

1. CALL TO ORDER

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

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

Members Absent: None

Also Present: City Administrator Terry, Police Chief Juell, 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

Mayor Julius indicated moving Item A “Approve June 27, 2019 Minutes of the City Council Meeting” to be under General Business.

MOTION by Councilmember Berg, second by Councilmember Timmerman to approve the agenda as amended. **APIF, MOTION CARRIED**

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None.

5. PUBLIC COMMENT

- Todd Priebe – ATV and Golf Cart Regulations

Mr. Priebe, 10386 Windrose Curve, Elko, stated he was at the meeting to talk about the use of Golf Carts, 4 Wheelers and Side-by-Side’s, otherwise known as “vehicles”. He was recommending an Ordinance be put in place to allow these types of vehicles to be used in the Township. Several communities in the area have Ordinances that allow use of these vehicles. Chaska, Belle Plaine, Lonsdale and many other communities, allow these vehicles where a permit is needed with proof of insurance on the vehicle and is usually free to do that. With the exception of golf carts, 4 wheelers and side-by-sides are licensed and have turn signals, with headlights and taillights. The issue came to attention on June 29th, the night of the town dance. For years the use of the vehicles in Elko has come to be known as sort of a right in this area and now it is being enforced. Per the Elko website, this is a small-town culture and many residents have moved to Elko because of the small-town feel. The housing, the community, town ball and the ability to ride the vehicles. He noted he has several friends in the area that will ride their vehicles to town either to go to the Muskies game or to go to the firehouse for a burger and are on the southern side within the township but on the Lakeville side. He indicated his friends have told him that if they cannot use those vehicles in Elko then they would spend their money elsewhere and is definitely not something they want within Elko New Market. He stated in addition these folks drive from their home in Lakeville and will drive all the way

down to Castlerock and home and have never had any issues or have never gotten pulled over.

Mr. Priebe noted one of the main concerns were kids under 16 driving golf carts. The State of Minnesota a person can get their ATV certification as a minor, unfortunately with golf carts you have to be 16 and have a license to drive them. He stated one of the things he has heard by pulling over people on the side-by-sides is that we are educating them but really it is not educating them, it is a warning, or it is like a threat. He thought it made a lot of sense for the City Council to adopt an Ordinance allowing the 4 wheelers, golf carts and side-by-side.

Mr. Priebe asked who on the City Council was in favor of adopting an Ordinance for this. Mayor Julius stated in a general sense he was in favor of exploring this further. For the record the City Council cannot point in a direction at this point, but he thought the Council was willing to explore this further.

Mr. Priebe asked if until this item can be discussed could people ride these types of vehicles without getting tickets unless they are doing something stupid. Mayor Julius stated the City Council cannot ask the Police Chief to not enforce the law.

Police Chief Juell stated he agreed with the City Council to explore it but a few points, a resident does not have the right to drive a golf cart on the roadway and just acknowledging that it has been that way does not mean it is not against the law, it has always been against the law. He indicated that is State Statute and a lot of people do not know that and is not a threat, it is education and he thought it was his job as the Police Chief and his staff's position on it is that people do not know they are breaking the law and he and his staff need to inform them of that and an education enforcement campaign. That is what his staff is doing and until that Ordinance is changed, he cannot instruct his officers to let some of the people go without a warning because it is prejudicial.

Police Chief Juell indicated his Department does not stop a lot of ATV's because it is legal. He noted half of the complaints received are golf carts and the other half is ATV's.

Councilmember Seepersaud asked if this item could be on the August 8, 2019 meeting for discussion. Mayor Julius asked if staff would be ready to discuss this further at the August 8th meeting. Administrator Terry indicated staff would be ready to present and ask the Council if they wanted to make changes and what those changes might be so staff can go forward and prepare action items for consideration by the Council at a subsequent meeting.

Mayor Julius indicated Mr. Priebe had information from other cities regarding their Ordinances on this and asked if staff would be receptive to looking at that. Administrator Terry indicated he would. Mr. Priebe stated he would email a spreadsheet to anyone who wanted it.

Administrator Terry reviewed the current Ordinance and what the City Council might want to discuss at the August 8th meeting.

- Mr. Tom Wolf, County Commissioner, updated the City Council on the YMCA construction, water issues on private property, new Court House building along with County road projects.
- Mr. Rob Schnichel’s, 26681 Oakridge Way, Elko, thanked the City Council for considering looking at the ATV Ordinance. He thought there was a misconception about that permitting process. That tells cities that they have the ability to do a permitting process. He knew the golf cart thing will be tough and thought it was what the most complaints were about with kids piled on them. He asked the City Council to look at all of the Statutes when reviewing this. He stated this is a use that is important to the residents and thought the current Ordinance was kind of vague. Police Chief stated he disagreed because it is against the law and it is not “you can operate unless the Ordinance says you can’t”, the Statute allows cities to make an Ordinance permitting process. All State Laws affect motor vehicles and a golf cart under motor vehicle laws has zero rights and cannot be operated on the roadway unless the Motor Vehicle Statute is met.
- Ms. Linda Borgen, 26630 Drew Avenue, Elko, stated she was on the City Council when the golf course was being proposed and built and the subject of golf carts came up at that time and was said golf carts would not be allowed on City streets. If a resident lived on the golf course the golf cart could be driven from their home to the club house via the sidewalk. She did not remember if it was ever put into an Ordinance or not, but it was discussed quite thoroughly.
- Mayor Julius noted a resident sent him an email indicating they wanted this put into the record.

6. CONSENT AGENDA

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

- Moved to General Business for discussion
- Approve July 11, 2019 Minutes of the City Council Meeting
- Approve Payment of Claims and Electronic Transfer of Funds
- Approve Employment Agreement
- Adopt Resolution 19-45 Gambling Permit for A Race Worth Winning – ALS
- Adopt Resolution 19-47 Amending Electronic Communication Equipment Policy
- Planner I Position
 - Approve the Job Description for the Planner I Position
 - Amend the 2019 Salary Schedule to Include the Planner I Position at Grade 9
 - Authorize the Hire of Haley Sevensing for the Planner I Position

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Transfer of Funds

- i. Resolution 19-46 Transfer of Funds
City Administrator Terry requested the City Council consider Resolution 19-46, Transfer of Funds. After discussing this item, the City Council requested Staff to transfer \$292,146 to the Capital Projects fund to help service debt for capital projects and equipment purchases. **MOTION** by Councilmember Timmerman, second Councilmember Berg, to approve Resolution 19-46, Transfer of Funds. **APIF, MOTION CARRIED**

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Mayor Julius indicated he had this item removed from the Consent Agenda in order to amend the comments of the Unintentional Use Policy to remove the individual name and only reference the date or timeframe. **MOTION** by Councilmember Julius, second Councilmember Timmerman, to approve June 27, 2019 City Council Meeting Minutes as amended. **APIF, MOTION CARRIED**

9. REPORTS

- a) ADMINISTRATION
None
- b) PUBLIC WORKS
Written report included in Council Packet.
- c) POLICE DEPARTMENT
Written report included in Council Packet.
- d) FIRE DEPARTMENT
None
- e) ENGINEERING
City Engineer Revering indicated the 2019 Pavement Rehabilitation plan is waiting for contracts and bids to come back to determine low bidder. The plans are to start in mid-August with paving and curbing in September.
- f) COMMUNITY DEVELOPMENT
None
- g) PARKS DEPARTMENT
Written Parks Commission Update and Minutes of July 9, 2019 Meeting included in Council Packet.
- h) Community & Civic Events Committee (CCEC)
Councilmember Seepersaud noted CCEC is starting to plan Halloween events.
- i) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

Mayor Julius indicated SCALE meets in two weeks.

ii. MVTA

Councilmember Schwichtenberg indicated the meeting was cancelled.

iii. I35 SOLUTIONS ALLIANCE

Berg noted the meeting is in a couple of weeks.

iv. CHAMBER OF COMMERCE

Councilmember Timmerman noted Aaron Johnson resigned from the Chamber of Commerce. The executive assistant has put in a resignation effective August 15th.

10. DISCUSSION BY COUNCIL

None

11. ADJOURNMENT

MOTION by Councilmember Timmerman, second by Councilmember Seepersaud, to adjourn the meeting at 7:00 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Thomas Terry, City Administrator