

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA
WORK SESSION AND CITY COUNCIL MEETING
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
THURSDAY, MAY 28, 2015

1. CALL TO ORDER

The Workshop was called to order at 6:30 p.m.

Members Present: Mayor Crawford, Councilmembers: Berg, Julius and Timmons

Members Absent: Councilmember Stern

Also Present: City Administrator Terry, Assistant City Administrator Nagel, Engineer Revering, John Nelson from Bolton & Menk, Police Chief Mortenson, Public Works Superintendent Schweich, Parks Commissioner Sutton and City Clerk Green.

2. PRESENTATIONS

None

3. Reports

None

4. GENERAL DISCUSSION

Assistant City Administrator Nagel and Parks Commissioner Sutton reviewed with the City Council the results of the Skate Park Study completed by the Elko New Market Parks Commission.

5. REPORTS cont'd

None

6. ADJOURNMENT

The Workshop was adjourned at 7:27 p.m.

COUNCIL MEETING

1. CALL TO ORDER

The meeting was called to order by Mayor Crawford at 7:30 p.m.

Members Present: Mayor Crawford, Councilmembers: Berg, Julius and Timmons

Members Absent: Councilmember Stern

Also Present: City Administrator Terry, City Attorney Poehler, Engineer Revering, Police Chief Mortenson, City Planner Kirmis, Public Works Superintendent Schweich and City Clerk Green

2. PLEDGE OF ALLEGIANCE

Mayor Crawford led the Council and audience in the Pledge of Allegiance.

3. ADOPT/APPROVE AGENDA

MOTION by Councilmember Julius, second by Councilmember Timmons to approve the agenda as amended.

- 7a. Revised Resolution 15-40 Adopting A Capital Improvement Plan and Street Reconstruction Plan and Authorizing the Issuance of General Obligation Bonds
APIF, MOTION CARRIED

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

5. PUBLIC COMMENT

None

6. CONSENT AGENDA

MOTION by Councilmember Timmons, second by Councilmember Berg to approve the Consent Agenda.

- a. Approve Minutes from May 14, 2015 City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. One Day Gambling Permit
 - a. Adopt Resolution 15-38 Approving Gambling Permit for N.E.W. Ducks Unlimited
- d. One Day Gambling Permit
 - a. Adopt Resolution 15-39 Approving Gambling Permit for Elko Baseball Club

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

Mayor Crawford opened the Public Hearing at 7:33 p.m. Council received no comments from the public. **MOTION** by Councilmember Timmons, second by Councilmember Berg to close the Public Hearing at 7:39 p.m. **APIF, MOTION CARRIED**

MOTION by Councilmember Timmons, second by Councilmember Berg to approve revised Resolution 15-40 Adopting A Capital Improvement Plan and Authorizing the Issuance of General Obligation Bonds with the removal of the City Hall Parking Lot and Police Station Interior Remodel. **APIF, MOTION CARRIED**

8. GENERAL BUSINESS

Interim Home Occupation Permit

City Planner Kirmis reviewed with the City Council documentation from the May 5, 2015 Planning Commission Meeting regarding the interim home occupation permit application of Dillon Forst to allow a firearms sales business to be conducted within his home located at 9450 Glenborough Drive (as an accessory use).

Planner Kirmis updated the Council that based on the submitted application materials, background information, the recommendation of City Staff and the evidence received at the meeting, the Planning Commission has recommended approval of the interim home occupation subject to the following conditions:

1. The following general home occupation requirements, as imposed by Section 11-5-17 of the Ordinance, shall be satisfied:
 - A. The home occupation shall not produce light, glare, noise, odor or vibration that will in any way have an objectionable effect upon adjacent or nearby property.
 - B. No equipment shall be used in the home occupation which will create electrical interference to surrounding properties.
 - C. The home occupation shall be clearly incidental and secondary to the residential use of the premises, shall not change the residential character thereof, and shall not result in an incompatibility or disturbance to surrounding residential uses
 - D. The home occupation shall not require internal or external alterations or involve construction features not customarily found in dwellings (except where required to comply with local and State fire and police recommendations).
 - E. There shall be no exterior storage of equipment or materials used in the home occupation, except that personal automobiles used in the home occupation may be parked on the site.
 - F. The home occupation shall meet all applicable building and fire codes.
 - G. The home occupation shall comply with the provisions of City nuisance Ordinances.
 - H. No more than one person other than those who customarily reside on the premise shall be employed.
 - I. No exterior changes to the residence shall be made.
 - J. Any interior changes necessary to conduct the home occupation shall comply with all building, electrical, mechanical and fire codes governing the use of the use in a residential occupancy.
 - K. Traffic generated by the home occupation shall involve vehicle types and volumes that typically are associated with single family residences and that such traffic does not constitute a nuisance or safety hazard.
2. All applicable State and Federal laws/regulations pertaining to the sale of firearms including, but not limited to, those imposed by the Federal Firearms License shall be satisfied.
3. Proof of the acquisition of a Federal Firearms License shall be provided to the City prior to the commencement of home business operations.

4. All customer transactions shall be by appointment.
5. On-site transactions shall be limited to one customer at a time.
6. Home occupation customers shall park upon the applicant's driveway (so as not to negatively impact traffic along Glenborough Drive).
7. All on-site firearm transactions with customers shall occur between the hours of 8:00 am and 7:00 pm.
8. Both firearms and ammunition shall be secured within the home at all times.
9. There shall be no exterior display or signs which advertise the home occupation.
10. The interim use permit shall terminate upon the sale of the subject property.
11. The City reserves the right to inspect the premises to ensure compliance with the conditions imposed upon the approved interim use permit.
12. All firearms leaving the premises shall be stored in the manufacturing delivery container or an approved firearms case.
13. The home shall be secured via an alarm and/or security monitoring system.
14. All recommendations of the Fire Chief shall be satisfied.
15. The Elko New Market Police Department shall be advised of any intent to sell ammunition upon the subject property.
16. Minimally, the Elko New Market Police Department shall inspect the subject property (home occupation) on an annual basis.

The City Council held a lengthy discussion on Mr. Frosts' Interim Home Occupation Permit application. During this discussion, the applicant, Dillon Frost was asked and answered various questions from the Council regarding the proposed Interim Home Occupation relating to type of firearms he would be selling, how inventory would be delivered to his home and required compliance checks by local, state and federal agencies.

Council asked the Fire Chief and Police Chief if there were any safety concerns they had relating to this application. Both Chiefs stated that they had no specific safety concerns relating to the home occupation.

Mayor Crawford opened the meeting up for public comment. The following individuals spoke:

1. George Strickland, 9450 Longridge Court. Mr. Strickland, President of the Homeowners Association Board and member the Architectural Review Committee stated that Mr. Forst attended the HOA Board's April 23rd Meeting to have the Board hear his proposed home occupation and at that time no opposition was offered. Subsequently this item was reviewed

and approved by the Architectural Review Board with a one year approval and , at this point, has to be renewed annually. Mr. Strickland stated that as a homeowner he is more concerned about residents in the neighborhood he knows have firearms and are not regulated than this home occupation which will be highly regulated.

2. Scott Carmody, 9176 Cambridge Lane, stated he supports small businesses and that he is also a member of the HOA Board and has no problem with this home occupation.
3. Justin Hamann, 9630 Main Street, stated he has no problem with the home occupation as this business owner will be under very strict rules regarding the home occupation.
4. Steve Behnken, 9376 Glenborough Drive, stated he has no problem with the home occupation but would like an annual renewal of the permit.

MOTION by Councilmember Berg, second by Councilmember Timmons to approve the Interim Home Occupation Permit for Dillon Forst to allow a firearms sales business be conducted within his home located at 9450 Glenborough drive. **APIF, MOTION CARRIED**

2015 Improvement Projects

- a. City Administrator Terry reviewed the 2015 Flatwork and Paving Improvements with the City Council. **MOTION** by Councilmember Timmons, second by Councilmember Berg to accept the plans and specs for the 2015 Flatwork and Paving Improvements with the amendment that the City Parking Lot be removed from the City documents. **APIF, MOTION CARRIED**
- b. Agreement with DLF Masonry Restoration for Police Department Exterior Renovation
MOTION by Councilmember Timmons, second by Councilmember Berg to approve the agreement with DLF Masonry Restoration for the Police Department Exterior Renovations. **APIF, MOTION CARRIED**

9. REPORTS

a. ADMINISTRATION

Administrator Terry asked if any councilmembers were planning on attending the May 31st event at Crossroads Church to allow Staff to post a possible quorum of councilmembers attending event.

b. PUBLIC WORKS None

c. POLICE DEPARTMENT

Police Chief Mortenson gave the Council an update on the applications received for the part-time police officer position. Administrator Terry asked for council participation in the upcoming police officer interview process. Council approved Mayor Crawford to be on the interview panel for the first round of interviews and Councilmember Timmons to be on the interview panel for the second round of interviews.

d. FIRE DEPARTMENT

None

e. ENGINEERING

None

f. COMMUNITY DEVELOPMENT

None

g. PARKS DEPARTMENT

Parks Minutes included in Council Packet

h. OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

None

ii. RTF

None

iii. SJPA

None

iv. TED

None

v. MVTA

Mayor Crawford gave the Council a brief update on the last MVTA meeting which included discussions on housekeeping items and Scott County sales tax.

vi. I35 SOLUTIONS ALLIANCE

None

vii. CHAMBER OF COMMERCE

None

viii. COMMUNITY & CIVIC EVENTS COMMITTEE

City Clerk Green gave a brief update to the Council that parade registrations are starting to be received at City Hall.

10. DISCUSSION BY COUNCIL

Administrator Terry and the Council discussed rescheduling the June 25th Council Meeting due to councilmembers being at a conference out of town.

11. ADJOURNMENT

MOTION by Councilmember Julius, second by Councilmember Timmons to adjourn the meeting at 9:14 p.m. **APIF, MOTION CARRIED**