

**CITY OF ELKO NEW MARKET
CITY COUNCIL AGENDA
ELKO NEW MARKET CITY HALL
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
THURSDAY, MAY 9, 2019**

**BUSINESS MEETING
6:30 PM**

REVISED

1. Call to Order

2. Pledge of Allegiance

3. Adopt/Approve Agenda

4. Presentations, Proclamations and Acknowledgements (PP&A)

- a. Recognition of Service – Firefighter John Fuller

5. Public Comment

Individuals may address the Council about any item not contained on the regular agenda. The Council may limit the time allotted to each individual speaker. A maximum of 15 minutes will be allotted for Public Comment. If the full 15 minutes are not needed for Public Comment, the City Council will continue with the agenda. The City Council will not normally take any official action on items discussed during Public Comment, with the exception of referral to staff or commission for future report.

6. Consent Agenda

All matters listed under consent agenda are considered routine by the City Council and will be acted on by one motion in the order listed below. There may be an explanation, but no separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

- a. Approve Corrected Minutes of April 11, 2019 City Council Meeting
- b. Approve April 25, 2019 Minutes of the City Council Meeting
- c. Approve May 3, 2019 Minutes of the Special City Council Meeting
- d. Approve Payment of Claims and Electronic Transfer of Funds

7. Public Hearings

8. General Business

- a. Policy For A Credit To The City Sanitary Sewer Trunk Fee For Eligible Properties

9. Reports

- a. Administration
- b. Public Works
 - i. Monthly Report - April 2019
- c. Police Department
 - i. Monthly Report – April 2019
- d. Fire Department

- e. Engineering
 - i. 2019 Pavement Rehabilitation – Update on Final Design
- f. Community Development
 - i. Mobile Food Units Discussion
- g. Parks Department
 - i. Draft Parks & Recreation Commission Minutes of April 16, 2019 Special Meeting
 - ii. Monthly Parks & Recreation Update
- h. Community & Civic Events Committee (CCEC)
 - i. Draft Community & Civic Events Committee Minutes of April 9, 2019 Meeting
- i. Other Committee and Board Reports
 - i. Scott County Association for Leadership and Efficiency (SCALE)
 - ii. Minnesota Valley Transit Authority (MVTA)
 - iii. I35 Solutions Alliance
 - iv. Chamber of Commerce

10. Discussion by Council

11. Adjournment



STAFF MEMORANDUM

SUBJECT:	Recognition of John Fuller
MEETING DATE:	May 9, 2019
PREPARED BY:	Lynda Jirak, Deputy Clerk
REQUESTED ACTION:	Presentation of plaque recognizing John Fuller for years of service to the City of Elko New Market Fire & Rescue

COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

DISCUSSION.

John Fuller Jr. joined the Elko New Market Fire Department in 1979. As one of the first members on the Fire Department, John has seen the department grow over the years. John has served as Assistant Fire Chief, Training Officer, Secretary and Treasurer for the Relief Association. John retires from the Elko New Market Fire Department with 34 ¼ years of active service. We thank you for your service and dedication to the community.



STAFF MEMORANDUM

SUBJECT:	Revised Minutes of April 11, 2019 City Council Meeting
MEETING DATE:	May 9, 2019
PREPARED BY:	Lynda Jirak, Deputy Clerk
REQUESTED ACTION:	Adopt Revised Minutes of April 11, 2019 City Council Meeting

COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
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COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

DISCUSSION:

The City Council is being asked to adopt revised minutes of the April 11, 2019 City Council meeting. The Business Meeting minutes have been revised to correct Mayor Julius referenced as a Councilmember in the appointment of Councilmember Schwichtenberg to serve as a representative on the Steering Committee for the SCALE Unified Transit Plan.

Attachments:

Revised Minutes of April 11, 2019 City Council Meeting

1. CALL TO ORDER

The meeting was called to order by Mayor Julius at 6:30 p.m.

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

Members Absent: Councilmember Timmerman

Also Present: City Administrator Terry, Police Chief Juell, Community Development Specialist Christianson, Public Works Superintendent Schweich

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 Schwichtenberg to approve the agenda. **APIF, MOTION CARRIED**

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

Oath of Office

Mayor Julius performed the Oath of Office on Chief of Police/Emergency Management Director Brady Juell.

5. PUBLIC COMMENT

Scott County Commission Tom Wolfe updated the Council on Scott County activities. He noted SCALE has been cancelled for April.

6. CONSENT AGENDA

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

- a. Approve March 28, 2019 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Ordinance No. 188 Amending Ordinance for Sexually Oriented Uses
- d. Ordinance Amendments Related to Small Wireless Facilities
 - a. Adopt Ordinance No. 185 Amending Zoning Ordinance Regarding Small Cell
 - b. Adopt Ordinance No. 186 Amending Right of Way Ordinance for Small Cell
 - c. Adopt Ordinance No. 187 Summary Ordinance for 186
 - d. Adopt Ordinance No. 190 Amending Fee Schedule
- e. Approve Recycling Program Agreement
- f. Adopt Resolution 19-15 Adopting Proclamation Policy
- g. Adopt Resolution No. 19-16 Approving Extension of the Deadline for Filing the Final Plat for Dakota Acres 1st Addition
- h. Approve Assignment of Agreement for Municipal Advisor Services Between Elko New Market and Baker Tilly

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Authorize Engineering Services for 2019 Lift Station Standby Generation Project

City Engineer Revering requested the City Council consider authorizing Engineering services for the 2019 lift station standby generation project. After discussing this item, the City Council requested Staff to move forward with the bids and design for a lift station standby generator.

MOTION by Councilmember Berg, second Councilmember Seepersaud, to Accept Proposal and Authorize Engineering Services for 2019 Lift Station Standby Generation Project. **APIF, MOTION CARRIED**

9. REPORTS

a) ADMINISTRATION

Appointment to SCALE Unified Transit Plan Steering Committee

City Administrator Terry requested the City Council appoint a Councilmember to the SCALE Unified Transit Plan Steering Committee. **MOTION** by Councilmember Berg, seconded by Mayor Julius, to appoint Councilmember Schwichtenberg to serve as a representative on the Steering Committee for the SCALE Unified Transit Plan.

APIF, MOTION CARRIED

b) PUBLIC WORKS

Written report included in Council Packet.

c) POLICE DEPARTMENT

Chief Juell complimented Public Works on working seamlessly with the Police Department during bad weather to help with emergency situations.

Written report included in Council Packet.

d) FIRE DEPARTMENT

City Administrator Terry stated the Fire Department is looking to purchase a replacement rescue truck for the old heavy rescue truck. He noted the chassis cannot be ordered until fall 2019. This may change the timing of financing to project and which debt is issued it is combined with.

e) ENGINEERING

City Administrator Terry updated the Council on the Round-About project in the City.

f) COMMUNITY DEVELOPMENT

- i. Written draft March 26, 2019 Planning Commission Minutes included in Council Packet.
- ii. Community Development Updates

g) PARKS DEPARTMENT

- i. Written Parks Commission Update and Minutes included in Council Packet.

ii. Monthly Parks & Recreation Update

h) Community & Civic Event Committee (CCEC)

Draft Community & Civic Events Committee Minutes of March 19, 2019 Meeting

i) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

Mayor Julius updated that the SCALE meeting has been cancelled. He stated the meetings are important. He asked Councilmember Berg's opinion on the benefit of SCALE since Councilmember Berg has been involved more the other Councilmembers currently serving. Councilmember Berg stated the benefit is the networking. Mayor Julius noted the SCALE Committee has been working on the SCALE reboot plan. He requested everyone on the Council go to the next meeting, if possible. He stated the next SCALE meeting is May 10, 2019.

ii. MVTA

Councilmember Schwichtenberg updated the Council that MVTA is implementing the new automated tracking system for the buses.

iii. I35 SOLUTIONS ALLIANCE

None

iv. CHAMBER OF COMMERCE

None

v. DOWNTOWN IMPROVEMENT COMMITTEE

None

10. DISCUSSION BY COUNCIL

Councilmember Schwichtenberg asked if anyone was going to attend the Annual Duluth Conference in June. He noted he would like to attend. Mayor Julius stated he was tentatively planning on attending. City Administrator Terry asked the Council to let him know as soon as possible for registration and hotel confirmations.

Mayor Julius reminded the Council that the Council retreat was next week and to have an open conversation on what the Council wants to do as elected officials during their time on the City Council. City Administration Terry stated framework materials will go out next week.

11. ADJOURNMENT

MOTION by Councilmember Berg, second by Councilmember Schwichtenberg, to adjourn the meeting at 7:37 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Thomas Terry, City Administrator

1. CALL TO ORDER

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

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

Members Absent: None

Also Present: City Administrator Terry, Police Chief Juell, Community Development Specialist Christianson, 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 Timmerman to approve the revised agenda. **APIF, MOTION CARRIED**

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

Proclamation for Municipal Clerks Week

Mayor Julius read the Municipal Clerks Week Proclamation.

5. PUBLIC COMMENT

None

6. CONSENT AGENDA

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

- a. Approve April 11, 2019 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Authorize Extension of Internship
- d. Approve Joint Powers Agreement Between New Prague School District and the City of Elko New Market for Landscape Services
- e. Adopt Resolution 19-17 for One Day Liquor License for Elko Express Baseball Club
- f. Not Approve the Waiving of the Monetary Limits on Municipal Tort Liability
- g. Authorize Hire of Public Works Maintenance Worker I
- h. Approve R&F Properties, LLC Grading Permit
- i. Elko New Market Fire Relief Association Annual Dance
 - Adopt Resolution 19-18 Approving Outdoor Concerts and Events Permit
 - Adopt Resolution 19-19 Approving Temporary On-Sale Intoxicating Liquor License

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Revised Development Contract and Special Assessment for Christmas Pines and Amend Resolution No. 18-18

- i. Resolution 19-20 Approving Revised Development Contract and Special Assessments for Christmas Pines and Amending Resolution No. 18-18

City Engineer Revering requested the City Council consider adopting Resolution 19-20, approving revised development contract and special assessments for Christmas Pines and amending Resolution No. 18-18. Mr. Garry Tupy, developer for Christmas Pines talked to the City Council regarding the project. After discussing this item, the City Council requested Staff to come up with some general criteria for waiving security assessment of development related fees in future developments and to bring back to the Council for review. The Council is willing to do so without securities on this project because of some unique aspects of it. The limited number of lots with limited amount of financial liability associated with it, no system infrastructure having to be paid for that is directly related to this specific project and due to this being an infill project. **MOTION** by Councilmember Schwichtenberg, second Councilmember Timmerman, to adopt Resolution No. 19-20 Approving a Revised Development Contract, Version 14, and Adopting Special Assessments for Development Costs and amending Resolution No. 18-18. **APIF, MOTION CARRIED**

9. REPORTS

a) ADMINISTRATION

City Administrator Terry stated in the display case there is the trophy from previous Mayor Gabriel winning the Mayors Cup and previous Mayor Gabriel is asking whether the City needs to keep the trophy or whether or not he can take it home. The Council indicated previous Mayor Gabriel could take the trophy home.

Councilmember Schwichtenberg suggesting having previous Mayor Gabriel come in to get the trophy and taking a photo of him and the trophy, framing it and putting that in the display case. The Council liked that idea.

b) PUBLIC WORKS

None

c) POLICE DEPARTMENT

Written report included in Council Packet.

d) FIRE DEPARTMENT

None

e) ENGINEERING

None

- f) COMMUNITY DEVELOPMENT
None
- 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
None
 - ii. MVTA
None
 - iii. I35 SOLUTIONS ALLIANCE
None
 - iv. CHAMBER OF COMMERCE
None
 - v. DOWNTOWN IMPROVEMENT COMMITTEE
None

10. DISCUSSION BY COUNCIL

- i. Discussion Regarding Attending League of MN Cities Annual Conference in Duluth

City Administrator Terry stated the League conference falls over the Council meeting on June 27th. The options that are available for the Councilmembers planning to attend is to go to the conference and not be at the City Council meeting, the other option would be to reschedule the meeting to another time or the Councilmembers attending the conference can drive back for the City Council meeting.

Councilmember Schwichtenberg did not think it was an issue if he was the only one attending the conference. He stated he would try to make it back for the City Council meeting, but the meeting could still be held if he was not in attendance. He stated he may not be able to make the May 23rd meeting.

- ii. Discussion Regarding Roundabout Meeting pushed back until next meeting

City Administrator Terry stated staff had intended to schedule action items related to the round-about project on the May 9th meeting. It appears that the items are more likely to be on the May 23rd meeting. He noted staff has not yet received the cooperative agreement draft yet from the County for review, so it will probably not make it for the May 9th packet.

iii. Discussion Regarding Moving May 23, 2019 City Council Meeting to Wednesday, May 22, 2019

Mayor Julius stated he would like to have the entire City Council present at the May 23rd meeting for the Round-About discussion, so he wondered if the Council was in agreement to move the meeting to May 22nd. The Council was agreeable to move the meeting to May 22nd. **MOTION** by Mayor Julius, second Councilmember Timmerman, to move the May 23rd City Council meeting to Wednesday, May 22nd. **APIF, MOTION CARRIED**

iv. Discussion Regarding Holding Council Retreat

Mayor Julius stated he would like to have a Council Retreat outside of a Council meeting but if the rest of the City Council's desire was to have the retreat before a regular Council meeting then he would be open to that as well. Councilmember Timmerman stated she was looking to having the retreat on a separate night as well but was open to what the other Councilmember's wanted. Councilmember Berg stated he could not make May 16th, but if the Council wanted to do a different date, he could see what his schedule was.

City Administrator Terry stated he has talked to the Mayor and the Acting Mayor and that in his experience it is hard to get all of the Councilmembers together on a night other than a scheduled City Council meeting night. He proposed that if everyone could meet earlier on the City Council meeting night, maybe 4:00 p.m. or 4:30 p.m., staff would provide some sort of food and beverage as part of the work session and move into into the City Council business meeting afterwards. Mayor Julius stated if the City Council cannot meet on another night then plan on having a work session on May 22nd before the City Council meeting.

Councilmember Seepersaud stated it did not matter to her so whatever the Council decided. City Administrator Terry stated he would need to look at staff's calendar and get back to the Council on the date.

11. ADJOURNMENT

MOTION by Councilmember Timmerman, second by Councilmember Seepersaud, to adjourn the meeting at 8:22 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Thomas Terry, City Administrator

City Council Special Meeting

MAY 3, 2019

MINUTES

1) CALL TO ORDER

The meeting was called to order by Mayor Julius at 7:00 a.m.

Members Present: Mayor Julius, Councilmembers: Berg and Seepersaud

Members Absent: Councilmember Timmerman and Schwichtenberg

Also Present: Deputy Clerk Jirak

2) PLEDGE OF ALLEGIANCE

Mayor Julius lead the Council in the Pledge of Allegiance

3) GENERAL BUSINESS

Approve Outdoor Concerts and Events Permit for Boy Scout Troop 325 with exemption to written notice, City Code 4-5-3(C) due to Good Cause, Section 4-5-7(A)(3) of the City Code.

MOTION by Councilmember Berg, second by Councilmember Seepersaud to approve Resolution 19-21. **APIF, MOTION CARRIED**

4) ADJOURNMENT

MOTION by Councilmember Berg, second by Councilmember Seepersaud to adjourn the meeting at 7:02 a.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Lynda Jirak, Deputy Clerk



STAFF MEMORANDUM

SUBJECT:	Presentation of Elko New Market Claims and Electronic Transfer of Funds
MEETING DATE:	May 9, 2019
PREPARED BY:	Stephanie Fredrickson, Administrative Assistant
REQUESTED ACTION:	Approve Payment of Current Claims

COMMUNITY VISION:

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COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

BACKGROUND

Each City Council meeting the Administrative Assistant presents for approval the Elko New Market Claims and Electronic Transfer of Funds.

BUDGET IMPACT:

Budgeted

Attachments:

- Check Summary Register

*Check Summary Register©

May 9, 2019

Name	Check Date	Check Amt	
AUTOPAYS			
Paid Chk# 006061EMINNESOTA ENERGY RESOURCES	5/16/2019	\$154.74	26518 France Avenue
Paid Chk# 006062EMINNESOTA ENERGY RESOURCES	5/16/2019	\$40.42	26518 France Avenue
Paid Chk# 006063EXCEL ENERGY	5/21/2019	\$198.08	Storage
Paid Chk# 006064EMN VALLEY ELECTRIC COMPANY	5/9/2019	\$12.90	City of Elko Park, Elko
Paid Chk# 006065EXCEL ENERGY	5/22/2019	\$403.24	Library - 100 J Roberts Way
Paid Chk# 006066EMINNESOTA ENERGY RESOURCES	5/16/2019	\$6.25	26518 France Avenue
Paid Chk# 006067EMINNESOTA ENERGY RESOURCES	5/16/2019	\$330.35	PW Facility - Gas Utilities
Paid Chk# 006068EMINNESOTA ENERGY RESOURCES	5/15/2019	\$762.57	25499 Natchez Ave - WTP
Paid Chk# 006069EXCEL ENERGY	5/1/2019	\$4,751.08	601 Main Street
Paid Chk# 006070EDAKOTA ELECTRIC ASSN	5/3/2019	\$128.18	Ptarmigan Drive Streetlights
Paid Chk# 006071EMN VALLEY ELECTRIC COMPANY	4/22/2019	\$142.00	268X Xerxes Water Tower, Elko
Paid Chk# 006072EINTERNAL REVENUE SERVICE	5/2/2019	\$9,826.62	Vendor Liability
Paid Chk# 006073EPERA	5/2/2019	\$7,698.50	Vendor Liability
Paid Chk# 006074EMN DEPT OF REVENUE	5/2/2019	\$2,078.48	Vendor Liability
Paid Chk# 006075EHEALTH EQUITY, INC.	5/2/2019	\$788.84	HSA EE Contributions PR9
Paid Chk# 006076DELTA DENTAL OF MINNESOTA	5/2/2019	\$1,065.60	Dental
Paid Chk# 006077EHEALTH PARTNERS	5/2/2019	\$19,799.65	MEDICAL INS- May 2019
TOTAL		\$48,187.50	
PRE-PAIDS			
Paid Chk# 039685 IUOE LOCAL #49	4/22/2019	\$140.00	Union Dues- Marty Deutsch
TOTAL		\$140.00	
CHECK REGISTER			
Paid Chk# 039686 APPLE FORD LINCOLN	5/9/2019	\$304.48	PD Fleet
Paid Chk# 039687 BAKER TILLY MUNICIPAL ADVISORS	5/9/2019	\$850.00	2009A Arbitrage Calculation
Paid Chk# 039688 BOLTON & MENK	5/9/2019	\$15,126.10	T17.117773 - Adelmann Properti
Paid Chk# 039689 CAMPBELL KNUTSON	5/9/2019	\$3,017.90	Christmas Pines
Paid Chk# 039690 CENTRAL FIRE PROTECTION, INC.	5/9/2019	\$806.20	Gen Building Maint
Paid Chk# 039691 CINTAS CORPORATION NO. 2	5/9/2019	\$12.80	PW UNIFORMS
Paid Chk# 039692 CULLIGAN BOTTLED WATER	5/9/2019	\$280.20	Bottled Water/Water Cooler for
Paid Chk# 039693 FARMERS MILL & ELEVATOR, INC.	5/9/2019	\$747.84	PW - Streets
Paid Chk# 039694 FLEETPRIDE	5/9/2019	\$348.41	PW - Fleet Maint & Equip
Paid Chk# 039695 FORCE AMERICA DISTRIBUTING LLC	5/9/2019	\$3,104.45	PW - Fleet Maint & Equip
Paid Chk# 039696 GALLS, LLC	5/9/2019	\$62.84	PD - Uniform Coat
Paid Chk# 039697 INNOVATIVE OFFICE SOLUTIONS LL	5/9/2019	\$101.92	Office Supplies
Paid Chk# 039698 KELLEY FUELS, INC.	5/9/2019	\$1,934.69	PW - Fuel
Paid Chk# 039699 LAKEVILLE SANITARY, INC.	5/9/2019	\$314.69	11039 - 25499 Natchez Ave
Paid Chk# 039700 LAKEVILLE TROPHY CO.	5/9/2019	\$107.59	Recognition Plaque - John Full
Paid Chk# 039701 LEAGUE OF MN CITIES	5/9/2019	\$240.00	2019 Annual Conf - Jon Schwich
Paid Chk# 039702 LEAGUE OF MN CITIES INS TRUST	5/9/2019	\$45,839.00	Worker's Comp 2020
Paid Chk# 039703 LEO A DALY	5/9/2019	\$1,440.00	PD Station PreDesign thru 4/19
Paid Chk# 039704 MAMA-METRO AREA MGMT ASSN	5/9/2019	\$70.00	2019 Membership - Tom Terry
Paid Chk# 039705 MENARDS - DUNDAS	5/9/2019	\$234.73	PW - Streets
Paid Chk# 039706 METROPOLITAN COUNCIL	5/9/2019	\$425.00	Industrial Discharge Permit Fe
Paid Chk# 039707 MINNESOTA EQUIPMENT	5/9/2019	\$72.31	PW - Fleet Maint & Equip
Paid Chk# 039708 MN CRITTER GETTERS, INC.	5/9/2019	\$1,148.00	Monthly Animal Control
Paid Chk# 039709 MVTL LABORATORIES	5/9/2019	\$95.00	PW - Water Testing
Paid Chk# 039710 MY LEGACY PHOTOGRAPHY	5/9/2019	\$610.00	Professional Photos - Council/
Paid Chk# 039711 NEW MARKET TOWNSHIP	5/9/2019	\$4,038.23	2018 Maint of Shared Roads 201
Paid Chk# 039712 NOVACARE REHABILITATION	5/9/2019	\$240.00	Pre-employ Testing - Brady Jue
Paid Chk# 039713 POMPS TIRE SERVICE, INC.	5/9/2019	\$394.96	PW - Fleet Maint & Repairs
Paid Chk# 039714 QUILL CORPORATION	5/9/2019	\$316.20	Operating Supplies
Paid Chk# 039715 RIGID HITCH INCORPORATED	5/9/2019	\$11.94	PW - Fleet Maint & Equip
Paid Chk# 039716 ALAN ROLEK	5/9/2019	\$487.20	Mileage Jan-Apr 2019
Paid Chk# 039717 SAFETY-KLEEN SYSTEMS, INC.	5/9/2019	\$168.88	PW - Small Tools
Paid Chk# 039718 SCHLOMKAS PORTABLE	5/9/2019	\$420.00	Portable Restrooms
Paid Chk# 039719 SCOTT COUNTY RECORDER	5/9/2019	\$92.00	F03-19 Fence Encroachment Agmt
Paid Chk# 039720 SHERWIN-WILLIAMS	5/9/2019	\$488.37	Building Maint
Paid Chk# 039721 SHRED RIGHT	5/9/2019	\$15.00	Shredding
Paid Chk# 039722 SRF CONSULTING GROUP, INC.	5/9/2019	\$7,602.06	Roundabout - Right of Way Acqu
Paid Chk# 039723 STREICHER'S INC	5/9/2019	\$168.92	PD Ammo
Paid Chk# 039724 SUEL PRINTING COMPANY	5/9/2019	\$384.00	Legal Ads
Paid Chk# 039725 TIMESAVER OFF SITE SECRETARIAL	5/9/2019	\$180.00	City Council Minutes
Paid Chk# 039726 TRI-STATE BOBCAT	5/9/2019	\$232.36	PW - Fleet Maint & Equip

CITY OF ELKO/NEW MARKET

*Check Summary Register©

May 9, 2019

	Name	Check Date	Check Amt	
Paid Chk# 039727	UNIQUE PAVING MATERIALS CORP	5/9/2019	\$363.15	PW - Streets
Paid Chk# 039728	SPLIT ROCK MANAGEMENT INC	5/9/2019	\$845.00	CITY HALL
Paid Chk# 039729	VERIZON WIRELESS	5/9/2019	\$867.00	Cell Phones
TOTAL			\$94,609.42	

DIRECT DEPOSIT

Paid Chk# 502467E	Bi-Weekly ACH	5/2/2019	\$32,841.87	
TOTAL			\$32,841.87	



STAFF MEMORANDUM

SUBJECT:	Sanitary Sewer Trunk Fee Credit Policy
MEETING DATE:	May 9, 2019
PREPARED BY:	Thomas Terry, City Administrator
REQUESTED ACTION:	Adopt Resolution 19-22 Adopting A Policy For A Credit To The City Sanitary Sewer Trunk Fee For Eligible Properties

COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

BACKGROUND

Prior to the merger of the Cities of Elko and New Market, the Joint Sewer Board (JSB) provided oversight for the operation of the combined wastewater collection and treatment system for the cities. This joint powers organization owned and operated the wastewater treatment facility, as well as operated the collection systems of the individual cities. The JSB was governed by a board made up of representative from both former cities.

In 2005, the JSB established a policy specifying the conditions and criteria under which the JSB would waive the JSB's Sewer Access Charge (SAC) fee. This fee was similar to the current Met Council SAC fee or the City's trunk fee. It was collected by the Cities on behalf of the JSB to pay for capital infrastructure. It is the understanding of Staff that general property tax levy was used for a limited period of time to partially service the debt for the initial installation of the sanitary sewer system in the former City of Elko. And, this was part of the rationale for establishing the JSB Sewer Access Charge (SAC) Waiver Policy.

Sewer Access Charge Waiver Policy

Property owners may petition for a waiver of the Sewer Access Charge(s) (SAC) due to JSB upon connection to the municipal sanitary sewer system. The following criteria must be met in order to grant a waiver:

- 1. The property was located within the corporate boundary of the City of Elko or the City of New Market prior to January 1, 1987.*
- 2. The property must have been improved with a single family, multi-family or commercial building served by an ISTS prior to January 1, 1989.*
- 3. The SAC charge will be waived for each single family, multi-family or commercial building connecting to the system that was served by an ISTS prior to January 1, 1989 and existing at the time of the petition for waiver. All single family, multi-family or commercial building served by an ISTS prior to January 1, 1989 will be considered to be one (1) SAC unit.*
- 4. The petition for waiver shall be submitted prior to connection to the system.*
- 5. Unless otherwise amended or modified, this policy shall expire upon connection of the Cities of Elko and New Market to the Metropolitan Council system.*

The City connected to the to the Met Council interceptor in 2011, causing the policy to expire. The Council has had multiple discussions regarding extension of the policy or establishment of a similar policy, most recently in 2018. The Council had decided not to reestablish a same or similar policy or provide a waiver consistent with the policy on a case by case basis.

The City had been contacted by the owner of 26501 Xerxes Trail (Lucast) regarding connection to the City's waste water system. The property is currently served by a Subsurface Sewage Treatment System (SSTS) which was reportedly initially installed in 1987 as a replacement system. Connection to city sewer would require connecting to the existing sewer service coming out of the house. As part of the connection request, the property owner (Lucast) has inquired about full or partial waiver of connection fees, specifically the previous JSB Sewer Access Charge Waiver Policy. The property owner was advised that the Council had recently discussed the topic in 2018 and determined that no so such credit or waiver of fees would be provided. Any request varying from that policy direction would need to be made directly to Council.

In February, the property owner (Lucast) made a formal request for a reduction in fees consistent with the former JSB Sewer Access Charge (SAC) Waiver Policy. The fees associated with the hookup include the trunk fee of \$4,056, the connection fee of \$2,107 and the MCES fee of \$4,864 for a total \$11,027. The JSB Sanitary Sewer Charge Waiver policy provided a waiver of the JSB Sewer Access Charge (SAC), which was \$4,300 at the time. This was collected in addition to the city trunk fees. When the Cities merged, the JSB SAC fee of \$4,300 was combined with the sanitary sewer trunk fee. The sanitary sewer trunk fee is currently \$4,056 per the 2019 Fee Schedule.

Staff recommended that any credit not exceed the amount of the current trunk fee of \$4,056. Furthermore, Staff recommended reviewing the Lucast request within the context of a policy decision as opposed to an individual request. In considering the request, the Council determined that the issue be discussed within the context of a policy decision regarding properties with similar circumstances.

After considering the issue, the Council directed Staff to prepare a policy providing a credit towards the Sewer Trunk Fee for consideration by the City Council. The Council did not provide direction on the amount of the credit.

DISCUSSION:

Staff has provided a Policy For A Credit To The City Sanitary Sewer Trunk Fee For Eligible Properties for consideration by the City Council. The amount of the credit will need to be inserted once it has been determined by Council. The policy reflects the eligibility criteria in the former JSB Sewer Access Charge (SAC) Waiver Policy.

BUDGET IMPACT:

Non-collection of the sewer trunk fee in the amount of the determined credit.

Attachments:

Resolution 19-22

Draft Sewer Access Charge (SAC) Waiver Policy

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

RESOLUTION NO. 19-22

**RESOLUTION ADOPTING A POLICY FOR A CREDIT TO THE CITY
SANITARY SEWER TRUNK FEE FOR ELIGIBLE PROPERTIES**

WHEREAS, the City desires to encourage properties within the City currently served by a subsurface sewage treatment system to connect to available sanitary sewer service;

WHEREAS, certain properties within City were previously offered a waiver to a prior sewer access charge by the Joint Sewer Board for the individual cities (“JSB”), to provide such encouragement and reflect the contribution of the properties to the initial installation of municipal sanitary sewer infrastructure through the payment of general property taxes (JSB Policy);

WHEREAS, the JSB is no longer in existence and the JSB Policy providing such a waiver has expired;

WHEREAS, the City desires to continue the JSB Policy, in concept, by providing a credit to the sanitary sewer trunk fee for eligible properties within the City pursuant to the Sanitary Sewer Trunk Fee Credit Policy attached hereto as Exhibit A;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELKO NEW MARKET, MINNESOTA, that the Sanitary Sewer Trunk Fee Credit Policy attached hereto as Exhibit A is hereby adopted.

PASSED AND DULY ADOPTED by the Elko New Market City Council this 9th day of May, 2019.

Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk

EXHIBIT A

SANITARY SEWER TRUNK FEE CREDIT POLICY

- 1. Purpose.** The City desires to encourage properties currently served by a subsurface sewage treatment system (“SSTS”) to connect to the City sanitary sewer service by providing a credit to the sanitary sewer trunk fee for properties that supported the initial installation of sanitary sewer infrastructure through general property taxes.
- 2. Credit.** Eligible properties under this policy shall receive a credit in the amount of \$ _____ towards the City’s sanitary sewer trunk fee in accordance with the terms of this policy.
- 3. Eligibility.** Properties are eligible for the credit provided under this policy, if the property meets the following criteria:

 - a. The property was located within the corporate boundary of the City of Elko or the City of New Market prior to January 1, 1987; and
 - b. The property must have been improved with a single family, multi-family or commercial building served by an SSTS prior to January 1, 1989.
- 4. Application for Credit.** A property seeking a credit to the sanitary sewer service trunk fee, must request the credit at the time of connection and provide evidence supporting eligibility for the credit. No credit will be applied to properties that have previously connected to city sanitary sewer service or that connect prior to applying for a credit.



STAFF MEMORANDUM

SUBJECT:	Monthly Public Works Report – April 2019
MEETING DATE:	May 9, 2019
PREPARED BY:	Corey Schweich, Public Works Superintendent
REQUESTED ACTION:	Information Only

COMMUNITY VISION:

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COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

BACKGROUND:

Staff is presenting a written report for Public Works activities in April.

DISCUSSION:

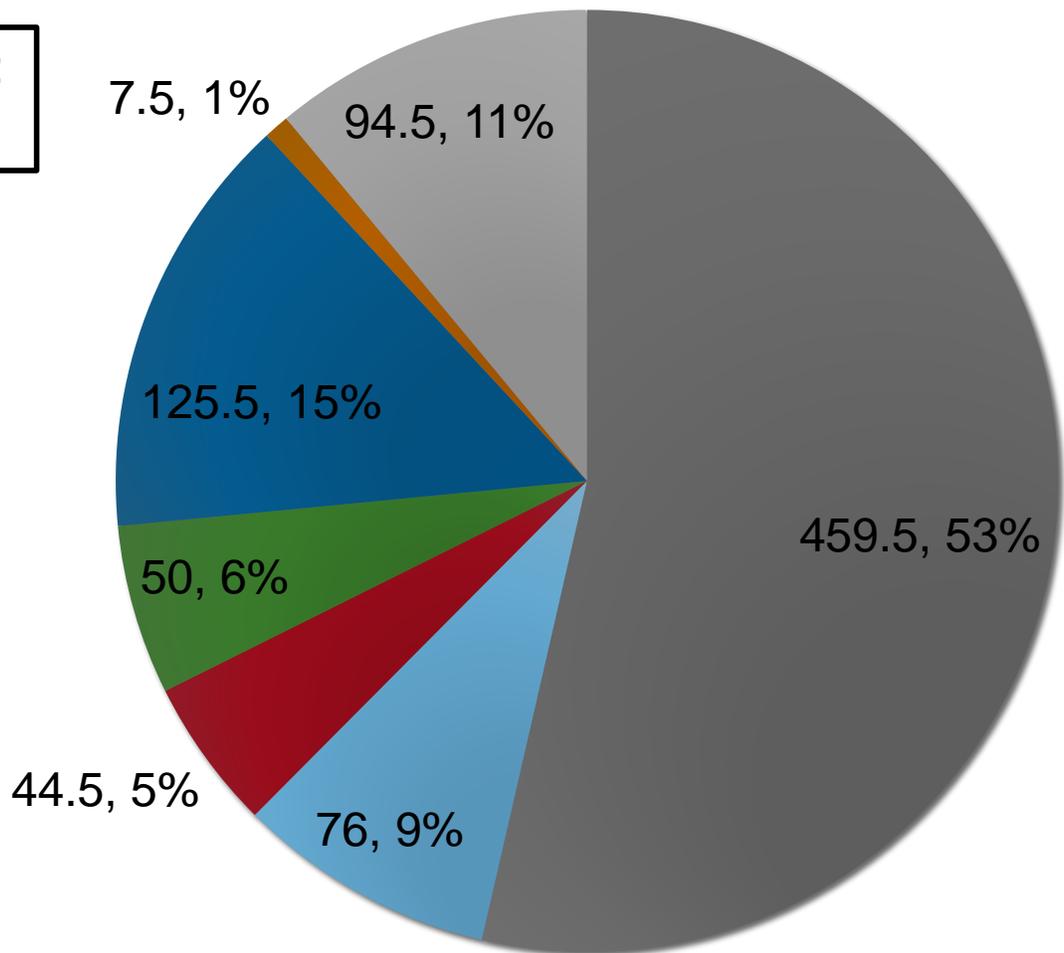
- Public Works Staff performed snow & ice control operations on one event in April. As a result of the warmer temperatures the snow was very wet and heavy. During this event Staff worked with the police Department to shut down the roads leading to the school. At the time, the roads were impassable due to large drifting and the visibility was minimal. Public Works was able to open the road up later in the afternoon.
- Superintendent Schweich attended the League of MN Cities loss control workshop.
- As part of the regional safety group made up of Elko New Market, Lakeville, and Farmington, forklift and aerial work platform was the topic this month. Staff will continue to attend monthly safety trainings through this group.
- Staff installed the basketball hoops at Little Windrose Park.
- Staff assisted the County with a plugged culvert east of town. As part of the SCALE philosophy Public Works and Scott County work collaboratively by sharing equipment and resources.
- Superintendent Schweich attended the pre-con meeting for Christmas Pines. The work should start on that development sometime in May.
- Staff has started to drag and maintain the ballfields for the season, this will continue throughout the summer on a daily basis.
- Spring street sweeping has been completed, Staff may have to go out and touch up some spots as a result of the snow.
- Superintendent Schweich attended the inspection at the PD with the architects that have been contracted to perform the design work associated with the Police Department remodel. There will be more meetings to attend in the coming months.
- Spring hydrant flushing has been completed.
- Public Works has started to repair any sod damage that occurred this plow season, as much as the operators try to stay on the curb but not over the curb, there is always some damage.
- As the result of a wet winter and heavy rain in April, Staff had to continue to check and clean storm structures. Many times pond inlets and outlets can get plugged up with garbage, leaves, sticks, logs, plastic bags and other debris.
- Staff filled in a significant amount of potholes with cold patch and or blacktop. This season has been one of the worst for potholes. It should be noted that a majority of the potholes were located on roads that are scheduled to be milled and overlaid in 2019.
- Public Works Staff has completed the paint work on the interior of the well houses.
- As we are somewhat between seasons, Staff has been performing many inside building maintenance tasks that were scheduled to be completed this winter, but were put on hold with all of the snow.
- The Skate Park and the shelter at Wagner Park have been opened for the season.
- All of the snow & ice control equipment has been removed from the vehicles, Staff will go through all of the equipment and make repairs as needed before next winter.
- Public Works repaired and regraded some of the shoulder on the gravel portion of Main Street. The shoulder was too high and would not let the water flow into the ditch, causing deep washouts to form. After the repairs were made Staff borrowed a grader from the County and graded all of the gravel roads throughout the community

- The Department has been extremely busy dealing with various minor breakdowns within the Department's fleet. Joe, the Mechanic, continues to do an excellent job juggling projects, depending on equipment needs.

PUBLIC WORKS Combined Time By Department

April 2019

Total Hours:
857.5



Public Works

Snow Plowing

Buildings

Parks & Grounds

Water

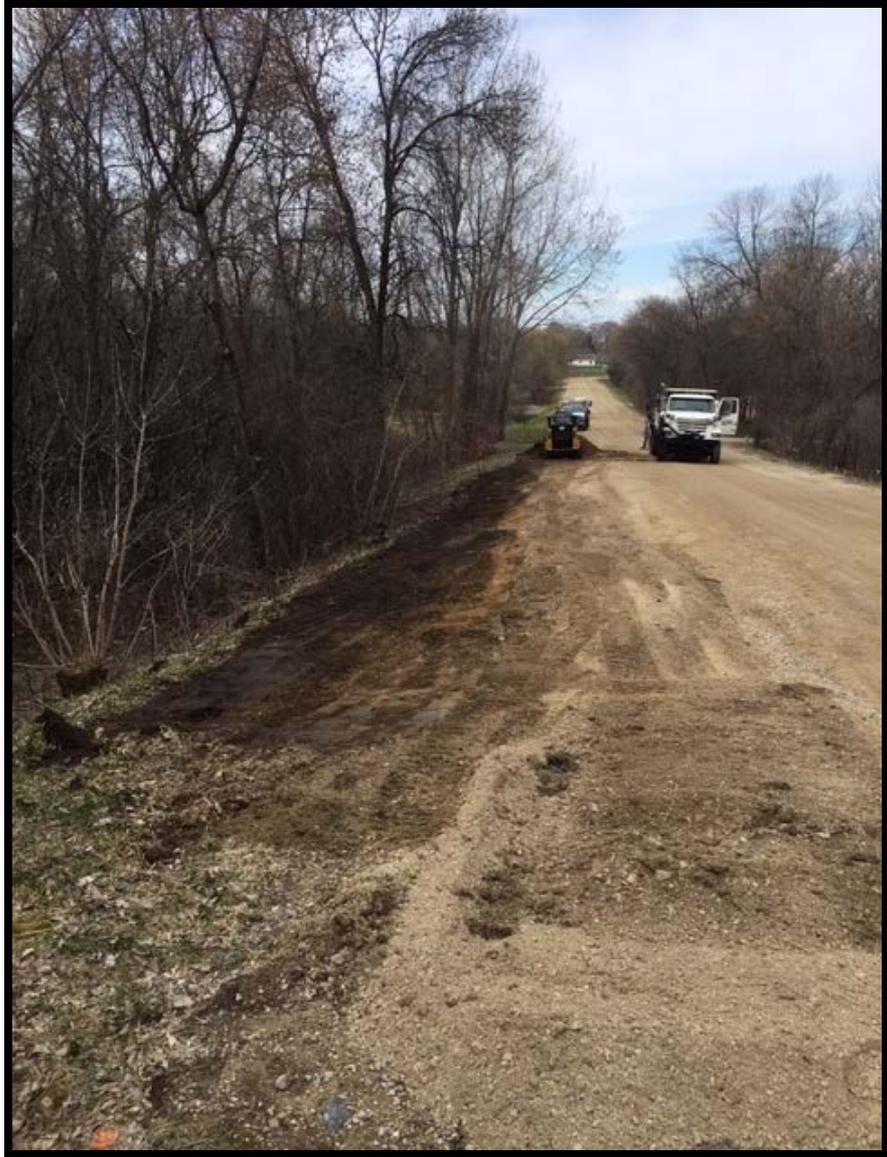
Sewer

Stormwater

PHOTO ALBUM

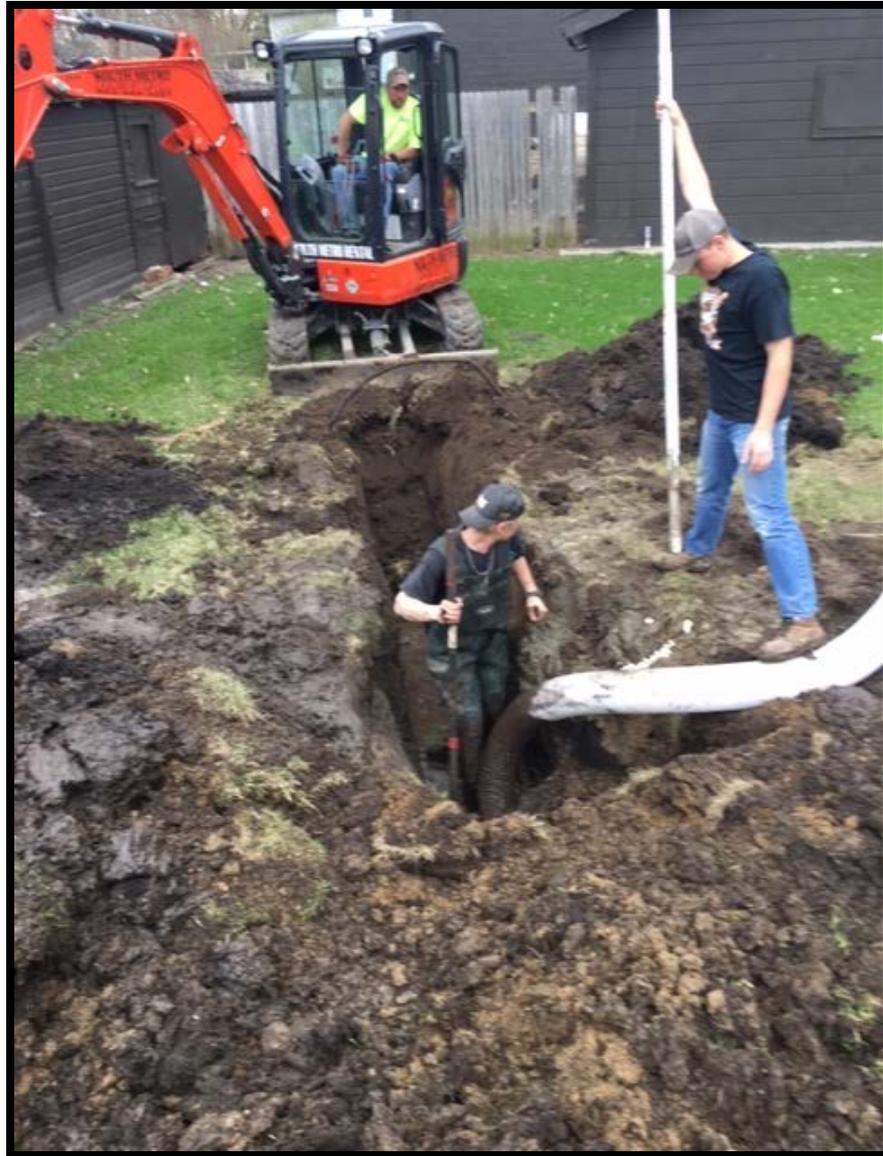
COREY SCHWEICH

PUBLIC WORKS SUPERINTENDENT













STAFF MEMORANDUM

SUBJECT: Monthly Police Activity- April 2019
MEETING DATE: May 9, 2019
PREPARED BY: Brady Juell, Chief of Police
REQUESTED ACTION: Information Only

COMMUNITY VISION:

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COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

BACKGROUND:

Staff is presenting a written report to the City Council reporting on Police Department activities for the past month.

DISCUSSION:

Preliminary (but solid) numbers for the new police car have come in at \$7,500 over projected budget. This is due to a re-design of the vehicle structure that prohibits the re-use of some current equipment (thus the over-budget amount.) Another squad is not budgeted for two or three years and will be adjusted going forward to prevent future overages.

Even though the weather did not cooperate, the Easter Egg Hunt was a big success with several hundred parents and kids participating. Chief Juell and Officer Rudolph were in attendance. (See attached photo album.)

On April 8th Officer Bell and Police Chaplain Gordon Deuel gave a safety presentation to ECFC families at Eagle View Elementary. They educated children ages 4-6 and their parents on how to make proper and safe decisions.

At the April 11th, Council Meeting Chief Juell was sworn in by Mayor Joe Julius.

Officer Rudolph participated in the law enforcement saturation patrol program known as TZD (Toward Zero Deaths). She worked with surrounding agencies to enforce seatbelt and texting violations. She made **13** stops, warning two drivers and citing **11** for various violations. Education through enforcement is the grant goal. Salaries for the officers are paid for with grant monies. Savage area was the location of the saturation enforcement.

Chief Juell met with Sheriff Luke Hennen to discuss the strong continued partnership the agencies share. This is the first time Chief Juell and Sheriff Hennen had met. Sheriff Hennen displayed his continued dedication to the department and community with assisting ENMPD in whatever capacity they could. Training topics were discussed as well as Sheriff Hennen being updated about plans to remodel the PD. It was a positive and very helpful meeting for Chief Juell since he is new to the Scott County law enforcement scene.

Police officer Candidate Steven Hotaling has completed his medical, occupational, and psychological testing. Results are pending, but a conditional offer has been extended and accepted for him to start May 20th, pending the results.

Chief Juell and Public Works Staff assisted RJM construction in doing investigative work at the PD. (Historical artifacts were recovered in the sub-floor, which were displayed at the last City Council meeting.) This work was to study the construction of the building to determine the feasibility of the structure to handle the proposed remodel. Preliminary findings are that the structure is capable of sustaining the remodel. More information will be presented to the Council hopefully at the next City Council meeting.

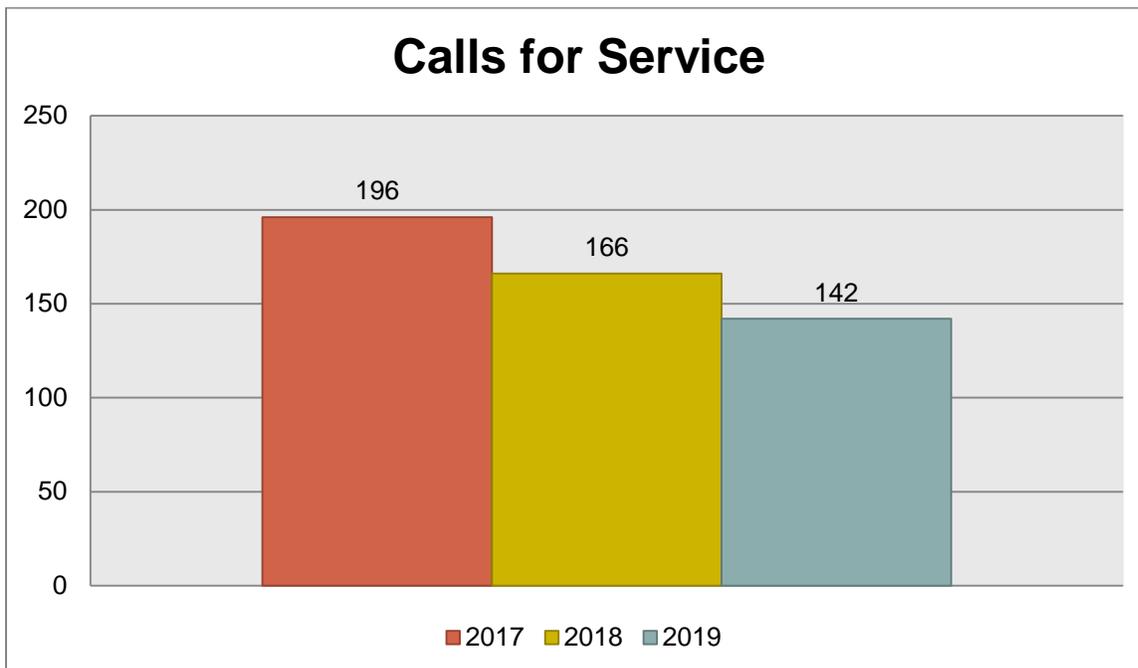
Officer Bell volunteered his time to assist the Police Explorers program down in Rochester. He assisted by being a judge for the interview portion of the event. "Police Explorers" is a youth police volunteer program for young adults ages 14 through 21. Their mission is to educate about the profession of law enforcement and hopefully spark and interest in the career.

ENMPD responded to a call of Suspicious person's that included three (3) out of state vans and a large group of people located in front of a residence. After investigation, it turned out to be a documentary film crew from Beijing China filming about musical therapy for autism treatment.

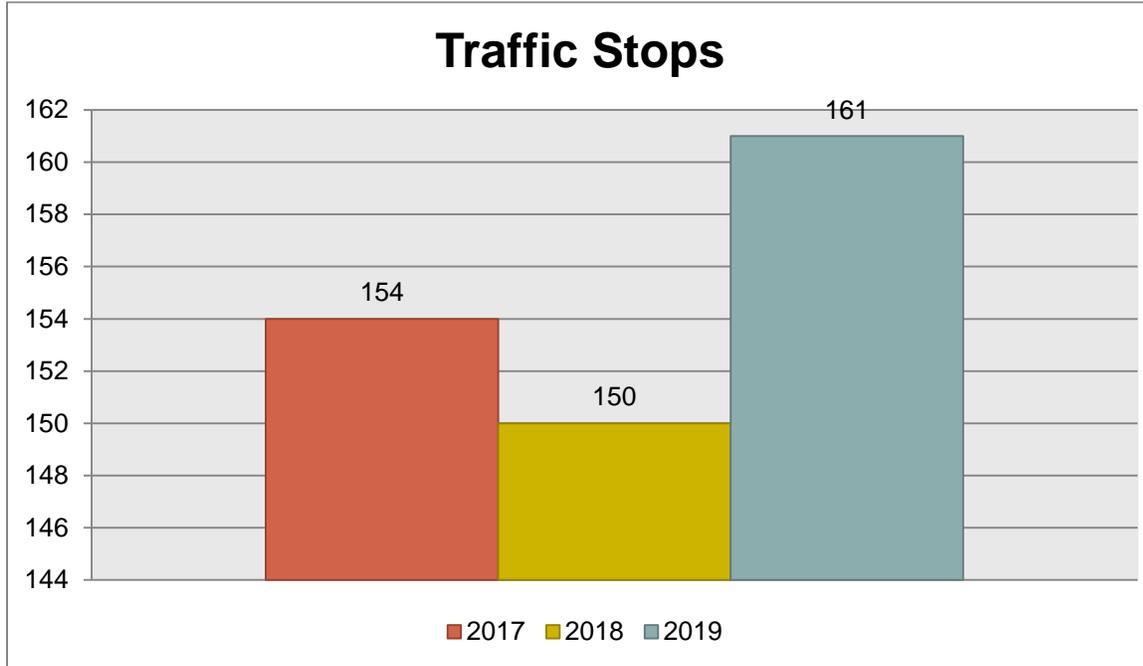
STATISTICAL INFORMATION – April 2019

2	Fire Calls
1	Property Damage
1	Motor vehicle crash
2	Noise/nuisance complaints
10	Public Assists
1	Harassment
7	Hazards
24	Administration (Rec Fire Permits)
10	Suspicious persons/vehicles/activities
1	Theft
1	Threats
7	Medicals
4	Alarms
3	Lock outs
25	Assists to other agencies
81	Extra Patrols

Calls for Service:



Total Traffic Stops:



161 traffic stops were conducted in April 2019. **116** warnings issued and **45** citations issued for speed, expired registration, no proof of insurance/no insurance, careless driving, and driving after revocation. **0** citations issued for violation of winter parking ordinances on plowing days.

Total Incidents Handled:

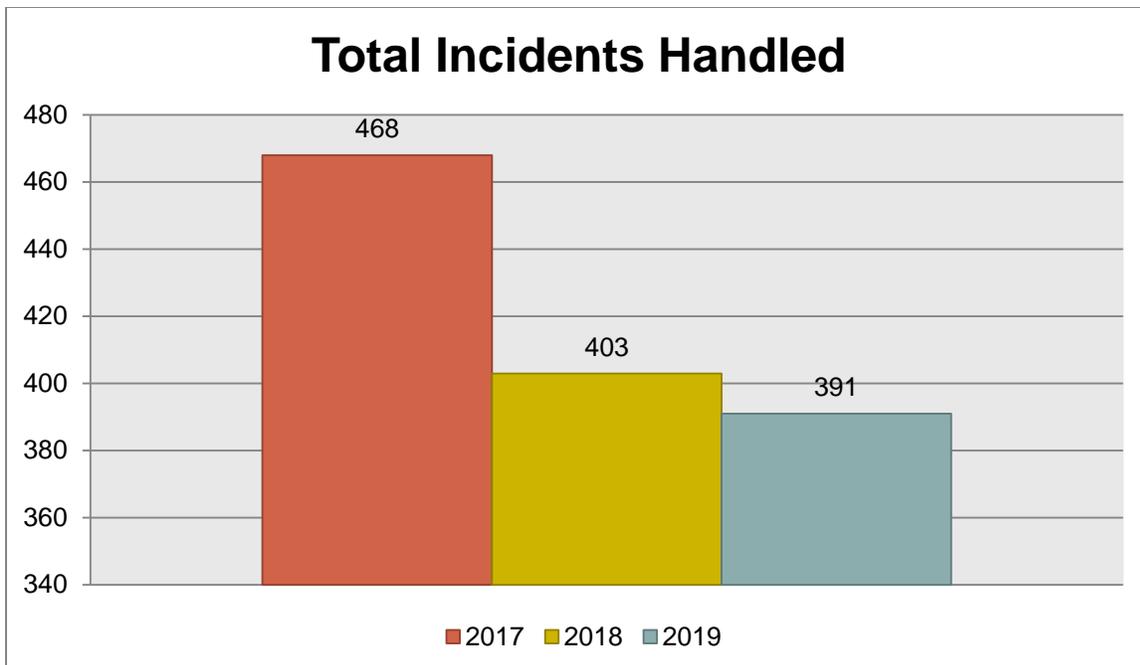


PHOTO ALBUM

BRADY JUELL, CHIEF OF POLICE
EMERGENCY MANAGEMENT DIRECTOR









NEW PRAGUE AREA SCHOOLS

Mission To engage and support everyone in high levels of learning.

Vision To be a premier school district that models excellence and embraces the challenges of the 21st Century.

Values

- Allocate time and support to best practice research and implementation
- Respect diverse thinking
- Model appropriate, positive interactions
- Think globally
- Learn and apply supportive, interactive technologies

EAGLE VIEW
Assembly Expectations

- Safety First
- Respect
- Clean and Behavior
- ...



B. JUELL











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MEMORANDUM

Date: May 9, 2019
To: Mayor Julius and Members of the City Council of Elko New Market
Tom Terry, City Administrator
From: Rich Revering, PE – City Engineer
Subject: 2019 Pavement Rehabilitation – Update on Final Design
Elko New Market
Project No.: T17.116817

BACKGROUND

Council ordered plans and specifications for the above-referenced project at its January 24, 2019 regular meeting. Staff is requesting the City Council discuss and provide direction on the final design.

Plans and specifications are near completion; however, several matters have come up that may affect the project outcome. Specifically, staff wants to update the council on three matters:

1. Replacement of pedestrian ramps. Nine ramps are in the project area. Staff recommends eight be replaced. This will primarily be an information item.
2. Bidding climate. Results from some projects bid from our office this Spring indicate higher than anticipated unit prices. This will primarily be an information item.
3. Curb Repairs. There is concern that the proposed repairs may not reflect the community's expectations for addressing curb defects on the streets in the project.

DISCUSSION

1. Pedestrian Ramps – With the help of the City Attorney it was determined that ramps built prior to current ADA standards adopted in 2010 would not require updating provided they conformed to requirements in place when they were installed in the late '90s and early 2000s. The applicable requirements were adopted in 1991. It was assumed during the Feasibility Report preparation that ramps of this age complied with applicable codes. It turns out they did not.

Each of the nine ramps were checked twice for compliance with the 1991 standards during final design. The first check was attempted while there was snow cover, limiting the ability for a thorough examination. Snow was gone for the second review. Of nine ramps, only one appears to meet the 1991 standards. Though it does not comply with 2010 rules, it would not need to be replaced from a legal standpoint. Removal and replacement of a ramp is expected to cost up to several thousand dollars each. Staff is recommending only the eight ramps that must legally be replaced due to the adjacent roadway work be included in the project, and that no ramps outside

Date: May 9, 2019

of the project, despite being nearby and non-conforming, be included. These are designed in the field to ensure slopes fit existing conditions, so exact quantities are not available. We estimate this will increase the project cost by \$30-35,000. We recommend this not be included in assessments. The City's Assessment Policy calls for assessing sidewalk on a unit basis to benefitting parcels. The ramps being replaced largely benefit properties on side streets rather than parcels in the project. In addition, the replacement is required due to non-code installation rather than deterioration. Accordingly, it is recommended that the City as-a-whole correct the issues. The original developers could be pursued; however, the work was initially accepted by the City and warranties have expired. It may be costlier to pursue recovery than to make the improvements. It should be noted that the exiting ramps were completed under the inspection of a previous engineering firm serving as the City Engineer.

2. Bid Prices – Anecdotal evidence indicates a wide range of bidder interest and unit prices for projects let this spring. One project in the area received no bids. A mill and overlay project for a suburb inside the 494/694 ring attracted nine bids; however, asphalt prices were 15 to 20% over those estimated for this project. Two south metro projects that included paving attracted only a few bids, but asphalt prices were at or below the unit price estimated for this project. There appears to be a fair amount of work which allows contractors to be choosy about projects, but also to bid them in a way they believe best rewards their investments, efforts, and risks.

Staff intends to minimize restrictions on schedules and working area limits to offer the greatest flexibility to the most bidders to keep the project as attractive as possible. The Council will have the option of not awarding the project should bids come in that are felt to be above the value of the work to the community.

3. Concrete Curb and Gutter and Catch Basin Distresses – From its inception, the purpose of this pavement rehabilitation project was to reinforce the existing asphalt to extend the useful pavement life. At the Improvement Hearing it was specifically stated that the purpose of the project was extend asphalt life rather than to reconstruct the streets. This is in keeping with the goal of the City's Pavement Management System – to maintain acceptable pavement conditions at the lowest long term annualized cost. Accordingly, the pavement ratings and recommended improvements are focused on the bituminous pavements. Curb condition was not a factor in choosing which streets to overlay.

The feasibility report discussed repairing “deficient” curbs. The intent was to create a bid item for curb repairs in case any serious defects were identified prior to doing the work. The feasibility quantity included 258 feet, or ½ percent of all project curb plus curb replacement at six catch basins and two hydrants. The small quantity was based on two presumptions. The first was that curbs of this age would be in good condition. Initial construction defects are not uncommon, but should have been repaired under warranty. Damage from home construction should have been repaired by builders. The second was that only severe distresses would be corrected. While not stated in the report, the intention was that deficient curbs would be those segments with defects severe enough to pose hazards such as snag for plow blades or functional problems like unacceptable drainage. “Deficient” did not include cosmetic concerns or minor functional impacts for curbs or catch basins.

Catch basin repairs were intended only where sinkholes due to unsealed rings were apparent at the surface. It was assumed there would be six locations based on a limited history of catch basin failures. It was assumed two hydrants would be excavated to have bolts checked for corrosion. No hydrant repairs are currently included in the plans.

Date: May 9, 2019

A technician was sent into the field to walk the curbs after the snow finally melted this spring. Completion was delayed again when a late storm interrupted his assessment. He was instructed to mark all cracks with white paint to show they were noticed, but to mark any more severe cracks with green paint so they could be surveyed and shown on the plans. "Severe" was explained to him as cracks with chunks coming out or vertical settlement or heaving. The same was applied to catch basins or curbs adjacent to them.

Upon noticing the amount of curb marked this way, staff discussed further and decided the Public Works Superintendent should mark what he felt would be a hazard or more likely than not to require rework before the street would be reconstructed. This resulted in a greatly reduced scope of curb work.

The summed length of curb segments proposed to be replaced is 456 feet. This includes 262 feet associated with 15 catch basin repairs and 194 stand-alone feet to replace cracked curb sections. These changes would fall within the overall budgeted contingency.

The concern is not about budget, but about resident expectations. There will be numerous visible curb cracks remaining in areas after the project is complete. Addressing even the cracks first marked for repair would increase assessments on the order of 10 percent - as well as the City's share of the project cost - while not advancing the project in its stated goal of extending pavement life.

The reason to address more cracks would be largely cosmetic – the curbs and gutters will serve their intended purpose despite the cracks or slight flowline discrepancies. Addressing cracks for cosmetic reasons can be self-defeating. Council is advised that replacing curb sections eliminates the distress, but leaves a new curb segment that will probably differ starkly in color from existing curbs.

It is recommended to only address the distresses flagged by the Public Works Superintendent and to manage expectations via project communications as the project moves forward.

RECOMMENDATION

No official action will be required at this meeting. This memo is for information and feedback only.

End of Memo



STAFF MEMORANDUM

SUBJECT:	Mobile Food Units
MEETING DATE:	May 9, 2019
PREPARED BY:	Haley Sevening, Community Development/Administrative Intern
REQUESTED ACTION:	Discussion Regarding Draft Mobile Food Unit Ordinance

COMMUNITY VISION:

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COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

BACKGROUND:

Mobile Food Units (MFUs), or food trucks, are growing in popularity throughout the region and have begun operating on occasion in Elko New Market. Regulations specific to MFUs are commonly considered by cities in order to reduce potential negative impacts such as competition with brick and mortar restaurant establishments and to mitigate public nuisances. MFUs are commonly viewed as a means to promote economic activity within a community and provide culinary diversity at community events. However, some fear that they may also prevent fair competition with existing brick and mortar establishments since MFUs are not subject to property taxes or certain zoning and building regulations. MFUs also have the potential to become a public nuisance through the noise, smell, and/or light they emit and the fire, traffic, and/or safety hazards they may create.

Currently, MFUs are regulated by both the state and the City. MFUs and food stands operating in Scott County are licensed and regulated by the Minnesota Department of Health (MDH) based on the following definitions:

“Mobile food unit” means a food and beverage service establishment that is a vehicle mounted unit, either:

- (1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or
- (2) operated in conjunction with a permanent business licensed under chapter 157 or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location. – Minnesota Statutes, section 157.15, subdivision 9

MFUs subject to the Minnesota Food Code and must undergo a plan review and preoperational inspection by the MDH prior to being licensed by the State. Minnesota Statute also restricts MFUs from using or serving food that was stored or prepared in a private home and conducting catering operations, unless the catering operations are approved by the local jurisdiction.

Apart from State Statute the City of Elko New Market currently regulates MFUs as a Transient Merchant, which is defined as:

“A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than fourteen (14) consecutive days.”

The City Code requires that a Transient Merchant obtain an annual license. The current fee is \$65 per person. Transient Merchants must provide written permission from the property owner or property owner’s agent for any property they will be operating on and can only operate between the hours of 7:00 A.M. and 9:00 P.M. Attached is a copy of the current ordinance regarding Peddlers, Solicitors, and Transient Merchants.

On March 28, 2019, the Council directed staff to draft a Mobile Food Unit Ordinance that requires a business license. The consensus seemed to be that the ordinance should not be overly burdensome, but should regulate aspects of MFUs associated with public nuisances and require proof of state license to minimize potential public health issues. Any regulations would be contained in the Business and License Regulations section of the City Code (Title 4). A draft Mobile Food Unit Ordinance and the accompanying draft 2019 Fee Schedule Amendment are attached for review.

DISCUSSION:

At this time, staff is seeking Council feedback on the Draft Mobile Food Unit Ordinance. Based on previous Council discussion, areas of emphasis include:

- Requiring a license (and the associated fee)
- Regulation of MFUs during events

As written, the draft Mobile Food Unit Ordinance requires a MFU to obtain an annual license and pay the associated \$25 fee. If a license is required, staff recommends a small license fee in order to cover staff time associated with application review. In addition, the draft ordinance prevents MFUs from operating in close proximity to Wagner Park and downtown Elko New Market during the Friday, Saturday, and Sunday of Fire Rescue Days unless authorized to participate in the event.

Should the Council decide to proceed with the draft Mobile Food Unit Ordinance, Staff will incorporate feedback and prepare materials for the consideration of approval at the next Council meeting.

BUDGET IMPACT:

The budget impact for this item to date is the cost of staff time and City Attorney review time. Future budget implications will depend on how the Council decides to proceed.

Attachments:

Peddlers, Solicitors, and Transient Merchants Ordinance
Draft Mobile Food Unit Ordinance
Draft 2019 Fee Schedule Amendment

Chapter 4

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

4-4-1: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

PEDDLER: A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of offering for sale, displaying or exposing for sale, selling or attempting to sell, and delivering immediately upon sale, the goods, wares, products, merchandise or other personal property that the person is carrying or otherwise transporting. The term peddler shall mean the same as the term hawker.

PERSON: Any natural individual, group, organization, corporation, partnership or association. As applied to groups, organizations, corporations, partnerships and associations, the term shall include each member, officer, partner, associate, agent or employee.

REGULAR BUSINESS DAY: Any day during which the city hall is normally open for the purpose of conducting public business. Holidays defined by state law shall not be counted as regular business days.

SOLICITOR: A person who goes from house to house, door to door, business to business, street to street, or any other type of place to place for the purpose of obtaining or attempting to obtain orders for goods, wares, products, merchandise, other personal property or services of which he or she may be carrying or transporting samples, or that may be described in a catalog or by other means, and for which delivery or performance shall occur at a later time. The absence of samples or catalogs shall not remove a person from the scope of this definition if the actual purpose of the person's activity is to obtain or attempt to obtain orders as discussed herein. The term shall mean the same as the term "canvasser".

TRANSIENT MERCHANT: A person who temporarily sets up business out of a vehicle, trailer, boxcar, tent, other portable shelter, or empty storefront for the purpose of exposing or displaying for sale, selling or attempting to sell and delivering goods, wares, products, merchandise or other personal property and who does not remain or intend to remain in any one location for more than fourteen (14) consecutive days. (Elko 2004 Code § 110.01)

4-4-2: EXEMPTIONS FROM PROVISIONS:

A. For the purpose of the requirements of this chapter, the terms "peddler", "solicitor", and "transient merchant" shall not apply to any person selling or attempting to sell at wholesale any goods, wares, products, merchandise or other personal property to a retailer of the items being sold by the wholesaler. The terms also shall not apply to any person who makes initial contacts with other people for the purpose of establishing or trying to establish a regular customer delivery route for the delivery of perishable food and dairy products such as baked goods and milk, nor shall they

apply to any person making deliveries of perishable food and dairy products to the customers on his or her established regular delivery route.

- B. In addition, persons conducting the type of sales commonly known as garage sales, rummage sales, or estate sales, as well as those persons participating in an organized multiperson bazaar or flea market, shall be exempt from the definitions of "peddlers", "solicitors", and "transient merchants", as shall be anyone conducting an auction as a properly licensed auctioneer, or any officer of the court conducting a court ordered sale. Exemption from the definitions for the scope of this chapter shall not excuse any person from complying with any other applicable statutory provision or local ordinance.
- C. Nothing in this chapter shall be interpreted to prohibit or restrict door to door advocacy. Persons engaging in door to door advocacy shall not be required to register as solicitors under section [4-4-11](#) of this chapter. The term "door to door advocacy" includes door to door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas. (Elko 2004 Code § 110.02)
- D. Persons making deliveries of newspapers, newsletters, or other similar publications on an established customer delivery route, when attempting to establish a regular delivery route, or when publications are delivered to the community at large shall be exempt from the definitions of "peddlers", "solicitors", and "transient merchants". (Ord. 132, 5-12-2016)

4-4-3: COUNTY AND CITY LICENSES REQUIRED; EXEMPTIONS:

- A. County License: No person shall conduct business as a peddler, solicitor or transient merchant within the city limits without first having obtained the appropriate license from the county as required by Minnesota statutes chapter 329, as it may be amended from time to time, if the county issues a license for the activity.
- B. City License: Except as otherwise provided by this chapter, no person shall conduct business as either a peddler or a transient merchant without first having obtained a license from the city. Solicitors need not be licensed but are still required to register pursuant to section [4-4-11](#) of this chapter.
- C. Exemptions And Limitations On Exemptions:
1. No license shall be required for any person to sell or attempt to sell or to take or attempt to take orders for any product grown, produced, cultivated, or raised on any farm.
 2. No license shall be required of any person going from house to house, door to door, business to business, street to street, or other type of place to place when the activity is for the purpose of exercising that person's state or federal constitutional rights such as the freedom of speech, press, religion and the like; except, that this exemption may be lost if the person's exercise of constitutional rights is merely incidental to a commercial activity. (Elko 2004 Code § 110.03)

4-4-4: INELIGIBILITY FOR LICENSE:

The following shall be grounds for denying a license under this chapter:

- A. The failure of the applicant to obtain and show proof of having obtained any required county license.
- B. The failure of the applicant to truthfully provide any of the information requested by the city as a part of the application, or the failure to sign the application, or the failure to pay the required fee at the time of application.
- C. The conviction of the applicant within the previous five (5) years from the date of application for any violation of any federal or state statute or regulation, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but not be limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.
- D. The revocation, within the past five (5) years, of any license issued to the applicant for the purpose of conducting business as a peddler, solicitor or transient merchant.
- E. The applicant is found to have a bad business reputation. Evidence of a bad business reputation shall include, but not be limited to, the existence of more than three (3) complaints against the applicant with the better business bureau, the attorney general's office, or other similar business or consumer rights office or agency, within the preceding twelve (12) months, or three (3) complaints filed against the applicant within the preceding five (5) years. (Elko 2004 Code § 110.04)

4-4-5: APPLICATION FOR LICENSE:

Application for a city license to conduct business as a peddler or transient merchant shall be made at least fourteen (14) regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the city council and available from the office of the city clerk. All applications shall be signed by the applicant. All applications shall include the following information:

- A. Applicant's full legal name.
- B. All other names under which the applicant conducts business or to which the applicant officially answers.
- C. A physical description of the applicant (hair color, eye color, height, weight, distinguishing marks and features, and the like).
- D. Full address of the applicant's permanent residence.

- E. Telephone number of the applicant's permanent residence.
- F. Full legal name of any and all business operations owned, managed or operated by the applicant, or for which the applicant is an employee or agent.
- G. Full address of the applicant's regular place of business (if any).
- H. Any and all business related telephone numbers of the applicant.
- I. The type of business for which the applicant is applying for a license.
- J. Whether the applicant is applying for an annual or daily license.
- K. The dates during which the applicant intends to conduct business, and if the applicant is applying for a daily license, the number of days he or she will be conducting business in the city (maximum 14 consecutive days).
- L. Any and all addresses and telephone numbers where the applicant can be reached while conducting business within the city, including the location where a transient merchant intends to set up business.
- M. A statement as to whether or not the applicant has been convicted within the last five (5) years of any felony, gross misdemeanor, or misdemeanor for violation of any state or federal statute or any local ordinance, other than traffic offenses.
- N. A list of the three (3) most recent locations where the applicant has conducted business as a peddler or transient merchant.
- O. Proof of any requested county license.
- P. Written permission of the property owner or the property owner's agent for any property to be used by a transient merchant.
- Q. A general description of the items to be sold or services to be provided.
- R. All additional information deemed necessary by the city council.
- S. The applicant's driver's license number or other acceptable form of identification.

T. The license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle. (Elko 2004 Code § 110.03)

4-4-6: LICENSE FEE:

All applications for a license under this chapter shall be accompanied by the fee established by ordinance, as it may be amended from time to time. (Elko 2004 Code § 110.03)

4-4-7: PROCEDURE FOR APPROVAL OR DENIAL OF LICENSE:

Upon receipt of the completed application and payment of the license fee, the city clerk, within two (2) regular business days, must determine if the application is complete. An application is determined to be complete only if all required information is provided. If the city clerk determines that the application is incomplete, the city clerk must inform the applicant of the required necessary information that is missing. If the application is complete, the city clerk must order any investigation, including background checks, necessary to verify the information provided with the application. Within ten (10) regular business days of receiving a complete application, the city clerk must issue the license unless there exist grounds for denying the license under section [4-4-4](#) of this chapter, in which case, the clerk must deny the license. If the city clerk denies the license, the applicant must be notified in writing of the decision, the reason for denial, and of the applicant's right to appeal the denial by requesting, within twenty (20) days of receiving notice of rejection, a public hearing before the city council. The city council shall hear the appeal within twenty (20) days of the date of the request. The decision of the city council following the public hearing can be appealed by petitioning the Minnesota court of appeals for a writ of certiorari. (Elko 2004 Code § 110.03)

4-4-8: TERM OF LICENSE:

An annual license granted under this chapter shall be valid for one calendar year from the date of issue. All other licenses granted under this chapter shall be valid only during the time period indicated on the license. (Elko 2004 Code § 110.03)

4-4-9: NONTRANSFERABILITY OF LICENSE:

No license issued under this chapter shall be transferred to any person other than the person to whom the license was issued. (Elko 2004 Code § 110.06)

4-4-10: SUSPENSION OR REVOCATION OF LICENSE:

A. Grounds For Suspension Or Revocation: Any license issued under this section may be suspended or revoked at the discretion of the city council for violation of any of the following:

1. Fraud, misrepresentation or incorrect statements on the application form.
2. Fraud, misrepresentation or false statements made during the course of the licensed activity.

3. Conviction of any offense for which granting of a license could have been denied under section [4-4-4](#) of this chapter.
 4. Violation of any provision of this chapter.
- B. Multiple Persons Under One License: The suspension or revocation of any license issued for the purpose of authorizing multiple persons to conduct business as peddlers or transient merchants on behalf of the licensee shall serve as a suspension or revocation of each authorized person's authority to conduct business as a peddler or transient merchant on behalf of the licensee whose license is suspended or revoked.
- C. Notice: Prior to revoking or suspending any license issued under this chapter, the city shall provide the license holder with written notice of the alleged violation and inform the licensee of his or her right to a hearing on the alleged violation. Notice shall be delivered in person or by mail to the permanent residential address listed on the license application, or if no residential address is listed, to the business address provided on the license application.
- D. Public Hearing: Upon receiving the notice provided in subsection C of this section, the licensee shall have the right to request a public hearing. If no request for a hearing is received by the city clerk within ten (10) regular business days following the service of the notice, the city may proceed with the suspension or revocation. For the purpose of mailed notices, service shall be considered complete as of the date the notice is placed in the mail. If a public hearing is requested within the stated time frame, a hearing shall be scheduled within twenty (20) days from the date of the request. Within three (3) regular business days of the hearing, the city council shall notify the licensee of its decision.
- E. Emergency: If, in the discretion of the city council, imminent harm to the health or safety of the public may occur because of the actions of a peddler or transient merchant licensed under this chapter, the city council may immediately suspend the person's license and provide notice of the right to hold a subsequent public hearing as prescribed in subsection C of this section.
- F. Appeals: Any person whose license is suspended or revoked under this section shall have the right to appeal that decision in court. (Elko 2004 Code § 110.05)

4-4-11: REGISTRATION REQUIREMENTS:

All solicitors, and any person exempt from the licensing requirements of this chapter, shall be required to register with the city. Persons engaging in door to door advocacy shall not be required to register. The term "door to door advocacy" includes door to door canvassing and pamphleteering as vehicles for the dissemination of religious, political and other ideas. Registration shall be made on the same form required for a license application, but no fee shall be required. Immediately upon completion of the registration form, the city clerk shall issue to the registrant a certificate of registration as proof of the registration. Certificates of registration shall be nontransferable. (Elko 2004 Code § 110.07)

4-4-12: PROHIBITED ACTIVITIES:

No peddler, solicitor or transient merchant shall conduct business in any of the following manners:

- A. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way.
- C. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.
- D. Conducting business before seven o'clock (7:00) A.M. or after nine o'clock (9:00) P.M.
- E. Failing to provide proof of license or registration, and identification, when requested; or using the license or registration of another person.
- F. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No peddler, solicitor or transient merchant shall claim to have the endorsement of the city solely based on the city having issued a license or certificate of registration to that person.
- G. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive. (Elko 2004 Code § 110.08)

4-4-13: UNINVITED PEDDLING AND SOLICITING:

No peddler, solicitor or transient merchant, unless invited to do so by the property owner or tenant, shall enter the property of another for the purpose of conducting business as a peddler, solicitor or transient merchant when the property is marked with a sign or placard at least four inches (4") long and four inches (4") wide with print of at least forty eight (48) point size stating "No Peddlers, Solicitors Or Transient Merchants", or "Peddlers, Solicitors, And Transient Merchants Prohibited", or other comparable statement. No person other than the property owner or tenant shall remove, deface or otherwise tamper with any sign or placard under this section. (Elko 2004 Code § 110.09)

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. ____

**AN ORDINANCE AMENDING TITLE 4
OF THE ELKO NEW MARKET CITY CODE ADDING A NEW CHAPTER 10
CONCERNING MOBILE FOOD UNITS**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA
ORDAINS:

SECTION 1. Title 4 of the Elko New Market City Code is hereby amended to add a new chapter 10 to read as follows:

Chapter 10
MOBILE FOOD UNITS

- 4-10-1: DEFINITIONS:
- 4-10-2: EXEMPTIONS:
- 4-10-3: LICENSE REQUIRED:
- 4-10-4: INELIGIBILITY FOR LICENSE:
- 4-10-5: APPLICATION FOR LICENSE:
- 4-10-6: LICENSE FEE:
- 4-10-7: ISSUANCE OF LICENSE; CONDITIONS:
- 4-10-8: PERFORMANCE STANDARDS:
- 4-10-9: PROHIBITED ACTIVITIES:

4-10-1: DEFINITIONS:

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ICE CREAM TRUCK: a motor vehicle utilized as the point of retail sales of pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water, or similar frozen dessert products.

MOBILE FOOD UNIT: A food and beverage service establishment that is: a) a vehicle mounted unit, either motorized or trailered; b) readily movable without disassembling for transport to another location; or c) a nonmotorized vehicle self-propelled by the operator.

4-10-2: EXEMPTIONS: Ice Cream Trucks are exempt from this Chapter and shall be regulated as peddlers pursuant to chapter 4 of this title.

4-10-3: LICENSE REQUIRED: Except as otherwise provided by this chapter, no entity shall conduct business as a mobile food unit without first having obtained a license from the city as required under this chapter.

4-10-4: INELIGIBILITY FOR LICENSE:

The following shall be grounds for denying a license under this chapter:

- A. The failure of the applicant to obtain and show proof of having obtained any required state license.
- B. The revocation, within the past five (5) years, of any license issued under this chapter.

4-10-5: APPLICATION FOR LICENSE:

Application for a city license to conduct business as a mobile food unit shall be made at least two (2) regular business days before the applicant desires to begin conducting business. Application for a license shall be made on a form approved by the city council and available from the office of the city clerk. All applications shall be signed by the applicant, who must be the owner of the mobile food unit. All applications shall include the following information:

- A. Applicant's full legal name, other names the applicant uses or is known by, date of birth, driver's license number or other acceptable identification of the person or entity applying for a license.
- B. Applicant's permanent and any temporary home and business address, phone number and email address of the applicant.
- C. Any and all telephone numbers where the applicant can be reached while conducting business within the city.
- D. Name and contact information of primary mobile food unit operator, if different from applicant.
- E. Truck/trailer size to be used within the city, including: the license plate number, registration information and vehicle identification number for any vehicle to be used in conjunction with the licensed business and a description of the vehicle (make, model and color).
- F. Proof of any required state license for operation of a mobile food unit.
- G. All additional information deemed necessary by the city.

4-10-6: LICENSE FEE:

All applications for a license under this chapter shall be accompanied by the fee set forth in the city fee schedule, as it may be amended from time to time.

4-10-7: ISSUANCE OF LICENSE; CONDITIONS:

- A. Issuance: If the city determines that the applicant has satisfied all of the requirements of this chapter, the city clerk or the clerk’s designee shall issue a license.
- B. Conditions: The city clerk may impose any reasonable conditions upon the issuance of a license and the performance of the applicant thereunder in order to protect the public health, safety and welfare.
- C. Mobile Food Unit Conditions: In addition to subsection B, mobile food units shall be subject to the following conditions:
 - 1. Locations. All mobile food units shall operate only in the following locations:
 - a. Mobile food units may operate only on private commercial or industrial lot and on private residential property, with the written consent of the private property owner. When operations occur on private residential property, sales may only be for catering purposes (such as a private graduation party or wedding) and not open for sales to the general public.
 - b. Mobile food units may only operate in a City park or on City property with written consent by the City.
 - c. Mobile food units may only operate along public streets or public right-of-ways when authorized by the City as part of an outdoor concert or event pursuant to Chapter 5 of this title.

4-10-8: PERFORMANCE STANDARDS: All mobile food units are subject to the following performance standards:

- A. Mobile food units shall comply with all applicable federal, state and local laws, ordinances, regulations, parking zones, and posted signs.
- B. Proof of state and city licensing must be posted on the mobile food unit.
- C. Written permission from the property owner must be kept with the mobile food unit and made immediately available upon request.
- D. A mobile food unit may not operate on the same property more than seven (7) consecutive days or twenty-one (21) total days during any calendar year.
- E. Mobile food units shall not operate between 10 p.m. and 7 a.m. in commercial or industrial districts and between 9 p.m. and 9 a.m. in residential districts.

F. Mobile food units shall provide and maintain at least one clearly designated waste container for customer use and locate it within 5 feet of the stand. All waste, garbage, litter and refuse shall be contained in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of. No waste, garbage, litter or refuse shall be dumped or drained onto sidewalks, streets, gutters, storm drains, or public trash receptacles. Licensee is responsible for daily removal of trash, litter, recycling and refuse.

G. Mobile food units must dispose of its gray water. Gray water may not be drained into City storm water drains or disposed of in public trash cans.

H. Mobile food units must provide an independent power supply that is screened from public view and that complies with City's noise regulations.

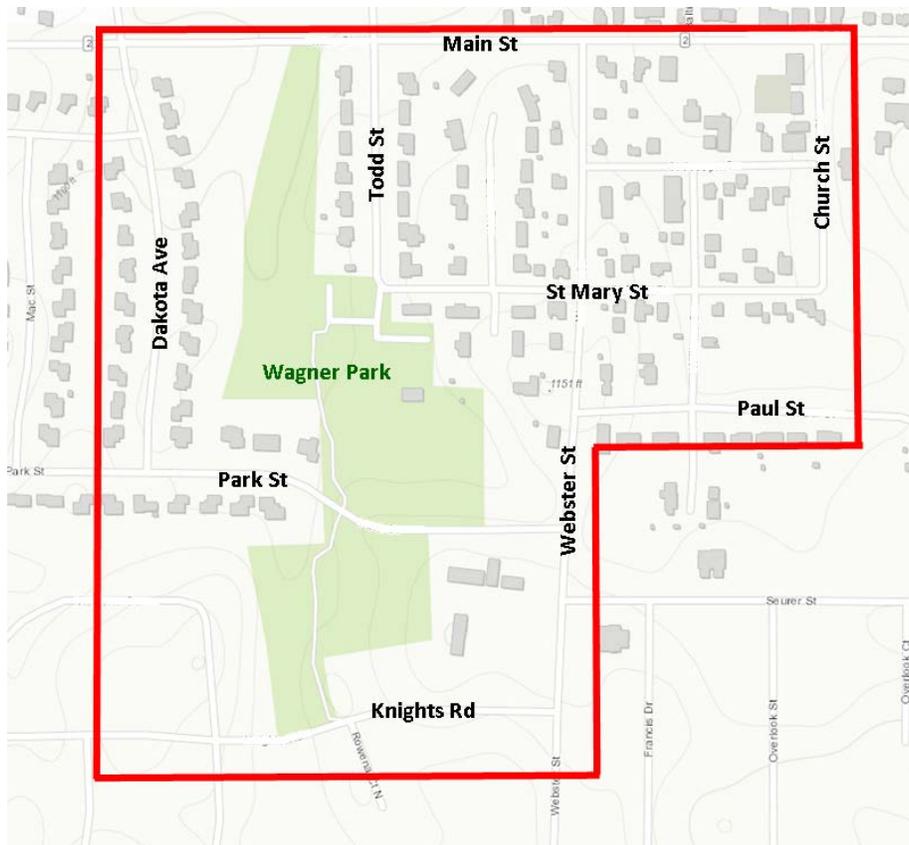
I. Mobile food units shall secure all propane tanks and provide adequate ventilation.

J. A mobile food unit is not required to obtain a sign permit from the city. However, no additional signage is permitted beyond that which is on the mobile food unit unless it meets the following requirements:

- i. One single sandwich board style sign is permitted per mobile food unit;
- ii. The maximum sign size is 8 square feet;
- iii. The sign must be placed on the ground and within 10 feet of the mobile food unit;
- iv. The sign must not be placed within the public right-of-way except with the express written permission of the city; and
- v. The sign cannot project from the mobile food unit or be mounted to the roof of the mobile food unit.

K. A mobile food unit may have a maximum bumper to bumper length of no more than thirty (30) feet.

L. Mobile food units may not operate within the geographic area outlined below during the Friday, Saturday, and Sunday of Fire Rescue Days unless authorized by the event organizer to participate in the event.



4-10-9: PROHIBITED ACTIVITIES:

No mobile food unit shall conduct business in any of the following manners:

- A. Calling attention to his or her business or items to be sold by means of blowing any horn or whistle, ringing any bell, crying out, or by any other noise, so as to be unreasonably audible within an enclosed structure.
- B. Obstructing the free flow of either vehicular or pedestrian traffic on any street, alley, sidewalk or other public right of way.
- C. Conducting business in a way as to create a threat to the health, safety and welfare of any individual or the general public.
- D. Failing to provide proof of license and identification, when requested; or using the license of another entity.
- E. Making any false or misleading statements about the product or service being sold, including untrue statements of endorsement. No mobile food unit shall claim to have the endorsement of the city solely based on the city having issued a license to that entity.

- F. Remaining on the property of another when requested to leave, or to otherwise conduct business in a manner a reasonable person would find obscene, threatening, intimidating or abusive.

SECTION 2. This ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 9th day of May, 2019 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk

ORDINANCE NO. ____

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET FEE SCHEDULE,
ORDINANCE NO. 183, CONCERNING MOBILE FOOD UNITS**

WHEREAS, the City's fee schedule for 2019 is set forth under City of Elko New Market Ordinance No. 183; and,

WHEREAS, the City has adopted Ordinance No. ____ Amending Title 4 of the Elko New Market City Code concerning mobile food units; and,

WHEREAS, the City desires to adopt a required fee for Mobile Food Unit Licenses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET ORDAINS:

Section 1. City of Elko New Market Ordinance No. 183 is hereby amended to add the following fees under Business Related Fees:

BUILDING PERMIT FEES

Mobile Food Unit	\$25
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Section 2. Effective Date. This Ordinance shall be effective upon its passage and publication by the City Council.

ADOPTED this 9th day of May, 2019 by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk

**ELKO NEW MARKET PARKS COMMISSION
TUESDAY, APRIL 16, 2019
SPECIAL MEETING MINUTES**

PRESENT:

Present at Roll Call were Chair Sutton, Commissioner Melgaard and Commissioner Zahratka. Also present was Assistant City Administrator Mark Nagel. Community Development Specialist Renee Christianson, Public Works Superintendent Corey Schweich, City Engineer Rich Revering, and Bernie Mahowald.

CALL TO ORDER:

The meeting was called to order at 4:06 PM in the City Council Chambers at Elko New Market City Hall, 601 Main Street.

Mr. Nagel noted that the Special Meeting was approved by the Parks Commission on April 9th for the sole purpose of providing input on the proposed Sylvester Meadows Concept Plan, so there would be no other items considered at this Special Meeting.

CITIZEN COMMENTS:

There were no citizens, other than the Developer, present at the Special Parks Commission meeting to make comments to the Parks Commission.

NEW BUSINESS:

Mr. Nagel said that the City staff was requesting input from the Parks Commission on a development application by the developer of the Sylvester Meadows regarding Park Dedication fees. In order to get the input prior to the Planning Commission Meeting, a Special Meeting of the Parks Commission was requested and set for April 16th at 4 PM at Elko New Market City Hall.

Community Development Specialist Renee Christianson gave a presentation on the Concept Plan for the 9 SF lots comprising Sylvester Meadows. She also provided

a history of the previous phases of The Farm which were also developed by Mr. Mahowald and park dedication associated with each phase of The Farm. Also provided was a brief overview regarding discussion that took place between the Mahowald family and the City of New Market between 2001 and 2006 regarding development of a park along Webster Street, and an unsigned agreement related to such park.

Discussion then focused on the proposed development of Sylvester Meadows. Christianson provided an overview of the City's Park & Trail Plan, which depicts a trail system running through the subject property. Mr. Mahowald said that he felt the portion of the trail shown on the south side of the 9 lots would come too close to the homes. City Engineer Revering explained that the wetland area located south of the lots was a shallow lake at one time, and that at some point in time drain tile was installed which drained the shallow lake. He added that, if the tile system draining the area were to be damaged or no longer maintained, the former shallow lake would fill again to an estimated 1124 feet or above. If that were the case, this could affect any trail that may be constructed on the south side of the proposed lots. In addition, he noted, it would be difficult to construct the trail around the lake, as shown in a graphic he presented, if it was at 1124 feet.

Christianson described an alternative trail route, which could come through existing City park land, beginning at the south end of Park Court, meander on the south side of the existing homes there until it reaches "Indian Hill" and could continue east through the proposed plat of Sylvester's Meadows until it reaches the sidewalk on the west side of proposed Sylvester's Street. Mr. Mahowald said that while he felt the trail wasn't necessary since Sylvester Meadows residents could walk further west on Aaron Drive and enter the trail from Overlook Dr and Park Street, he wasn't opposed to it.

Ms. Christianson said that the decision for the Parks Commission to make was to accept park land dedication of .53 acres which could be used for a continuation of the future trail system, or cash in lieu of land dedication in the amount of \$18,000. When asked by the Chair for a Staff recommendation, Mr. Nagel said that he preferred the land for the future trail connection, which would be consistent with the current Comp Plan and the Parks Commission's stated goal of enhancing the City's trail system.

Upon motion by Chair Sutton, seconded by Commissioner Melgaard, the Parks Commission unanimously recommended acceptance of land for the future trail connection in lieu of cash to the Planning Commission and City Council.

ADJOURNMENT:

There being no further business to come before the Parks Commission, upon motion by Commissioner Zahratka, seconded by Commissioner Melgaard, the meeting was adjourned by voice vote at 5:14 PM.

**Respectfully Submitted,
Mark Nagel, Assistant City Administrator**

DRAFT

ENM Parks Commission Update

April 30, 2019

1. After Parks Commission approval on 3/26, Linda Borgen from the Elko Express notified the Minnesota Twins that the City and Elko Express will host a Twins Baseball Clinic and we are waiting for final confirmation. This year, it will be on Saturday, June 15th from 10 AM to 1 PM @ Fredrickson Field. Participants from 6 to 9 years old will report at 10 AM, while participants 10 – 13 will report at 11:30 AM.
2. Speaking of baseball, time for ENM Youth Baseball/Softball again! PW Superintendent, Corey Schweich, and I are working with the New Market Baseball Association to get the fields in shape for the Summer.
3. As you know from our February meeting, I applied for SMSC Trail Grant funds with the assistance from Bolton-Menk, Inc for a segment to connect the Windrose 8th Addition to the Woodcrest Addition, so that Woodcrest residents could have better access to the Pete's Hill "Lookout" and trail and the Windrose 8th residents could have access to Woodcrest Park. On April 10th, I received word from the SMSC that the City was awarded the grant of \$18,224 for the project, which is 80% of the cost. I expect to receive the Grant Agreement in the next couple of weeks. If I do, then I will put it on the May Agenda for consideration of approval.
4. The Rowena Pond Park RePurposing Master Plan is now underway! The Public Works Department has completed the first phase by relocating the playground equipment. Now that the playground equipment has been moved, the next step will be to move the baseball field. I will be meeting with the New Market Baseball Association and the neighbors adjacent to the park in May before that part of the project is started. Along with City Engineer, I will go over resolution of their current drainage problems and possible options. Assuming assent from the neighbors, we can start grading as soon as early June for the new T-Ball field, while the current one is in use over the Summer. I will be looking at a Twins Community Fund grant to see if the upgrade T-Ball Field qualifies for funding.
5. The Public Works Department has completed the annual transition of the Little Windrose Park skating rink into a basketball court...it is now open for use!
6. The SkatePark officially opened on Monday, April 1st – no fooling! The equipment came through the Winter in great shape and is already seeing

- use! I am in touch with American Ramp Company to do a warranty inspection this Summer on the equipment.
7. We will be putting the portable restrooms back out this month for the Summer, which means our current bill will increase from \$420 to \$710 per month until the end of October.
 8. Jessica Davidson will begin planning the Summer Events this month. We hope to have the list ready by the May Parks Commission Meeting.
 9. Speaking of Summer programming, I spoke with Amy Lemke of Holy Cross Catholic School in Webster about sponsoring a program or 2 this year on April 17th. Out of the 60+ families that go to the school, 28 of them are from Elko New Market!
 10. I am working with 2 Girl Scouts about planting a bee-friendly area of grasses and flowers in Pete's Hill to increase the bee population. I am also working with a Boy Scout on the possible cleanup of the streams and wetland areas of the City this Summer. More on the projects at the May meeting.
 11. The Engineered Wood Fiber has been ordered from Minnesota/Wisconsin Playground for \$1,799 delivered, which is a savings of about \$375 over 2-18. A tentative date will be set soon once road restrictions are removed.
 12. As you recall from the November Parks Commission Meeting, the Open House on the Disc Golf Course was held. I did 2 Facebook postings on it and a Website invitation to talk about it with interested residents at the meeting, but none showed, nor did I receive any other email or phone feedback. I've firmed up the course design with the assistance of the City Engineer's Office and showed you a better graphic at the December Parks Commission Meeting. I met with the vendor on December 10th and reviewed/confirmed the design and layout of the course. A Preliminary Construction meeting has been tentatively set for Monday, May 13th and construction may begin as soon as Monday, June 3rd. I will be letting the neighborhood know the schedule via Facebook, as soon as it's firm.
 13. As we discussed at the December Parks Commission meeting, another residential development starting to take shape is the Le Property on the NW Quadrant of Dakota Avenue and James Parkway, which would be annexed to the City for about 70 single family homes. I conveyed the Parks Commission recommendation that should the development move forward, cash, rather than land, should be paid by the developer. There has been no further progress to date on the development. However, it appears the land

exchange for Park Dedication Fees offered by the developer of the housing project at the corner of CSAH 2/CSAH 91 may be back on the table.

14. Morton Building Systems repaired most of the damage to the Wagner Park Shelter on Thursday, March 28th ...they have a couple of small pieces to install to complete the project.
15. I am working with St Nicholas Church on a 5K race/walk for this Fall as fundraiser for church activities...more at the May Parks Commission meeting.
16. See you on May 14th @ 4 PM @ ENM City Hall for our May Parks Commission meeting!

COMMUNITY AND CIVIC EVENTS COMMITTEE (CCEC) MEETING
April 9, 2019 Minutes

Meeting was called to order at 5:30 PM by Chair Mike Sutton in the ENM City Hall Council Chambers.

Members Attending: Chair Mike Sutton, Leander Wagner, Dawn Seepersaud, JoAnne Erickson for Toni Maat, and Janelle Kirsch.

Others Attending: Mark Nagel

Absent: Jodi Muelken; Amanda Cambronne; Lori Nelson

There were no changes to the proposed Agenda.

MOTION by Janelle Kirsch, second by Leander Wagner, to approve the April 9, 2019 Agenda. **APIF, MOTION CARRIED**

MOTION by Mike Sutton, second by Dawn Seepersaud, to approve the Minutes of the March 19, 2019 Meeting. **APIF, MOTION CARRIED**

Mark Nagel updated the Committee on fundraising noting that he had met with Robin Anderson of the Elko Speedway on sponsorship of the CCEC's slate of events for 2019. He said that it was a positive meeting and that he was waiting for their response. He noted that Robin Anderson would be interested in serving on the Committee as the Chamber representative and Dawn Seepersaud said that she would check into that possibility. No further action was taken on this item by the Committee.

The upcoming Egg Hunt plans on Saturday, April 13th was discussed by the Commission with the following assignments of tasks/duties:

1. Mike Sutton will assume the duties of the Event Coordinator
2. Mark Nagel will coordinate the provision of coffee for the event with Pastor Deuel.
3. Jodi Muelken will handle the inside layout of Eagle View for the event
4. Jodi Muelken has contacted both ambulance and Fire Dept about participating
5. Jodi Muelken has given wristbands for the Egg Hunt to the social worker at Eagle View
6. Janelle Kirsch drafted the flyer for the event and it has been distributed
7. Sandy Green printed 25 - 11 X 17 posters and they have placed around the area
8. Mike Sutton purchased the candy and the bags to fill
9. Janelle Kirsch confirmed the use of Honor Students to assist
10. Amanda Cambronne will check on the availability of Lakeville Honor Students to assist
11. Mark Nagel confirmed the use of the popcorn maker, popcorn, and bags for the event
12. Mark Nagel contacted the New Prague Times, Lakeville Sun This Week, KCHK radio station for coverage of the event
13. It was agreed to split the Egg Hunt into 3 age groups – up to and including kindergarten; 1st and 2nd grade; 3rd grade and up
14. Contingency plans for the coming blizzard were discussed and made

15. EVERYONE WILL BE AT EAGLE VIEW ELEMENTARY SCHOOL AT 8:30 AM
For SETUP

No further action was taken on the Committee on this Agenda Item.

The Committee members, along with help from the Parks Commission, packed about 300 bags for the Egg Hunt. Mark Nagel said that there were 126 pre-registrations, which is the best ever for the event.

Mark Nagel said that the next meeting of the CCEC is scheduled for Tuesday, May 21, 2019 at 5:30 PM at ENM City Hall. **MOTION** by Mike Sutton, seconded by Dawn Seepersaud, the Committee to holding the May meeting of the CCEC on Tuesday, May 21st at 5:30 PM at ENM City Hall. **APIF, MOTION CARRIED**

MOTION by Leander Wagner, second by Mike Sutton, to adjourn the meeting at 6:51 PM. **APIF, MOTION CARRIED**

Respectfully submitted,

Mark Nagel, Assistant City Administrator.