

ORDINANCE NO. 165, Second Series

AN ORDINANCE AMENDING CITY CODE SECTION 3-6, "TOBACCO SALE AND USAGE BY MINORS"

WHEREAS, the City of Sleepy Eye has determined that amending City Code Section 36, "Tobacco Sale and Usage by Minors" by raising the minimum age to age twenty-one (21) would be in the best interest of the public's health and safety.

WHEREAS, increasing the age in which a person is allowed to purchase tobacco, tobacco products, tobacco-related devices, and electronic delivery devices to twenty-one (21) years, aligns and is consistent with recent changes in Federal Law.

NOW, THEREFORE, the City of Sleepy Eye ordains as follows:

City Code Section 3-6-1 is hereby amended, in its entirety, to read as follows:

PURPOSE: Because the City recognizes that many persons under the age of twenty-one (21) years purchase or otherwise obtain, possess and use tobacco, tobacco products, tobacco-related devices, and electronic delivery devices, and such sales, possession, and use are violations of both State and Federal laws; and because studies done and available from the State Health Department, American Cancer Society, the Association of NonSmokers and Smoke Free Coalition, which the City hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of twenty-one (21) years and that those persons who reach the age of twenty-one (21) years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this chapter shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, tobaccorelated devices and electronic delivery devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, tobacco-related devices, and electronic delivery devices and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statutes section 144.391.

The definition of "MINOR" in City Code Section 3-6-2 is hereby amended, in its entirety, to read as follows:

MINOR: Any natural person who has not yet reached the age of twenty-one (21) years.

City Code Section 3-6-5, Paragraph A is hereby amended, in its entirety, to read as follows:

A. The applicant is under the age of Twenty-one (21) years.

City Code Section 3-6-6, Paragraph A is hereby amended, in its entirety, to read as follows:

A. To any person under the age of twenty-one (21) years.

City Code Section 3-6-10 is hereby amended, in its entirety, to read as follows:

COMPLIANCE CHECKS AND INSPECTIONS: All licensed premises shall be open to inspection by the City police or other authorized City official during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years but less than twenty-one (21) years, to enter the licensed premises to attempt to purchase tobacco, tobacco products, tobacco related devices, or electronic delivery devices. Minors used for the purpose of compliance checks shall be supervised by the City designated law enforcement officers or other designated City personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, tobacco related devices, or electronic delivery devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by State or Federal laws for educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

Passed by the City Council for the City of Sleepy Eye on February 11, 2020.

/s/ Wayne Pelzel  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on February 11, 2020, in accordance with Charter Provisions and State laws provided therefore.

Dated: February 11, 2020

/s/Michelle Strate  
Michelle Strate, City Clerk

Published in the Sleepy Eye  
HERALD DISPATCH, Sleepy Eye,  
Minnesota, on May 28, 2020.

ORDINANCE NO. 166, Second Series

AN ORDINANCE ESTABLISHING LICENSING AND REGULATIONS FOR MOBILE FOOD UNITS AND FOOD CARTS.

THE CITY COUNCIL OF THE CITY OF SLEEPY EYE DOES ORDAIN AS FOLLOWS:

**Article 1. Purpose.**

This ordinance is designed to permit the reasonable use of mobile food units while preventing any adverse consequences to residents, businesses and public property.

**Article 2. Definitions.**

The following words and terms when used for this license shall have the following meanings unless the context clearly indicates otherwise.

1. Mobile Food Unit.
  - a. A self-contained food service operation, located in a motorized, wheeled or towed vehicle, that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or
  - b. a mobile food unit as defined in Minnesota Statutes Section 157.15, Subdivision. 9.
2. Food Cart. A food and beverage service establishment that is a nonmotorized vehicle that is self-propelled by the operator.

**Article 3. License Requirement.**

1. License fees. Fees for annual licenses are set forth in the City's fee schedule.
2. Non-Transferable License. A Mobile Food Unit or Food Cart license is nontransferable. Proof of license shall be displayed at all times in the Mobile Food Unit or Food Cart.
3. License Application Requirements. It is unlawful for any person to operate a Mobile Food Unit or a Food Cart in the city without first obtaining a license from the city. An application for a license shall be filed, along with the required fee, with the City Clerk. The applicant must be made by the owner of the Mobile Food Unit or Food Cart. The application shall be made on a form supplied by the city and shall contain information requested by the City, including the following:
  - a. Name of the owner and operator, if different than the owner, of the mobile food unit or food cart and permanent and temporary home and business addresses;
  - b. The applicant's full legal name, date of birth, driver's license number, phone number and email address;
  - c. A description of the nature of the business, the goods to be sold and the license plate number and description for any motorized or unmotorized vehicle to be used in conjunction with the activity;
  - d. The name, address and contact information for the business with which the mobile food unit or food cart is affiliated, if applicable; and

- e. Copy of the license issued to the Mobile Food Unit or a Food Cart by one of the following: US Department of Agriculture, MN Department of Health, or Brown Nicollet Environmental Health.
4. A Mobile Food Unit or Food Cart shall not be required to obtain the written permit under Sleepy Eye City Code Chapter 7-1-3-A; however, it shall be subject to all other requirements in said chapter.

#### **Article 4. Conditions of Licensing.**

A Mobile Food Unit or Food Cart may only operate if compliant with the following:

1. Hold Harmless. If the Mobile Food Unit or Food Cart will be located in a city park, on city property, or in the public right-of-way, a signed statement that the licensee shall hold harmless the city and its officers and employees, and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license.
2. Performance Standards. A Mobile Food Unit or Food Cart licensee is subject to the following performance standards:
  - a. Applicable license fee shall be paid and license obtained.
  - b. A Mobile Food Unit or Food Cart shall be operated in strict compliance with the laws, rules and regulations of the United States and State of Minnesota.
  - c. Wastewater may not be drained into City storm water drains.
  - d. A Mobile Food Unit or Food Cart shall provide and maintain at least one clearly designated waste container for customer use per each Food Cart or Mobile Food Unit. The operator of a Mobile Food Unit or Food Cart is responsible for daily removal of trash, litter, recycling and refuse. Public trash cans shall not be used to dispose of waste generated by the operation. The operator shall provide a garbage receptacle with a tightfitting lid. The receptacle shall be easily accessible for customer use.
  - e. A Mobile Food Unit must provide an independent power supply that is screened from public view and that complies with pertinent City noise regulations.
  - f. A Mobile Food Unit or Food cart may operate between 7 a.m. and 11 p.m. and must not create any unnecessary noise, disturbances or disrupt public traffic or safety in any way. An exemption to hours may be authorized by the City Manager on a per event basis.
  - g. Operators must maintain cleanliness around their Mobile Food Unit or Food Cart and the mobile food unit or food cart must be kept in good repair and have a neat appearance.
  - h. A Mobile Food Unit or Food Cart operator must be licensed by one of the following: US Department of Agriculture, MN Department of Health, or Brown Nicollet Environmental Health. The license must be posted on the mobile food unit or food cart.
  - i. A Mobile Food Unit or Food Cart stored within the City must comply with all applicable zoning ordinance requirements.

3. Practices Prohibited. It is unlawful for any person engaged in the business of a Mobile Food Unit or Food Cart operation to do any of the following:
- a. Call attention to that licensee's business by crying out, blowing a horn, ringing a bell, loud music or by any loud or unusual noise, or by use of any amplifying device;
  - b. Fail to display proof of license and produce valid identification when requested;
  - c. Allow a Mobile Food Unit or Food Cart to remain on the property of another when asked to leave;
  - d. Obstruct the ingress or egress from commercial buildings during the building hours of operation;
  - e. A Mobile Food Unit or Food Cart shall not operate as a drive up or drive-thru window;
  - f. LP tank, if any, must be affixed to the Mobile Food Unit and cannot be placed in the street;
  - g. Claim endorsements by the City; or
  - h. Conduct business in any manner as to create a threat to the health, safety, and welfare of a specific individual or the general public.

#### **Article 5. Suspension or Revocation of a License.**

A license issued pursuant to this Ordinance may be suspended by the City if the licensee has violated the terms of this ordinance, or is otherwise conducting business in such a manner as to constitute a breach of the peace, fraudulent conduct, or any other conduct that is prohibited by local, state or federal laws or regulations. Falsification of information required for a license is also grounds for denial, suspension or revocation of a license. The license shall be automatically revoked if the licensee does not file an appeal pursuant to this Section. When taking action on any license issued under this Section, the City shall provide the licensee with verbal or written notice of the violation. The notice shall inform the licensee of its right to be heard before the City Council. The notice shall also inform the licensee that the license shall be automatically revoked if no appeal is filed within twenty-one (21) days of the date of the notice by the city. Verbal notice shall be confirmed within five (5) days by a mailed written notice to the licensee. The City Council shall not conduct a hearing on a suspension or revocation unless a request is made by the next City Council meeting. No City Council resolution or other notice calling for a hearing shall be required.

#### **Article 6. Violations.**

Violations of any term of this Ordinance shall be a misdemeanor.

#### **Article 7. Effective Date.**

This Ordinance shall be effective upon passage and publication.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on April 14, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on April 14, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: April 14, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
April 23, 2020.

ORDINANCE NO. 167, Second Series

AN ORDINANCE AMENDING CITY CODE SECTION 5-4-10-d, "OTHER UNLAWFUL ACTS" REGARDING ANIMAL BARKING

WHEREAS, the City of Sleepy Eye has determined that amending City Code Section 5-4-10-d, "Other Unlawful Acts" regarding animal barking, howling, and whining, would be in the public interest.

WHEREAS, the current language of said section of the City Code has been ruled by a district court judge to be unconstitutionally vague, therefore rendering the current language effectively unenforceable.

WHEREAS, the City of Sleepy Eye wishes to have animals within the city not disturb the peace of those around said animal by its barking, howling, or whining.

NOW, THEREFORE, the City of Sleepy Eye ordains as follows:

**City Code Section 5-4-10: OTHER UNLAWFUL ACTS, paragraph "d"** is hereby amended, in its entirety, to read as follows:

It's unlawful for the owner of any animal to:

- d. Fail to keep the animal from barking, howling, or whining, for a period of ten (10) minutes, and such barking, howling, or whining can be heard from the street in front of or alley or street behind a property.

Passed by the City Council for the City of Sleepy Eye on April 14, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on April 14, 2020, in accordance with Charter Provisions and State laws provided therefore.

Dated: April 14, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye  
HERALD DISPATCH, Sleepy Eye,  
Minnesota, on April 23, 2020.

ORDINANCE NO. 168, Second Series

ORDINANCE TO AMEND, ORDINANCE NO. 69, SECOND SERIES, THE NUVERA  
CABLE FRANCHISE ORDINANCE

Whereas, New Ulm Telecom Inc. (“Grantee”) holds a cable communications franchise (“Franchise”) for the construction and operation of a cable communications system for the City of Sleepy Eye, Minnesota (“Grantor”); and

Whereas, Grantor and Grantee have mutually agreed to amend the Franchise and to extend the term thereof by adopting this Ordinance Amendment.

NOW THEREFORE, BE IT RESOLVED THAT THE City of Sleepy Eye hereby amends the Franchise Ordinance No. 69, Second Series, as follows:

1. New Ulm Telecom Inc. is now Nuvera Communications, Inc. and the name of the Grantee is officially changed to Nuvera Communications, Inc. throughout as the holder of the Franchise.
2. The term of the Franchise is amended to expire on December 31, 2031.
3. Except as expressly modified herein, all other terms and conditions of the Franchise shall remain in full force and effect. The parties agree to proceed with renewal pursuant to applicable law and neither party waives any rights it may have pursuant to applicable law.
4. This Ordinance shall be effective upon its passage and publication in accordance with applicable law and its written acceptance by Grantee.

Passed by the City Council for the City of Sleepy Eye, Minnesota, on April 14, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on April 14, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: April 14, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
April 23, 2020.

The Ordinance is accepted, and Grantee agrees to be bound by its terms and conditions.  
NUVERA COMMUNICATIONS, INC.

\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_

ORDINANCE NO. 169

AN ORDINANCE FOR SELLING REAL ESTATE TO THOMAS AND ALLISON HILLESHEIM.

WHEREAS, the City of Sleepy Eye is the owner of Lot 1, Block 1, Sleepy Hollow Sixth Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Thomas Hillesheim and Allison Hillesheim, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 1, Block 1, Sleepy Hollow Sixth Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Thomas Hillesheim and Allison Hillesheim on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on December 8, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on December 8, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: December 8, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
December 24, 2020

ORDINANCE NO. 170, Second Series

AN ORDINANCE FOR SELLING REAL ESTATE TO BRIAN AND MICHELLE STRATE.

WHEREAS, the City of Sleepy Eye (hereinafter "City") is the owner of Lot 2, Block 4, of Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Brian Strate and Michelle Strate, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 2, Block 4, Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Brian Strate and Michelle Strate on the price and terms approved by the City. The Mayor and City Manger are authorized to sign the necessary Deed in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on August 11, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on August 11, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: August 11, 2020

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Russell Elston, City Manager

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
August 20, 2020

ORDINANCE NO. 171

AN ORDINANCE FOR SELLING REAL ESTATE TO DENNIS AND SHARON FROMM.

WHEREAS, the City of Sleepy Eye is the owner of Lots 3, 4, and 5, Block 4, Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Dennis Fromm and Sharon Fromm, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lots 3, 4, and 5, Block 4, Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Dennis Fromm and Sharon Fromm on the price and terms approved by the City. The Mayor and City Manger are authorized to sign the necessary Deed in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on September 8, 2020.

/s/Wayne Pelzel  
Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on September 8, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: September 8, 2020

/s/Michelle Strate  
Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
September 17, 2020

ORDINANCE NO. 172

AN ORDINANCE FOR SELLING REAL ESTATE TO THOMAS AND DIANE STOKS.

WHEREAS, the City of Sleepy Eye is the owner of Lot 1, Block 4 in Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property).

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Thomas Stoks and Diane Stoks, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 1, Block 4 in Sleepy Hollow Fifth Addition, Section 29, Twp. 110 North, Range 32 West, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Thomas Stoks and Diane Stoks on the price and terms approved by the City. The Mayor and City Manger are authorized to sign the necessary Deed in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on September 8, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on September 8, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: September 8, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
September 17, 2020

ORDINANCE NO. 173

AN ORDINANCE FOR SELLING REAL ESTATE TO JEFFREY AND CAITLYN PIETIG

WHEREAS, the City of Sleepy Eye is the owner of Lot 3, Block 2, Snow First Addition, City of Sleepy Eye, Brown County, Minnesota (hereinafter "Property").

WHEREAS, the Property above-described and being owned by the City of Sleepy Eye is of no use to the City, the City wishes to encourage its development, and it is in the best interest of the City that the Property be sold.

WHEREAS, Jeffrey Pietig and Caitlyn Pietig, spouses married to each other, wish to purchase the Property.

NOW THEREFORE, the City of Sleepy Eye does ordain that Lot 3, Block 2, Snow First Addition, City of Sleepy Eye, Brown County, Minnesota, shall be sold to Jeffrey Pietig and Caitlyn Pietig on the price and terms approved by the City. The Mayor and City Manager are authorized to sign the necessary Deed and related documents in order to transfer the Property.

Passed by the City Council for the City of Sleepy Eye, on December 8, 2020.

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Wayne Pelzel, Mayor

I hereby certify and attest that the City Council of the City of Sleepy Eye, Minnesota, did pass the above Ordinance on December 8, 2020, in accordance with the Charter Provisions and state laws provided therefore.

Dated: December 8, 2020

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Michelle Strate, City Clerk

Published in the Sleepy Eye HERALD  
DISPATCH, Sleepy Eye, Minnesota, on  
December 24, 2020