

1. CALL TO ORDER

The meeting was called to order by Mayor Julius at 6:00 p.m.

Members Present: Mayor Julius, Councilmembers: Berg, Schwichtenberg, Seepersaud and Timmerman

Members Absent: None

Also Present: Police Chief Juell, Assistant City Administrator Mark Nagel, City Attorney Poehler, and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

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

3. ADOPT/APPROVE AGENDA

MOTION by Councilmember Berg, second by Councilmember Seepersaud to approve the agenda. **APIF, MOTION CARRIED**

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

5. PUBLIC COMMENT

None

6. CONSENT AGENDA

MOTION by Councilmember Timmerman, second Councilmember Berg to approve Consent Agenda.

- a. Approve July 25, 2019 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Amend City Code Concerning Regulation of Peddlers, Solicitors and Transient Merchants
 - i. Adopt Ordinance No. 194 Amending Title 4, Chapter 4, Sections 4-4-1, 4-4-2, 4-4-3, 4-4-4 and 4-4-11 of the Elko New Market City Code Concerning Regulation of Peddlers, Solicitors and Transient Merchants.
 - ii. Adopt Ordinance No. 195 Amending Title 4, Chapter 4 of the Elko New Market City Code Concerning Regulation of Peddlers, Solicitors and Transient Merchants
- d. Amend Professional Services Agreement with SRF Consulting Group, Inc.
- e. Joint Powers Agreement for Assessment Services
- f. R4 District Standards Zoning Ordinance Amendment
 - i. Adopt Ordinance #196 Amending Landscaping Requirements and Internal Setback Requirements in the R4 Zoning District
- g. Solar Energy Systems Zoning Ordinance Amendment

- i. Adopt Ordinance #197 Amending City of Elko New Market City Code Title 11, Chapter 14, Concerning Maximum Area for Ground Mounted Solar Energy Systems.
 - ii. Adopt Summary Ordinance #198 Amending City of Elko New Market City Code Title 11, Chapter 14, Concerning Maximum Area for Ground Mounted Solar Energy Systems.
- h. Amend Conditional Use Permit for Greystone Construction
 - i. Adopt Resolution #19-48 Approving Amendment to Conditional Use Permit #C1-2017 to Allow an Additional Accessory Drive-Through Lane.
- i. Condemnation Proceedings for Easements Needed for CSAH 2 & 91 Roundabout Project.
 - a. Adopt Resolution #19-49 Authorizing Condemnation Proceedings to Acquire Temporary Construction Easement.

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Review of ATV/Golf Cart Regulations

Police Chief Juell reviewed the ATV/Golf Cart regulations and other municipalities’ ordinances and regulations with the City Council. He indicated staff needs direction from the City Council.

Mr. Todd Priebe, 10386 Windrose Curve, Elko, stated he was at the meeting a few weeks ago and discussed this and what the public would like to see done. He thought it was a great idea to make the Ordinance similar to Lonsdale’s where it is more open as long as everyone has insurance and a permit, whether the City charges for one or not. He thought a good permit length would be three years. Mr. Priebe thought a good age range would be in the 12-15 age range for a minimum and if someone did something that was irresponsible, they should be issued a ticket. In the kids’ case, the parents should be issued a ticket. He thanked the Council for considering this.

Mr. Todd Bergstrom, 2321 Seurer Court, stated approximately six years ago he met with Steve Mortenson at the Elko Police Station and asked about purchasing a golf cart and was told Mr. Mortenson did not have a problem with it and did not see a reason why a golf cart could not be purchased. Mr. Mortenson indicated there was not a limit at that time of what could or could not be done. Mr. Bergstrom indicated he went out and purchased the golf cart and since that time he did not know what was going on. He mostly uses his golf cart to get the elderly people to the ballfields in New Market. There are people who cannot get to the ballfield, but he is not using that as an excuse to drive all over town with his golf cart. He indicated he used his golf cart in town for the ballpark care and mostly to go and get ice at the gas station or running elderly people back and forth. He stated he talked to Chief Juell earlier on this and told him if there are limits on it, he did not see a problem with it. He wondered why the City cannot be like Lonsdale.



Chief Juell stated what he is hearing lately from people is that it used to be ok and there was not a problem with it. The Police Department started getting a lot of complaints about it shortly after he started, and one of the things is they did not want police officers overlooking laws and things, they want people to be treated the same. So, no matter what police officer is taking the call those officers are operating with the same rules and no matter who the person is. He wanted everyone to be treated equal and fair and it is not about cracking down on people, it is about the law and that everybody should follow them and be enforced.

Mr. Rob Schnichel, 26681 Oakridge, asked how many complaints the Police Department received regarding this item. Chief Juell stated since June 1st there have been 31 different violations on record, but dozens more not recorded. He stated there have been dozens of complaints. He indicated he did not have a reference before March, when he started. He noted the City Council has also been getting complaints and seeing a lot more juvenile use. Mr. Schnichel thought if an ordinance was put into place, there is an age restriction on golf carts and would be huge and would probably bring down the amount of complaints. He thought if the residents were allowed to use ATV's and UTV's in the County on routes clearly posted, it would be helpful as well. It would be nice to see the city have similar ordinances and rules as other communities. He thought it would be great if the city could try something. He stated it would be a real bummer not to patronize the local businesses on their Razor's.

Councilmember Berg asked Mr. Schnichel if he had a recommendation on the age requirement for golf carts. Mr. Schnichel thought it had to be at least 14, maybe the same rules as an ATV.

Mr. Jerry Winterroth stated he lives in the township. He noted he had farm equipment and asked if the Council would rather have him drive the farm equipment to the gas station to fill up or use his ATV to get gas for the farm equipment. He indicated that is something to consider. He thought everyone who uses the machines should have some type of liability insurance. He thought what a lot of people are doing is sneaking around because those individuals are afraid to drive down the side of the road to the gas station or something else that those individuals will get into trouble. He felt that is where some of the problems are coming into play. If the ordinance were to allow people to drive safely along the side of the road, he thought a lot of the issues would be cut down.

Mr. Tim Kniefel, 1010 Theresa Marie, agreed with the other people. He noted he works for the City of Lonsdale and after this issue came about, he talked to a couple of police officers, the Chief and most of the community and Councilmembers in Lonsdale and that city loves it. Everyone abides by the rules and acknowledges it. There is a permit required and everything has worked out great for that.

Mr. Scott Weber, 2202 France Court, New Market, stated the cities that are close to Elko New Market are open to using these kinds of vehicles on the roadways. Personally, his family moved to the area so things like this could be done and enjoyed. As the ATV's and golf carts become more popular it would be a shame if the residents lost that privilege. He thought an age limit could be set with ages 14-16 needing a permit. A restriction could also be placed on it limiting the number of people on these vehicles when there is a child on board.

Ms. Molly Wichner, 207 Maverick Avenue, indicated she is a proud owner of a golf cart and just purchased it last year. She indicated everyone in her neighborhood has one and is a sense of community and good for the dogs to exercise using them. She thought golf carts are so special in the community, especially on Halloween. She stated she would be heartbroken if her kids could not go trick or treating on the golf cart plus it is safe with lights. She stated this community is different than any other community around them.

Mayor Julius thanked the audience for their feedback.

The City Council discussed this item. The Council had concern for children crossing Highway 2 and other busy streets. There was also discussion regarding public safety education and requiring households with kids 14 and older to get a permit.

After discussing this item, the City Council requested Staff to work on crafting an ordinance, using Lonsdale as a blueprint for the ordinance.

9. REPORTS

a) ADMINISTRATION

None

b) PUBLIC WORKS

Written July 2019 monthly report included in Council Packet.

c) POLICE DEPARTMENT

Written July 2019 monthly report included in Council Packet.

d) FIRE DEPARTMENT

None

e) ENGINEERING

City Engineer Revering reviewed City projects.

f) COMMUNITY DEVELOPMENT

Written monthly report included in Council Packet

g) PARKS DEPARTMENT

Written Parks Commission Update and Minutes included in Council Packet.

h) Community & Civic Events Committee (CCEC)

None

i) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

Mayor Julius indicated the meeting will be held at the Regional Training Facility. He reviewed priorities made at the last meeting for the Council to review.

ii. MVTA
None

iii. I35 SOLUTIONS ALLIANCE
None

iv. CHAMBER OF COMMERCE
Mayor Julius indicated the Chamber set a date for the State of the City meeting for October 8th at Firefly.

10. DISCUSSION BY COUNCIL

City Engineer Revering introduced Kelsey Fisher, Intern with Holman/Mink in the Burnsville office.

Councilmember Schwichtenberg noted in regard to SCALE, he missed the August 6th meeting and the next meeting is August 26th. He indicated he has to give an update at the meeting about Elko New Market transit and he could not find anything in any City plans about transit. Mayor Julius stated MVTA came out about a year ago and wanted to explore doing a pilot program so staff might be able to help Councilmember Schwichtenberg find some information for the meeting.

11. ADJOURNMENT

MOTION by Councilmember Timmerman, second by Councilmember Berg, to adjourn the meeting at 7:45p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Thomas Terry, City Administrator