



MAYOR & COUNCIL MEMORANDUM

DATE: July 1st, 2010

SUBJECT: Planning Commission Report on Wayside Stand Discussion

SUBMITTED BY: Kyle Klatt, Planning Director

THROUGH: Bruce A. Messelt, City Administrator

REVIEWED BY: Kelly Matzek, City Planner

The Planning Commission considered the proposed amendment at its June 28, 2010 meeting and conducted a public hearing on this matter at that time.

Keith Bergmann of Country Sun Farms submitted a written statement and also spoke at the hearing, offering the following comments:

- He noted that Country Sun Farms started out as a wayside stand and expanded to the present agricultural sales business.
- He expressed concern about not being able to move products from another property.
- He stated that a farmer's market is not the answer for everyone in the community, and that it would not work for him to bring his business to a farmer's market.
- He stated that the ordinance makes things worse, not better for the public and only better for the City as we are in a lawsuit.

Neil Krueger also spoke at the public hearing on this matter and spoke in favor of the ordinance change as proposed.

The Commission questioned how the revised definition would apply to someone who is renting a piece of property or smaller plot land, and who would be considered an operator of the stand.

The Commission adopted a motion to recommend approval of the proposed amendment with a request that the language concerning the operator of the stand and how to handle rental situations be further clarified by the City Attorney. This motion passed with a 7:0 vote (with one abstention).

The Commission adopted a motion directing Staff to conduct additional research concerning non-contiguous parcels and how these situations may relate to wayside stands and to clarify how small community gardens could come together to form a wayside stand. This motion passed with a 7:0 vote (with one abstention).

The Commission made a separate motion to recommend that the City Council consider establishing a farmer's market in Lake Elmo and specified that the motion should not commit the City to making any financial commitments or expend other resources at this time. This motion passed with a 4:3 vote (with one abstention).