

**1) CALL TO ORDER**

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

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

Members Absent: None

Also Present: City Administrator/Clerk Terry, Senior Planner Christianson, City Planner Skluzacek, City Attorney Poehler, Attorney Jack Brockshauk, Police Chief Juell, Deputy Clerk Jirak, City Engineer Revering, Scott County Commissioner Wolf, Rebecca Kurtz, Janelle Kuznia, Jonathan & Jami Carlson, Veda Kanitz, Jodi Lucast, Gilbert & Julia Novotny, Phil Wilson, James Miller, Gina Styles, Melissa Lenhardt, Laura Osman, Jay Ramthum, Bill Jugovich, Ali Klement, Ken Lovgrea, Jason Wolff, Cathy Peregrino

**2) PRESENTATIONS**

None.

**3) REPORTS**

None.

**4) GENERAL DISCUSSION**

Update Regarding Recreational Cannabis Law

Jack Brockshank, Attorney from Campbell Knutson, presented to Council an overview of Minnesota Cannabis Legalization 2023 to include:

- High -Level Plan
- Adult use and limited restrictions on use
- Office of Cannabis Management
- Commercial Regulation
- Retail Sales
- What about the current products?
- Municipal Regulation
- Zoning
- Moratorium
- Remaining Local Regulation
- Local Registration
- Enforcement and Compliance
- Enforcement Powers
- Finance: How is this all being paid for?
- State Aid/Assistance
- Next Steps for the City
- Ordinances

**5) REPORTS**

None.

**6) ADJOURNMENT**

The Work Session was adjourned at 6:57 p.m.

**1) CALL TO ORDER**

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

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

Members Absent: None.

Also Present: City Administrator/Clerk Terry, Senior Planner Christianson, City Planner Skluzacek, City Engineer Revering, City Attorney Poehler, Police Chief Juell, Rebecca Kurtz, Deputy Clerk Jirak, Veda Kanitz, Jodi Lucast, Janelle Kuznia, Jonathan & Jami Carlson, Gilbert & Julia Novotny, Phil Wilson, James Miller, Gina Styles, Melissa Lenhardt, Laura Osman, Jay Ramthum, Bill Jugovich, Ali Klement, Ken Lovgrea, Jason Wolff, Cathy Peregrino and Scott County Commissioner Wolf

**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 agenda.

**APIF, MOTION CARRIED**

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

None.

**5) PUBLIC COMMENT**

Jonathan Carlson, 26126 Pillsbury Ave, approached the podium and commented on Scott County and the City of Elko New Market's 2040 Plans.

Jami Carlson, 26126 Pillsbury Ave, approached the podium and commented on neighboring wells to the proposed Niagara project and the estimated cost of drilling deeper wells. Carlson stated that Morals, Standards, Values and Accountability & Profitability need to be thought through by Councilmembers in determining their vote on Niagara. Carlson also mentioned that 35 members of the neighborhood have retained a lawyer.

Mayor Julius thanked the Carlson's for their hard work and comments.

Cathy Peregrino, Farmington, approached the podium and commented on Niagara's proposed pumping schedule and the effects on the Vermillion River Trout Stream.

Gina Styles, 2040 Hickory Ridge Dr, approached the podium to state her disappointment in a lack of democratic process in Elko New Market.

**6) CONSENT AGENDA**

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

- a. Approve Minutes of the May 25, 2023 City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 23-37 Approving Premise Gambling Permit for Lakeville Hockey Association to sell Pull Tabs at Boulder Pointe Golf Club
- d. Adopt Resolution 23-38 Amending the City of Elko New Market Employee Handbook

**APIF, MOTION CARRIED**

**7) PUBLIC HEARINGS**

None.

**8) GENERAL BUSINESS**

Water Use and Service Ordinance

Senior Planner Christianson gave a brief review of the draft ordinance amending the City Code to address significant water users.

**MOTION** by Councilmember Berg, second by Mayor Julius to approve:

- Ordinance No. 273 Amending City Code concerning Water Use and Service
- Summary Ordinance No. 274 Concerning Water Use and Service

After Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Councilmember Novak: Aye**

**Councilmember Timmerman: Aye**

**Councilmember Berg: Aye**

**Mayor Julius: Aye**

**MOTION PASSES**

Purple Rain Properties, LLC/Niagara Bottling

Senior Planner Christianson reviewed an application for wetland replacement associated with the proposed Purple Rain Properties.

**MOTION** by Mayor Julius, second by Councilmember Berg to approve:

- Resolution 23-18 Approving Notice of Decision on Wetland Replacement Plan for Purple Rain Properties, LLC

After a brief Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Councilmember Novak: Aye**  
**Councilmember Timmerman: Aye**  
**Councilmember Berg: Aye**  
**Mayor Julius: Aye**

**MOTION PASSES**

Senior Planner Christianson presented a brief background on an application from Purple Rain Properties, LLC, to allow construction of silos which exceed the City's maximum height requirement. Christianson explained that a revision to the Noise Impact Study, replacing a chain link fence to screening fencing on the north side of the site and a change to the grading plan have been included in this project.

**MOTION** by Councilmember Berg, second by Councilmember Novak to approve:

- Resolution 23-19 Approving Conditional Use Permit to Allow Construction of Silos which Exceed the City's Maximum Height Requirement in the I-1 Zoning District

After Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Councilmember Novak: Aye**  
**Councilmember Timmerman: Aye**  
**Councilmember Berg: Aye**  
**Mayor Julius: Aye**

**MOTION PASSES**

Minnesota Department of Employment and Economic Development (DEED) Business Subsidy Applications

Planner Skluzacek reviewed the Business Subsidy Application through Minnesota Department of Economic Development (DEED) and the reduction in Sewer (SAC) and Water Availability Charge (WAC) Connection Fees with the City. Skluzacek explained the Minnesota Investment Fund (MIF) Application, the Job Creation Fund Application (JCF).

**MOTION** by Mayor Julius, second by Councilmember Berg to approve:

- Resolution 23-20 Authorizing the City to Apply to the Minnesota Department of Employment and Economic Development for a Minnesota Investment Fund Loan on Behalf of Niagara Bottling LLC and Authorizing the Execution of a Related Loan Agreement
- Resolution 23-21 Regarding the Support of a Job Creation Fund Application in Connection with Niagara Bottling LLC

After Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Councilmember Timmerman: Aye**

**Councilmember Berg: Aye**

**Mayor Julius: Aye**

**Councilmember Novak: Aye**

**MOTION PASSES**

Business Subsidy Request – Reduction in Sewer and Water Availability Charge Connection Fees for Niagara Bottling LLC

Planner Skluzacek reviewed the Business Subsidy Request by Niagara for a reduction in Sewer and Water Availability Charge Connection Fees. Skluzacek explained the number of years for revenue to equal or exceed the gross uncollected fee for the water and sewer connection fee charge.

**MOTION** by Mayor Julius, second by Councilmember Berg to approve:

- Resolution 23-22 Approving Reduction in Sewer and Water Availability Charge Connection Fees for Niagara Bottling LLC

After Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Mayor Julius: Aye**

**Councilmember Berg: Aye**

**Councilmember Timmerman: Naye**

**Councilmember Novak: Aye**

**MOTION PASSES**

Significant User Agreement with Niagara Bottling

Senior Planner Christianson explained a proposed amendment to Title 9 of the City Code to authorize the City to require a Significant User Agreement for qualifying water and sanitary sewer customers. Niagara Bottling is proposing to construct a beverage manufacturing facility and Staff has determined that a Significant User Agreement for both water usage and sanitary sewer discharge would be required for the proposed facility.

The Council discussed the Significant User Agreement.

**MOTION** by Councilmember Berg, second by Mayor Julius to approve:

Approve the Significant User Agreement with Niagara Bottling.

After further Council discussion, a roll call vote was administered.

**BY ROLL CALL VOTE:**

**Councilmember Novak: Aye**

**Councilmember Timmerman: Aye**

**Councilmember Berg: Aye**

**Mayor Julius: Aye**

**MOTION PASSES**

**9) REPORTS**

a. Administration  
None.

b. Public Works  
Monthly report included in the packet.

c. Police Department  
Monthly report included in the packet.

d. Engineering  
No report.

e. Community Development  
26782 Meadow Ridge Drive Encroachment Agreement Discussion

Planner Skluzacek provided a brief background on a fence and shed encroaching City property located at 26782 Meadow Ridge Drive. Staff is seeking Council feedback and direction regarding the request for an encroachment agreement into City owned Outlot A, Windrose 8<sup>th</sup> Addition. Property Owner, Jason Wolff, admitted to constructing a fence and shed outside of his property lines in an effort to increase the area of the backyard for their child to play in.

Jason Wolff approached the podium and explained his reason for extending the fence and shed. Wolff agreed to apply for the necessary permits and encroachment agreement and is seeking Council approval to keep the fence and shed in their current location.

After Council discussion, the Council indicated it would be open to consideration of the topic and directed staff to place this item on a future agenda.

f. Parks Department  
Written Monthly Parks & Recreation update included in Council Packet.

g. Community & Civic Events Committee (CCEC)  
Councilmember Novak updated the Council on Fire Rescue Days activities.

h. Other Committee and Board Reports

i. Scott County Association for Leadership and Efficiency (SCALE)

No report.

1. Executive Committee – No report.

2. Service Delivery Committee – No report.

ii. I35 Solutions Alliance

Councilmember Berg gave a brief update of the last I35 Solutions Alliance Meeting.

**10) DISCUSSION BY COUNCIL**

Councilmember Berg questioned an update on the new Councilmember application count.

Mayor Julius thanked Staff and Council for working together on the challenges faced regarding bringing in Niagara to the Industrial Park.

**11) ADJOURNMENT**

**MOTION** by Councilmember Novak, second by Councilmember Timmerman to adjourn the meeting at 8:50 p.m.

**APIF, MOTION CARRIED**

Respectfully submitted by

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Lynda Jirak, Deputy Clerk