

**1) CALL TO ORDER**

The meeting was called to order by Mayor Julius at 6:01 p.m.

Members Present: Mayor Julius, Councilmembers: Berg, Timmerman and Novak

Members Absent: None

Also Present: City Administrator/Clerk Terry, Community Development Specialist Christianson, City Attorney Poehler, Police Chief Juell, Deputy Clerk Jirak, City Engineer Revering, Patrick Fischer, Scott County Commissioner Wolf, Bryce Schuenke, Janelle Kuznia, Jon Carlson, Mark Engel, Veda Kanitz, Larry Schofield and Jodi Lucast

**2) PRESENTATIONS**

None.

**3) GENERAL DISCUSSION**

Discussion Regarding Draft Water Supply Plan Update

City Engineer Revering reviewed the changes made to the draft Water Supply Plan Update.

Councilmembers asked questions that were answered by City Staff and Consultants.

Councilmembers agreed that Consent Item 6e, Adopt Updated Water Supply Plan placed on the May 11, 2023 Agenda be amended and brought back to the May 25, 2023 City Council Meeting.

Discussion Regarding Conservation Rate Structure

City Engineer Revering provided water conservation objectives, explained the Schedule of Fees on Water Base Rates, Conservation Rate History and strategies for eight major areas of water use.

Councilmembers asked questions that were answered by City Staff and Consultants.

Large Industrial Usage Rates

City Administrator/Clerk Terry provided the background on how the City established a Large Industrial Usage Rate.

Councilmembers asked questions that were answered by City Staff and Consultants.

Water Supply and Conservation Measures

City Attorney Poehler provided information regarding Conservation Measures to include City Authority Over Restrictions on Significant User Total Consumption and Authority for Discontinuance of Service for Violation of Emergency Conservation, Code or Agreement.

Councilmembers asked questions that were answered by City Staff and Consultants.

**4) REPORTS**

None.

**5) ADJOURNMENT**

The Work Session was adjourned at 7:32 p.m.

**1) CALL TO ORDER**

The meeting was called to order by Mayor Julius at 7:35 p.m.

Members Present: Mayor Julius, Councilmembers: Berg, Timmerman and Novak

Members Absent: None.

Also Present: City Administrator/Clerk Terry, Community Development Specialist Christianson, City Engineer Revering, City Attorney Poehler, Public Police Chief Juell, Deputy Clerk Jirak, Patrick Fischer, Veda Kanitz, Jodi Lucast, Janelle Kuznia, Jon Carlson, Patrick Fischer, Mark Engel, Larry Schofield, Scott County Commissioner Wolf and Bryce Schuenke

**2) PLEDGE OF ALLEGIANCE**

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

**3) ADOPT/APPROVE AGENDA**

City Administrator/Terry advised the Council that Consent Item 6e will be removed from the Consent Agenda and a revision was made to Resolution 23-31 under Consent Item 6c.

Mayor Julius requested amending minutes of the April 27, 2023 Minutes on the Consent Agenda to change the motion from Council tabled to Council continued the Water Supply Plan Update and bring back for further discussion to a Work Session and place on the May 11, 2023 Agenda.

**MOTION** by Councilmember Berg, second by Councilmember Timmerman to approve the revised agenda.

**APIF, MOTION CARRIED**

**4) PRESENTATION, PROCLAMATIONS AND ACKNOWLEDGEMENTS (PP&A)**

Recognize Former Councilmember Schuenke

Mayor Julius provided a brief background on Schuenke's accomplishments to the City of Elko New Market. Mayor Julius, on behalf of the City Council, presented a plaque to Schuenke for his service. Schuenke gave a brief thank you speech to the Council after receiving his plaque.

**5) PUBLIC COMMENT**

None.

**6) CONSENT AGENDA**

**MOTION** by Councilmember Berg, second by Councilmember Novak to approve revised Consent Agenda.

- a. Approve Minutes of the April 27, 2023 City Council Meeting (as amended)
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Approve Gambling Permit for Tripoli Minnesota, Inc.

- i. Adopt Resolution 23-31 Approving a One Day Gambling Permit on May 21, 2023
- d. Dakota Acres PUD Amendment Request
  - i. Deny PUD Amendment Request
  - ii. Adopt Findings of Fact
- e. Adopt Updated Water Supply Plan

**APIF, MOTION CARRIED**

## 7) PUBLIC HEARINGS

None.

## 8) GENERAL BUSINESS

### Development Concept Plan Review – The Preserve

Senior Planner Christianson presented a concept plan submitted by R & F Properties for a possible residential development containing thirteen single family detached lots located directly east of Aaron Drive and north of Evergreen and Park Courts. Christianson covered the following topics related to the proposed development plan:

- Neighborhood Conditions
- Comprehensive Plan Guidance
- Lot Size – Lot Width
- Landscaping
- Tree Inventory/Preservation
- Easements
- Sanitary Sewer
- Water
- Stormwater
- Wetlands
- DNR PWI/Floodplains
- Access/Roads/Transportation
- Sidewalks and Trails
- Parks
- Comments
- Conclusions/Feedback

After Council discussion, Council supported the concept plan and variances related to this project.

### Development Concept Plan Review – High Density Residential and Mixed-Use Development in Elko Market Place

Senior Planner Christianson presented a high-level concept plan submitted by R & F Properties for a mixed-use and high-density residential and commercial development located at Outlot B, Elko Market Place. The current concept submitted proposes a three-story apartment building with 56 parking spaces, a three-story mixed-use apartment building with 81 parking spaces, a commercial site to accommodate a 2,400 square foot building with drive-

through and 7 parking spaces and a commercial site to accommodate a 2,700 square foot building with drive-through and 7 parking spaces. Christianson covered the following topics related to the proposed development plan:

- Background
- Guided – Commercial
- Proposed – High Density Residential
- Access
- Access – France Avenue
- Access – Market Place Boulevard
- Noise Compatibility
- Considerations
- Staff Comments
- City Council Feedback

Tom Ryan, owner of R & F Properties, approached the podium and discussed the background of the property and the struggles in the development of these parcels. Ryan is seeking Council approval to move forward with support for the high-level concept plan.

After Council discussion, Council supported the concept plan related to this project.

#### Deposit Placement Agreement with New Market Bank

City Administrator/Clerk Terry explained to Council that the City uses an investment program called Charitable Deposits Corporation (CDC) for the majority of its investments through New Market Bank. New Market Bank offered a similar investment program called Insured Cash Sweep (ICS) which would bring additional benefits, more frequent rate changes and better liquidity. The Council is being asked to approve the City of Elko New Market Deposit Placement Agreement with New Market Bank.

After Council discussion, Council supported the Insured Cash Sweep benefit.

**MOTION** by Councilmember Timmerman, second by Councilmember Novak to approve Deposit Placement Agreement with New Market Bank.

**AYES: TIMMERMAN, NOVAK AND BERG, ABSTAINED: MAYOR JULIUS;  
MOTION CARRIED**

#### Resignation of Councilmember Schuenke

City Administrator/Clerk Terry stated this item was a continued item from the April 27, 2023 City Council Meeting due to Mayor Julius wanting a full Council present for discussion.

After Council discussion, Council supported the idea of application and interview process for a new Councilmember.

## **9) REPORTS**

- a. Administration

### First Quarter Financial Report

City Administrator/Clerk Terry asked if Council had any questions regarding the First Quarter Financial Reports that were included in the Council Packet. Council had no questions.

### Legislative Policy Committees

City Administrator/Clerk Terry discussed with the Council to designate representatives to the League of Minnesota Cities and Metro Cities legislative policy committees. Councilmember Berg volunteered for Improving Service Delivery and Improving Local Economies for the League of MN Cities (LMC) and Housing and Economic Development for Metro Cities. Councilmember Timmerman volunteered for Transportation and General Government and Metropolitan Agencies for Metro Cities.

- b. Public Works  
Monthly report included in the packet.
- c. Police Department  
Monthly report included in the packet.  
Police Chief Juell updated Council on the following items:
  - Updates on new hires and scheduling impacts.
  - Chief Juell was elected to Minnesota Chief of Police Association Board of Directors. This is a three-year term.
  - Recruiting and retention within Police Departments around Minnesota.
- d. Engineering  
No report.
- e. Community Development  
Draft Planning Commission Minutes of the April 25, 2023 Meeting included in the packet.

### Shipping Container Report

Community Development Specialist Christianson updated Council that the City has received a request from a resident seeking if the City would allow construction of an accessory structure made from two shipping containers. Christianson provided background information and feedback from the Planning Commission regarding possibly allowing shipping containers used for temporary storage. Staff was seeking Council feedback to research potential ordinance changes for temporary storage using shipping containers. Council supported Staff to research potential ordinance changes for using shipping containers for temporary storage.

Senior Planner Christianson updated Council regarding a bus tour that City Administrator/Clerk Terry along with Christianson participated in. The tour was coordinated by Scott County CDA and focused on different development sites within Scott County.

Senior Planner Christianson was seeking Council feedback regarding holding a joint meeting with the Planning Commissioners and the City Council regarding the presentation of the analysis on the I-35 corridor conducted by SRF that was presented at the I-35 Solutions Alliance meeting in March. Council feedback suggested Staff schedule a meeting on a date that works with all of the Council and Planning Commissioners.

- f. Parks Department  
Written Monthly Parks & Recreation update included in Council Packet.
- g. Community & Civic Events Committee (CCEC)  
No report.
- h. Other Committee and Board Reports
  - i. Scott County Association for Leadership and Efficiency (SCALE)  
No report.
    - 1. Executive Committee – No report.
    - 2. Service Delivery Committee – No report.
  - ii. I35 Solutions Alliance  
Councilmember Berg gave a brief update of the last meeting.

## **10) DISCUSSION BY COUNCIL**

Mayor Julius discussed with Staff and Council regarding the best time to untable Niagara Bottling items and place these items back on the agenda.

**MOTION** by Mayor Julius, second by Councilmember Timmerman to untable the following:

- Resolution 23-18 Approving Notice of Decision on Wetland Replacement Plan for Purple Rain Properties, LLC
- Resolution 23-19 Approving conditional Use Permit to Allow Construction of Silos which Exceed the City's Maximum Height Requirement in the I-1 Zoning District
- Resolution 23-20 Authorizing the City to apply to the Minnesota Department of Employment and Economic Development for a Minnesota Investment Fund Loan on behalf of Niagara Bottling LLC and Authorizing the Execution of a Related Loan Agreement
- Resolution 23-21 Regarding the Support of a Job Creation Fund Application in Connection with Niagara Bottling LLC
- Resolution 23-22 Approving Reduction in Sewer and Water Availability Charge Connection Fees for Niagara Bottling LLC

**APIF, MOTION CARRIED**

## **11) ADJOURNMENT**

**MOTION** by Councilmember Novak, second by Councilmember Timmerman to adjourn the meeting at 8:51 p.m.

**APIF, MOTION CARRIED**

Respectfully submitted by

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Lynda Jirak, Deputy Clerk

