance. Ordinance 1083 only updates City Ordinances so will require a public hearing at City Commission and is only a review by the P & Z Commission. Both will be heard by the City Commission on June 26th. The second reading, if the first reading is approved, would be July 10, allowing food trucks to be in operation by July 11th.

Laqua then walked through the ordinances. Comments made during her presentation are in italics and bolded.

ORDINANCE 1083
(Review only by this Commission)

AN ORDINANCE ADDING 20-2 OF THE CITY ORDINANCE OF THE CITY OF WILLISTON, ADDING REGULATIONS FOR MOBILE FOOD TRUCKS TO PERMITTED USES OF STREETS, SIDEWALKS, ALLEYS OR PUBLIC GROUNDS.

Section 20-2. Permitted Uses of Streets, Sidewalks, Alleys or Public Grounds

(a) Mobile Food Trucks

- a. For purposes of this Section, a "mobile food truck" is defined as a licensed mobile food unit, as licensed through the NDDOH.
- b. No person may set up or operate a mobile food truck without first obtaining a license and meet the requirements and conditions laid out in this section. The City Auditor is authorized to issue a license for a mobile food truck, with approval from the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer. This license may only be obtained if the Health Department has licensed the food truck. **(NOTE: Building Official, Planning and Zoning Director will be changed to Development Services Director)**
- c. Mobile food trucks may only operate in a designated "food truck area" as noted in this section. **(During public meetings it was asked if a contained trailer would be considered. Staff has learned that the NDDOH does consider contained trailers as food trucks.)**
- d. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license.
- e. Any violations of this ordinance will be subject to the removal of the mobile food truck license for the remainder of the license issuance period, as follows:
 - i. If a mobile food truck is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 - ii. Any person having information that the mobile food truck license holder has violated any provisions of this ordinance may submit a complaint to the Planning Director setting forth such violation. **(Planning Director will change to Development Services Director)**
 - iii. If any mobile food truck receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:
 1. Upon receipt of such complaint, or confirmation that the mobile food truck has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck license holder by registered or certified mail not less than 10 days before such hearing. **(Either Code Enforcement or City Police Dept.)**
 2. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck license.
 - iv. Any act or the failure to do any act which creates a public nuisance, or in the event of repeated violations which may or may not meet the requirements listed above, the City retains the ability to immediately revoke the food truck license.
 - v. Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the Board of City Commissioners for any cause deemed by the Board to be sufficient cause and justified by reason of public health or public morals.
- f. License holders for mobile food trucks and their employees shall meet the following:

Health and Safety Regulations:

- i. The license holder shall comply with all North Dakota Department of Health

- (NDDOH) and other applicable regulatory agency requirements, including, but not limited to, the requirements for food service. The license holder shall display in a conspicuous location all such required licenses and/or permits and shall provide copies of those licenses and/or permits to the city prior to issuance of a license for a food truck by the city. The license holder shall continuously maintain the required approvals, permits and/or licenses and provide evidence to the city of the continuous maintenance of them.
- ii. The license holder shall obtain and display a certificate of insurance from a company licensed to do business in North Dakota, evidencing that the license holder has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence. The City of Williston must be named as an additional insured.
 - iii. Copies of a criminal record check for owner and all employees of the food truck.
 - iv. At time of application, applicant must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing a license.
 - v. Any food trucks must be registered in North Dakota.
 - vi. Food trucks must be a dedicated truck for this purpose and must be approved by the NDDOH.
 - vii. The license holder shall provide with their application the number of vehicles they intend to operate as a food truck, a description of all food trucks they intend to operate, license plate information for each food truck, VIN for each food truck, proof of insurance coverage for each food truck, and proof of fire and safety inspection for each food truck.
 - viii. A separate application and fee is required for each food truck applied for by the applicant.
 - ix. If anything changes, the license holder shall deliver updated and current information to the Williston Police Department and Williston Auditor's office within 10 days.
 - x. All food waste must be disposed of at licensed food establishment. There must be a designated Person in Charge of food safety with the food truck at all times, as per NDDOH requirements.

Maintenance Regulations

- i. The license holder shall provide proper containers or some other means for the collection of waste and trash from the food truck. The license holder shall keep the immediate area around the food truck and the food truck clean of garbage, trash, paper, cups, cans or litter associated with the operation of the food truck. All waste and trash shall be properly disposed of by the license holder.
- ii. The license holder is responsible to remove any garbage, spills, or stains or repair any damage to the designated area resulting from operations of the food truck.
- iii. The license holder shall be responsible for the maintenance, upkeep and security of the food truck. Skirting of the food truck is not allowed.
- iv. The food truck must be kept in good operating condition, with no rust or peeling paint.
- v. Advertising decals are limited to the name of the licensed vendor, the types of food for sale, and the price lists of those items.

Noise Regulations

- i. The license holder shall comply with all noise regulations set forth in the Williston City Code of Ordinances.
- ii. The license holder shall not have on the premises any bell, siren, horn,

loudspeaker or any similar device to attract the attention of possible customers nor shall the license holder use any such device to attract attention.

Parking and Traffic Regulations

- i. A food truck may not utilize a drive through window.
- ii. Parking on sidewalk, median, or landscaped area of the Right Of Way is not allowed.
- iii. Mobile vending units may park only in parallel spaces - neither vehicle nor customers may interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- iv. A food truck must locate the vending window facing the sidewalk and may not make sales to anyone within a roadway.
- v. A food truck does not have an exclusive right to a location.
- vi. A food truck may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public way. For the purpose of this item, the judgement of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- vii. A food truck must obey all state and local parking and traffic regulation.
- viii. Written approval must be granted by the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer prior to parking on public grounds which are not a street.

Mobile Food Truck General Regulations:

- i. A food truck must be parked at least 200 feet from entrance of a restaurant; 5 feet from a driveway, ADA ramp, emergency call box, building entrance or utility box; and 15 feet from a fire hydrant.
- ii. A food truck may not be left unattended.
- iii. All power must be self-contained.
- iv. A food truck must be moved from operating location and parked in a storage area each night.
- v. A food truck must provide portable lighting adequate to illuminate the vicinity of the mobile vendor vehicle.
- vi. A food truck may not place chairs, tables, or other temporary seating in public right of way, including on the sidewalk.
- vii. A six square foot menu board may be placed on the sidewalk directly in front of the food truck. Said menu board may not impede required ADA spacing.
- viii. A food truck may only be parked in the following designated areas:
 1. 4th Street between 1st Ave E and 2nd Ave W
 2. 1st Ave W between Broadway and 4th St W
 3. 27th St W between 32nd Ave W and Harvest Hills Drive (**City Engineer suggested this be limited to 31st St.**)
 4. 28th St W between 32nd Ave W and Harvest Hills Drive
 5. Other locations as approved by the City Department of Public Works and Development Services.

Downtowners Assoc. is requesting a barrier or a one block ban around events unless permitted by events sponsors.

There was a request by a member of the Downtowners Assoc. to allow food trucks on Main Street from 1st to 4th Ave. There is concern by the Police Department about food trucks becoming a gathering place for the bar crowd creating a higher call rate.

The Parks Dept. is requesting a street on either the south or east side of the Harvest Hills soccer

park for food trucks to offer food for park activities. Commissioner Eynon suggested checking with the Fire Department before allowing anyone on the east side to be sure that there will not be any interference with emergency calls.

- ix. A food truck may only operate between the hours of 6am to 1am, unless it is within 150' of a residentially zoned area, in which case a food truck may only operate between the hours of 7am and 10pm. The food truck must be returned to a storage area when it is not in operation.

ORDINANCE 1084

(This is a public hearing before the P&Z Commission with a recommendation to the City Commission)

AN ORDINANCE AMENDING ORDINANCE 1073, WHICH WAS AN AMENDMENT TO ORDINANCE 958, WHICH WAS AN AMENDMENT TO ORDINANCE 613, OTHERWISE KNOWN AS THE ZONING ORDINANCE OF THE CITY OF WILLISTON, MODIFYING SECTION 25.Q. TO ALLOW AND REGULATE MOBILE FOOD TRUCKS

Section 25.Q. Mobile Food Trucks

Mobile food trucks are permitted as follows:

(b) Mobile Food Trucks

- a. For purposes of this Section, a "mobile food truck" is defined as a licensed mobile food unit, as licensed through the NDDOH.
- b. No person may set up or operate a mobile food truck without first obtaining a license and meet the requirements and conditions laid out in this section. The City Auditor is authorized to issue a license for a mobile food truck, with approval from the Building Official, Planning and Zoning Director, Chief of Police, Director of Public Works, Fire Chief, and City Engineer. This license may only be obtained if the Health Department has licensed the food truck.
- c. Mobile food trucks may only operate in a designated "food truck area" as noted in this section.
- d. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license.
- e. Any violations of this ordinance will be subject to the removal of the mobile food truck license for the remainder of the license issuance period, as follows:
 - i. If a mobile food truck is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 - ii. Any person having information that the mobile food truck license holder has violated any provisions of this ordinance may submit a complaint to the Planning Director setting forth such violation.
 - iii. If any mobile food truck receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:
 - 1. Upon receipt of such complaint, or confirmation that the mobile food truck has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck license holder by registered or certified mail not less than 10 days before such hearing.

2. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck license.
- iv. Any act or the failure to do any act which creates a public nuisance, or in the event of repeated violations which may or may not meet the requirements listed above, the City retains the ability to immediately revoke the food truck license.
- v. Such causes as hereinbefore described shall not be deemed to be exclusive and such license may be terminated at any time by the Board of City Commissioners for any cause deemed by the Board to be sufficient cause and justified by reason of public health or public morals.

f. License holders for mobile food trucks and their employees shall meet the following:

Health and Safety Regulations:

- i. The license holder shall comply with all North Dakota Department of Health (NDDOH) and other applicable regulatory agency requirements, including, but not limited to, the requirements for food service. The license holder shall display in a conspicuous location all such required licenses and/or licenses and shall provide copies of those licenses and/or licenses to the city prior to issuance of a license for a food truck by the city. The license holder shall continuously maintain the required approvals, licenses and/or licenses and provide evidence to the city of the continuous maintenance of them.
- ii. The license holder shall obtain and display a certificate of insurance from a company licensed to do business in North Dakota, evidencing that the license holder has general liability insurance policies in effect with limits of at least \$250,000 per individual and \$1,000,000 per occurrence. The City of Williston must be named as an additional insured.
- iii. Copies of a criminal record check for owner and all employees of the food truck.
- iv. At time of application, applicant must provide a copy of a notarized statement signed by the applicant holding the City harmless against claims and litigation for issuing a license.
- v. Any food trucks must be registered in North Dakota.
- vi. Food trucks must be a dedicated truck for this purpose and must be approved by the NDDOH.
- vii. The license holder shall provide with their application the number of vehicles they intend to operate as a food truck, a description of all food trucks they intend to operate, license plate information for each food truck, VIN for each food truck, proof of insurance coverage for each food truck, and proof of fire and safety inspection for each food truck.
- viii. A separate application and fee is required for each food truck applied for by the applicant.
- ix. If anything changes, the license holder shall deliver updated and current information to the Williston Police Department and Williston Auditor's office within 10 days.
- x. All food waste must be disposed of at licensed food establishment.
- xi. There must be a designated Person in Charge of food safety with the food truck at all times, as per NDDOH requirements.

Maintenance Regulations

- i. The license holder shall provide proper containers or some other means for the collection of waste and trash from the food truck. The license holder shall keep

- the immediate area around the food truck and the food truck clean of garbage, trash, paper, cups, cans or litter associated with the operation of the food truck. All waste and trash shall be properly disposed of by the license holder.
- ii. The license holder is responsible to remove any garbage, spills, or stains or repair any damage to the designated area resulting from operations of the food truck.
 - iii. The license holder shall be responsible for the maintenance, upkeep and security of the food truck. Skirting of the food truck is not allowed.
 - iv. The food truck must be kept in good operating condition, with no rust or peeling paint.
 - v. Advertising decals are limited to the name of the licensed vendor, the types of food for sale, and the price lists of those items.

Noise Regulations

- i. The license holder shall comply with all noise regulations set forth in the Williston City Code of Ordinances.
- ii. The license holder shall not have on the premises any bell, siren, horn, loudspeaker or any similar device to attract the attention of possible customers nor shall the license holder use any such device to attract attention.

Parking and Traffic Regulations

- i. A food truck may not utilize a drive through window.
- ii. A Food Truck may only be parked on a paved area, with paved parking for customer cars.
- iii. A food truck may not park on a sidewalk.
- iv. A food truck may only be parked on a developed lot, which has a permanent business and structure on the property.
- v. A food truck may not interfere with the needed parking for the permanent business and building on the property. ***Needed parking is different from required parking. In discussion, Aafedt asked who determines "needed" parking. Laqua said that the business owner would determine that based on their usual business volume at certain times. Whereas required parking could be empty but all spaces are required by code.***
- vi. A food truck or its customers may not interfere with public access to adjacent parking stalls or to driveways or entrances of existing buildings or uses.
- vii. A food truck must locate the vending window to ensure pedestrian safety and may not make sales to anyone within a roadway.
- ix. Customers may not use the right of way or landscaped area for queueing.
- x. A food truck may not operate in a congested area where such operation might impede or inconvenience the public use of such streets or public way. For the purpose of this item, the judgement of a police officer or license inspector, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.
- xi. A food truck must obey all state and local parking and traffic regulation.
- xii. No more than one food truck is allowed per private lot, unless the lot owner has a license for a food truck park, as noted below.
- xiii. Written approval must be granted by the owner and tenant of any lot which a food truck wishes to park on prior to parking. In the case of a corporate entity, this letter must be accompanied by proof that signatory is an authorized agent. This letter must be kept in the food truck. This provision expressly applies to all Williston Park Recreational District property.

Mobile Food Truck General Regulations:

- i. A food truck must be parked at least 200 feet from entrance of a restaurant 5 feet from a driveway, sidewalk, ADA ramp, emergency call box, building entrance or utility box; and 15 feet from a fire hydrant.
- ii. A food truck may not be left unattended.
- iii. All power must be self-contained, or food truck must have written approval by property owner to hook up to power in a safe manner.
- iv. A food truck must be moved from operating location and parked in a storage area each night.
- v. A food truck must provide portable lighting adequate to illuminate the vicinity of the mobile vendor vehicle.
- vi. A food truck may place chairs, tables, umbrellas, etc. on the private lot, as long as they do not impede parking and traffic. These must be removed at the end of the day.
- vii. A six square foot menu board may be placed on the sidewalk directly in front of the food truck. Said menu board may not impede required ADA spacing.
- viii. A food truck may only be parked in the following zones, subject to all regulations in this section: M-1: Light Industrial; C-2: General Commercial; C-3: Restricted Commercial; HCC: Highway Corridor Commercial; P: Parks and Open Space.
- ix. A food truck may only operate between the hours of 6am to 1am, unless it is within 150' of a residentially zoned area, in which case a food truck may only operate between the hours of 7am and 10pm. The food truck must be returned to a storage area when it is not in operation.

Clearance Regulations

- i. Furniture, canopies, fencing and/or other accessories used for the food truck shall be located so that a minimum clearance required by the Williston Building Code or the Americans with Disabilities Act, whichever is more restrictive, shall be provided at all times.
- ii. No outdoor patio area equipment, fencing or furniture may be placed in such a manner as to obstruct a building exit, nor may it be left up overnight.

Food Truck Park

(Staff would like to change this to require an SPU)

- i. A property owner may apply for a food truck park, otherwise known as a congregation area. Said property must meet the following:
 1. Fully developed and paved lot.
 2. Parking to accommodate all customers, of both the permanent business and the food truck park. A determination on adequate parking may be made by the Planning Director and Chief of Police. A license may be revoked if congestion of surrounding parking areas or street right of ways becomes a concern.
 3. In the absence of adequate on-site parking, public parking must be available nearby.
- ii. No person may set up or operate a mobile food truck park without first obtaining a license and meet the requirements and conditions laid out in this section.
- iii. Licenses are issued annually and are only valid for a 12 month period. All licenses shall expire on December 31 of each year regardless of when a person obtains a license.
- viii. Any violations of this ordinance will be subject to the removal of the mobile food truck park license for the remainder of the license issuance period, as follows:

1. If a mobile food truck park is in violation of any provision of this ordinance, a ticket for \$500 may be issued by the Williston Police Department during the violation.
 2. Any person having information that the mobile food truck park license holder has violated any provisions of this ordinance may submit a complaint to the Planning Director setting forth such violation.
 3. If any mobile food truck park receives 3 tickets, or receives 3 complaints from independent and separate business or property owners within a 6 month period, the following shall apply:
 4. Upon receipt of such complaint, or confirmation that the mobile food truck park has received three tickets from the Williston Police Department, the matter shall be set for hearing in a reasonable period of time at the regular meeting of the Board of City Commissioners. A copy of the complaint and notice of the hearing will be mailed to the mobile food truck park license holder by registered or certified mail not less than 10 days before such hearing.
 5. Upon the board of City Commissioners making a written finding that a violation of this ordinance occurred it shall immediately revoke the mobile food truck park license.
- iv. Food trucks operating within the park must follow all regulations laid out within this ordinance, with the exception of the following items:
1. Food trucks may stay in place overnight. However, NDDOH requirements require that food trucks must change location every 14 days. Regardless, skirting is not allowed.
 2. Furniture may stay out overnight.
 3. Power may be provided by food truck park operator.

This ordinance effort began with a committee that includes the NDDOH, the Chamber of Commerce, SBDC, Economic Development, CVB, Development Services, City Police, three Planning and Zoning Commissioners, two City Commissioners, and the City Attorney and Administrator.

The proposed ordinances were released to the public over the last month, and have received several comments, gathered mostly through email and a public meeting held the night of June 13th. Overall, the community seems in favor of the proposed ordinance.

Staff also met with the Parks district, who are in favor of the proposal, but had a request for specific language to be added expressly requiring their approval in order to park on Park ground. They also requested the addition of two streets which run alongside existing parks which do not have a paved parking lot on Park property.

Staff received a letter from the Williston Downtowners Association asking for a one block barrier around events in order to protect any vendors associated with events from non-participating food trucks. This was also a concern raised by the Parks district. Specific language is suggested below.

Staff has also included a request for an allowance for food trucks to park on Main Street between 1st and 4th Street. This was a recommendation from Roger Brooks, a downtown consultant the City has worked with over the last week, as well as a request from a community member in attendance at the June 13th meeting. Staff has reached out to the Police Chief for comment.

Staff will attend a meeting with the Chamber of Commerce Restaurant owners on June 15th and will report any additional information gathered at that event.

A question came up at the June 13th public meeting, about the potential that a self-contained trailer with a full commercial kitchen is considered a food truck. Staff present deferred the question to the NDDOH, as the definition of a "mobile food truck" in the proposed ordinance is defined as "a licensed mobile food unit, as licensed through the NDDOH". The NDDOH has noted that they would consider a self-contained trailer as a food truck.

Items to be discussed for addition:

1. A one-block barrier/ban on trucks surrounding City, Parks, Downtown Association, or CVB sponsored events, unless otherwise permitted by the sponsoring agency.
2. Addition of allowance for food trucks to park on Main Street between 1st and 4th Street.
3. Addition of allowance for food trucks to park on 37th St W between 34th Ave W and Harvest Hills Ave; along 34th Ave W north of 37th St W, west side of the road
4. Addition of allowance for food trucks to park on the east side of 19th Ave W between 15th Street W and the alley south of Bison Drive.

Items which will be included with these ordinances include:

1. Auditor's office application + fee collection of \$1000 per year.
2. One-page document clearly laying out pertinent regulations

Commissioner Eynon spoke to the hours of operation expressing his concern that an operator would find a location that they liked and park their truck in that spot at 4:30 in the morning and sit there until they are allowed to open at 6:00 p.m. Laqua replied that as long as there is not an issue of traffic/parking regulations this practice could be done. Commissioners Aafedt, Giovig, Christensen, and Hansen all agreed this could be an issue. Giovig suggested that staff add to the ordinance that a truck would have one-half hour before and after the allowed open/close time to set their vehicle in place and prepare to open and to be fully closed and ready to move to shortage for the night.

Eynon then asked about food waste wondering if food truck operators will have to have an agreement with a restaurant to share their waste. He then suggested the possibility of a specified dumpster(s) that are emptied daily and then charging the food truck operators a monthly sanitation fee. Aafedt replied that the specified dumpster idea does not manage the proper disposal of grease waste. Laqua said that the Food Truck Committee believed that pairing with a restaurant to dispose of waste and grease was the best idea. City engineer Bob Hanson suggested discussing the waste issue with the sanitation department but added that that would still not handle the grease situation. Commissioner Giovig asked if the city should ask the food truck operators to provide a signed contract with a commercial kitchen for their waste to include the grease. Christensen agreed that was a good idea and Commissioner Hansen suggested adding that as a check list item for permitting and licensing.

Commissioner Bauer spoke to signage. He said that if a truck were allowed to be entirely wrapped it becomes unfair to other businesses that have to limit their signage. Bauer suggested that the trucks have to follow the same regulations as brick and mortar buildings of 2 sq. ft. of signage to every 1 sq. ft. of "building" face. Aafedt agreed.

Jarcik stated that food trucks are not like any other building type they are trucks. The city does regulate delivery truck such as Schwan's, U-Haul, semi-truck trailers. Jarcik said that regulating the food trucks is just not possible.

In public hearing, comment from Bob Horab:

- The ordinance says no bells or whistles to attract attention to a food truck and compared that to the ice cream truck currently operating in the city. Aafedt said that there is a frozen desert vendor ordinance that controls that truck separately from this ordinance. The frozen desert vendor is permitted under its ordinance to play the music.
- He questioned a truck's ability to travel from business to business providing meals them individually. Laqua said that as long as they have been previously contracted with those businesses to arrive on certain days and times.

Laqua stated that the intent of the food trucks was to have the truck in one location for people to access; Commercial areas, not industrial.

- Horab asked why the trucks are not to be allowed in areas with gravel roads. For instance stopping at JMAC then to another and so on. The ordinance seems to be set just to put these food trucks in downtown type businesses and keeping other, industrial areas out. Aafedt said that could possibly be looked into a little more.

City Engineer Hanson stated that it seemed that the food truck ordinance is talking about a static, parked in one place all day, truck whereas Horab was discussing something more along the lines of catering.

Assistant City Attorney Evert said that what Horab is talking about might already be allowed as catering which would have to be to specific locations only, not to public.

Kim Wenko, co-owner of Style Uncorked on Main Street, said as a downtown business owner she would ask that the city consider placing some hours of operation restrictions for Main Street. She said she would like to see some trucks on Main Street to continue to draw people to downtown in the evenings. Understanding the police department's concern about bar patrons hanging around downtown at food trucks, she suggested that possibly there could be a 10:00 p.m. closing time placed on Main Street. Evert said that this could be written in as allowable timed parking. This would be part of Ordinance 1083 to be presented to the City Commission.

MOTION BY GIOVIC, SECOND BY CHRISTENSEN to recommend to the City Commission to approve Ordinance 1084, modifying Section 25.Q. of Ordinance 613, otherwise known as the Zoning Ordinance of the City of Williston, and to recommend to the City Commission to approve Ordinance 1083, modifying Section 20-2 of the City of Williston Code of Ordinances, both to allow mobile food trucks with in the City of Williston, contingent on completion of the recordation requirements, requiring an SPU for food truck parks, hours of operation to include one-half hour before time of opening to set up and one-half hour after closing to clean up, and a contract for disposal of organic waste to be provided at time of permitting. **AYES:** Eynon, Gjovig,

Christensen, Bauer Hansen, Long. **NAYS:** Aafedt **ABSENT/NOT VOTING:** None
ABSTAINED: None.

B. Short Plat to create two parcels from Lot 1, KAV Subdivision, 4327 4th Ave. W, City of Williston – American State Bank/Kirby Engineering

Chairman Aafedt introduced item B as above and asked Laqua to present. Laqua stated that this application

MOTION BY HANSEN, SECOND BY LONG, to recommend denial of the zone change of Lots 1 and 2, Block 3, Harmon Park Addition from R-1: Single Family Residential to C-2: General Commercial as presented but to allow the applicant to apply for an SPU and waive the fee if it is done within 30 days. **AYES:** Eynon, Gjovig, Hansen, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Bauer. **ABSTAINED:** None.

C. Short Plat to combine two lots into one, N 200' & S 97.28' of Lot 1, Block 4, Wegley Green Acres Subdivision, 3711 University Ave., City of Williston – Dana Panasuk/49th Latitude Land Surveying

MOTION BY HANSEN, SECOND BY LONG, to recommend denial of the zone change of Lots 1 and 2, Block 3, Harmon Park Addition from R-1: Single Family Residential to C-2: General Commercial as presented but to allow the applicant to apply for an SPU and waive the fee if it is done within 30 days. **AYES:** Eynon, Gjovig, Hansen, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Bauer. **ABSTAINED:** None.

D. Short Plat to split one lot into two, Lot 2 of the Rearrangement of Homecroft Addition Plots 12- 17, 716 8th St. E, City of Williston – Spectrum Industries Rental LLP/49th Latitude Land Surveying

MOTION BY HANSEN, SECOND BY LONG, to recommend denial of the zone change of Lots 1 and 2, Block 3, Harmon Park Addition from R-1: Single Family Residential to C-2: General Commercial as presented but to allow the applicant to apply for an SPU and waive the fee if it is done within 30 days. **AYES:** Eynon, Gjovig, Hansen, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Bauer. **ABSTAINED:** None.

E. Short Plat to combine two lots into one, Lot 2, Block 17, Knollcrest Addition, 1001 Box Elder, City of Williston – Marcia Velenchenko/Leon Brackey

MOTION BY HANSEN, SECOND BY LONG, to recommend denial of the zone change of Lots 1 and 2, Block 3, Harmon Park Addition from R-1: Single Family Residential to C-2: General Commercial as presented but to allow the applicant to apply for an SPU and waive the fee if it is done within 30 days. **AYES:** Eynon, Gjovig, Hansen, Long, Aafedt. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Bauer. **ABSTAINED:** None.

UNFINISHED BUSINESS: NONE

NEW BUSINESS:

- A. Vacation of Alley Way between Lot 1, Block 2 & Lot 2, Block 2 and Lots 3 & 4 Block 2 and Lots 1 & 2, Block 2 and Lot 1, Block 3, Creekside Ridge Subdivision - Staff**

Chairman Aafedt introduced this item of New Business (as above) and asked Miller to present.

MOTION BY LONG, SECOND BY HANSEN Special Permitted Use request for the storage of explosives, maximum 50 lbs., in an industrial zone district, 517 Well St., Creek Stone Corners Subdivision, City of Williston, contingent upon completion of the aforementioned recordation requirements. **AYES:** Eynon, Gjovig, Aafedt, Long, Hansen. **NAYS:** None
ABSENT/NOT VOTING: Christensen, Bauer. **ABSTAINED:** None.

COMMITTEE REPORT:

A. NONE

DATE OF NEXT REGULAR MEETING: Monday, July 16, 2018.

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director