

**CITY OF ELKO NEW MARKET
CITY COUNCIL WORK SESSION AGENDA
CITY OF ELKO NEW MARKET
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA
THURSDAY, APRIL 12, 2018**

6:30 PM

- 1. Call to Order**
- 2. Presentations**
- 3. Reports**
- 4. General Discussion**
 - a. MVTA Presentation on Transit
- 5. Reports (Cont'd)**
 - a. Reports from the Business Agenda may be presented if time permits
- 6. Adjournment**

**CITY OF ELKO NEW MARKET
CITY COUNCIL AGENDA
ELKO NEW MARKET CITY HALL
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
THURSDAY, APRIL 12, 2018**

**BUSINESS MEETING
7:30 PM**

1. Call to Order

2. Pledge of Allegiance

3. Adopt/Approve Agenda

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

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 March 22, 2018 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 18-13 Approving Outdoor Concerts and Events for Tapestry Church
- d. Adopt Resolution 18-14 Approving Outdoor Concerts and Events for Fire Rescue Days Parade and Other Events
- e. Adopt Resolution 18-15 Approving a Gambling Permit for A Walk Worth Winning – ALS
- f. Adopt Resolution 18-16 Appointing A Community and Civic Events Committee for 2018 Year Terms
- g. Approve Agreement with Vanguard Cleaning Systems for Janitorial Services
- h. Consumer and Commercial Fireworks
 - i. Adopt Ordinance No. 167 Amending Title 4 By Adding Chapter 9 Concerning Fireworks
 - ii. Adopt Ordinance No. 168 Amending Title 6 By Adding Chapter 5A Concerning Fireworks
 - iii. Adopt Ordinance No. 169 Summary of Ordinance No. 167
 - iv. Adopt Ordinance No. 170 Amending Fee Schedule Concerning Fireworks
- i. Adopt Resolution 18-19 Amending the Bylaws of the Elko New Market Firefighters Relief Association
- j. Adopt Ordinance No. 163 Amending Title 11-8-3 of the City Code Concerning Commercial Vehicle Parking

- k. Approve Recycling Program Agreement with Scott County and Authorize the Mayor and City Administrator to Execute the Agreement
- l. Approve Encroachment Agreement between the City and Elko Express Baseball Club

7. Public Hearings

8. General Business

- a. Approve Conducting a Community Survey with Morris Leatherman Firm and Provide Feedback on Content of Survey
- b. Consider the Request for Reduction in Development Fees for Christmas Pines

9. Reports

- a. Administration
- b. Public Works
 - i. Public Works Superintendent Monthly Report
- c. Police Department
 - i. Police Chief Monthly Report
 - ii. Police Officer Hiring Status Update
- d. Fire Department
- e. Engineering
 - i. CSAH 2 Pedestrian Crosswalk at Church Street
- f. Community Development
 - i. Community Development Updates
 - ii. Draft March 27, 2018 Planning Commission Meeting Minutes
- g. Parks Department
 - i. Draft March 20, 2018 Parks Commission Minutes
 - ii. March Parks Commission Update
- h. 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
 - v. Regional Council of Mayors
 - vi. Civic & Community Events Committee (CCEC)
 - vii. Downtown Improvement Committee
 - viii. 50 By 30 Collective Impact Project
 - Steering Committee
 - Transportation Committee
 - Housing Committee
 - Workforce Committee

10. Discussion by Council

11. Adjournment

CITY COUNCIL WORK SESSION

Minutes

March 22, 2018

1. CALL TO ORDER

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

Members Present: Mayor Crawford, Councilmembers: Berg, Julius, Timmerman and Timmons

Members Absent: None

Also Present: City Administrator Terry, City Engineer Revering, Community Development Specialist Christianson and City Clerk Green

2. PRESENTATIONS

None

3. REPORTS

None

4. GENERAL DISCUSSION

2040 Comprehensive Plan Update

Community Development Specialist Christianson and City Engineer Revering provided the City Council with an overview on “What is a Comprehensive Plan”, including:

- i) Comprehensive Plan is a document designed to guide the future growth of a community and a vision for the future.
- ii) Comprehensive Plan covers a wide variety of topics, such as land use, economic development, transportation, infrastructure, housing, parks, natural resources and more.
- iii) Comprehensive Plan recommends policies to address future growth, and is typically designed as a technical document to be used by government officials when making decisions about zoning or capital improvements.
- iv) Comprehensive Plan is intended to be used daily to inform and guide developers, staff, City decision making, budgets, projects, policies and programs.

Community Development Specialist Christianson and City Engineer Revering presented the draft Land Use, Transportation and utility system plans to the Council. This was an informational gathering discussion only and no action was required.

5. REPORTS (Continued)

None

6. ADJOURNMENT

The Work Session was adjourned at 7:28 p.m.

City Council Business Meeting

MARCH 22, 2018

MINUTES

1) CALL TO ORDER

The meeting was called to order by Mayor Crawford at 7:31 p.m.

Members Present: Mayor Crawford, Councilmembers: Berg, Julius, Timmerman and Timmons

Members Absent: None

Also Present: City Administrator Terry, Assistant City Administrator Nagel, City Attorney Poehler, City Engineer Revering and City Clerk Green

2) PLEDGE OF ALLEGIANCE

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

3) ADOPT/APPROVE AGENDA

MOTION by Councilmember Berg, second by Councilmember Timmons to approve the agenda.

APIF, MOTION CARRIED

4) PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

5) PUBLIC COMMENT

None

6) CONSENT AGENDA

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

- a. Approve March 8, 2018 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 18-11 Approving an Outdoor Concerts & Events Permit for Boy Scouts Troop 325
- d. Adopt Resolution 18-12 Approving a One Day Temporary On-Sale Liquor License for St. Nicholas Church

APIF, MOTION CARRIED

7) PUBLIC HEARINGS

None

8) GENERAL BUSINESS

Concept Approval and Preparation of Encroachment Agreement for Elko Express Fence

Assistant City Administrator Nagel gave the City Council a short presentation on a request received from the Elko Express Baseball Club to construct gates and a fence to control access to their field.

The intent is to enable the Club to better control spectators entering the ball park for a ball game, plus ensure that all admission fees are collected.

The Parks Commission, City Attorney, Staff and a representative from the Elko Baseball Club developed a concept that would meet the needs of the Club while preserving the legal requirement of Old Elko City Hall Park remaining open to the public. The City Attorney determined that the best legal approach to granting this request was to have an Encroachment Agreement that would detail the terms of constructing the fence on City property.

MOTION by Councilmember Julius, second Councilmember Timmerman to approve concept and authorized preparation of an Encroachment Agreement for the Elko Express Fence. **APIF, MOTION CARRIED**

The Encroachment Agreement for the Elko Express Fence will be brought back to Council for approval at the April 12, 2018 City Council Meeting.

CSAHs 2 and 91 Roundabout Concept Design Decisions Discussion

City Engineer Revering and Aaron Warford from Bolton & Menk, Inc. gave the City Council a presentation on the concept work completed and feedback obtained from the community for the proposed roundabout to be constructed in 2020 at the intersection of CSAHs 2 and 91 and asked for Council direction if any add-on features are to be included in the project as it moves next into the preliminary design phase.

After the presentation and discussion on the item, the City Council endorsed the roundabout configuration presented by BMI. The Council reviewed the roundabout add-ons selection and made the following determination:

<u>Add-on</u>	<u>Include (Y or N)</u>
Base Roundabout	y
Left Turn Grading	y
Left Turn Lane	n
Median Extension to Aaron Drive	n
CR91 Shared Use Path Connection	y
CSAH 2 Shared Use Path Connection	y
Continuous Lighting (Acorn)	y
Downtown Lighting (Acorn, Enhanced)	y
Roundabout Enhancements	Maybe Later
Landscaping	Maybe Later
Monuments	n
Pavement Treatments	n
Site Furnishings/Amenities (Banner poles + 4 benches)	n

Request for Interpretation on Application of Fees to Parcels with SSTS and Wells

City Engineer Revering and the Council discussed the application process for the City’s trunk and connection fees to parcels with an existing well and/or SSTS seeking to hook up to City infrastructure.

Staff asked for Council guidance on hookups where sewer and/or water infrastructure is already available, was typically paid for by a developer or the City, and trunk or connection fees have not been paid. During the discussion of this item, the Council noted that the City incurs costs and collects fees to help offset costs associated with City utilities and, therefore, directed Staff not to waive the trunk fee for parcels where sewer or water is available. In regards to the past Joint Sewer Board policy to provide a credit in certain situations that expired in 2011, the Council was not in favor

applying that credit.

9) REPORTS

a) ADMINISTRATION

None

b) PUBLIC WORKS

None

c) POLICE DEPARTMENT

None

d) FIRE DEPARTMENT

Administrator Terry updated the City Council that a new vehicle has been purchased for the Fire Chief.

e) ENGINEERING

None

f) COMMUNITY DEVELOPMENT

Draft March 6, 2018 Planning Commission Meeting Minutes were included in Packet.

Community Development Specialist Christianson gave the Council a brief update on the upcoming Planning Commission Meeting to be held on Tuesday, March 27th.

g) PARKS DEPARTMENT

None

h) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

None

ii. MVTA

None

iii. I35 SOLUTIONS ALLIANCE

None

iv. CHAMBER OF COMMERCE

None

v. REGIONAL COUNCIL OF MAYORS

None

vi. COMMUNITY AND CIVIC EVENTS COMMITTEE

City Clerk Green gave a very brief update on the upcoming Annual Egg Hunt to be held this Saturday, March 24th at Eagle View Elementary School.

vii. DOWNTOWN IMPROVEMENT COMMITTEE

None

viii. 50 BY 30 COLLECTIVE IMPACT PROJECT

1. Steering Committee – Mayor Crawford updated the Council on the recently held housing ISY and that 50 X 30 is working on a study with university students on what transportation issues they are encountering getting to work.
2. Transportation Committee – Councilmember Julius gave the City Council a brief update of the ISY he attended and that he felt there was nothing new learned at this event.
3. Housing Committee – None
4. Work Force Committee – None

10) DISCUSSION BY COUNCIL

Councilmember Berg informed the Council that New Market Township Board held their election and two new members were voted into office. Councilmember Berg felt the City Council should reach out to the New Market Township Board to continue relationship building.

Councilmember Berg stated that New Prague and Lonsdale are partnering regarding parks. Mayor Crawford stated he felt New Prague would be willing to partner with the City of Elko New Market.

11) ADJOURNMENT

MOTION by Councilmember Timmons, second by Councilmember Timmerman to adjourn the meeting at 10:03 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Presentation of Elko New Market Claims and Electronic Transfer of Funds
MEETING DATE:	April 12, 2018
PREPARED BY:	Lelia Leonhardt, Accountant
REQUESTED ACTION:	Approve Payment of Current Claims

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

Each month the Accountant presents for approval the Elko New Market Claims and Electronic Transfer of Funds.

BUDGET IMPACT:

Budgeted

Attachments:

- Check Summary Register

CITY OF ELKO/NEW MARKET

*Check Summary Register©

April 2018

Name	Check Date	Check Amt
AUTO PAYS		
Paid Chk# 005425E XCEL ENERGY	4/2/2018	\$4,986.36 601 Main Street
Paid Chk# 005426E HEALTH PARTNERS	4/2/2018	\$14,952.73 MEDICAL INS - APRIL
Paid Chk# 005427E HEALTH EQUITY, INC.	2/13/2018	\$541.53 H.S.A. Employee contribution
Paid Chk# 005428E PERA	3/22/2018	\$7,970.42 Vendor Liability
Paid Chk# 005429E MN DEPT OF REVENUE	3/22/2018	\$2,082.43 Vendor Liability
Paid Chk# 005430E INTERNAL REVENUE SERVICE	3/22/2018	\$10,429.65 Vendor Liability
Paid Chk# 005431E HEALTH EQUITY, INC.	3/12/2018	\$2,005.01 CITY ANNUAL CONTRIBUTION 2018
Paid Chk# 005432E HEALTH EQUITY, INC.	2/23/2018	\$6,763.22 ANNUAL COMP PAYOUT TO H.S.A.
Paid Chk# 005433E HEALTH EQUITY, INC.	3/22/2018	\$591.53 H.S.A. Employee contribution
Paid Chk# 005434E SUN LIFE FINANCIAL	4/2/2018	\$1,203.66 LIFE INSURANCE - APRIL 18
Paid Chk# 005435E PSN	2/8/2018	\$219.00 SWIPE TERMINAL - JAN 2018
Paid Chk# 005436E MN VALLEY ELECTRIC	3/22/2018	\$96.00 268X Xerxes Water Tower
Paid Chk# 005437E MINNESOTA ENERGY	4/12/2018	\$237.62 26518 France Avenue
Paid Chk# 005438E MINNESOTA ENERGY	4/12/2018	\$34.41 26518 France Avenue
Paid Chk# 005439E XCEL ENERGY	4/20/2018	\$217.90 Storage
Paid Chk# 005440E XCEL ENERGY	4/20/2018	\$159.52 Lift Station / 10010 Ptarmigan
Paid Chk# 005441E XCEL ENERGY	4/20/2018	\$2,655.43 25499 Natchez Ave - Water Trea
Paid Chk# 005442E XCEL ENERGY	4/23/2018	\$881.53 Park Shelter - 26518 France Av
Paid Chk# 005443E XCEL ENERGY	4/20/2018	\$897.68 26536 France Ave
Paid Chk# 005444E MN VALLEY ELECTRIC	4/9/2018	\$24.32 City of Elko Park, Elko
Paid Chk# 005445E XCEL ENERGY	4/20/2018	\$480.06 Library - 100 J Roberts Way
Paid Chk# 005446E MN VALLEY ELECTRIC	4/22/2018	\$1,395.75 Streetlights, Elko
Paid Chk# 005447E MN VALLEY ELECTRIC	4/9/2018	\$70.02 Glenborough Dr & Chowen
Paid Chk# 005448E MN VALLEY ELECTRIC	4/22/2018	\$35.16 Whispering Creek Lights
Paid Chk# 005449E MN VALLEY ELECTRIC	4/22/2018	\$34.60 27059 Beard Ave Lift Pump
Paid Chk# 005450E MINNESOTA ENERGY	4/16/2018	\$22.67 408 Carter Street
Paid Chk# 005451E MINNESOTA ENERGY	4/16/2018	\$43.15 359 James Parkway
Paid Chk# 005452E MINNESOTA ENERGY	4/16/2018	\$215.03 110 J Roberts Way - Library
Paid Chk# 005453E MINNESOTA ENERGY	4/12/2018	\$24.39 26518 France Avenue
Paid Chk# 005454E MINNESOTA ENERGY	4/12/2018	\$551.44 PW Facility - Gas Utilities
Paid Chk# 005455E MINNESOTA ENERGY	4/12/2018	\$747.69 25499 Natchez Ave - WTP
Paid Chk# 005456E MINNESOTA ENERGY	4/23/2018	\$147.19 50 Church Street
Paid Chk# 005457E MINNESOTA ENERGY	4/23/2018	\$464.81 601 Main Street
Paid Chk# 005458E MINNESOTA ENERGY	4/23/2018	\$133.24 151 Williams Street
Paid Chk# 005459E PSN	4/4/2018	\$1,088.22 Credit Card Processing Fees
Paid Chk# 005460E PERA	4/5/2018	\$7,515.41 Vendor Liability
Paid Chk# 005461E MN DEPT OF REVENUE	4/5/2018	\$1,977.83 Vendor Liability
Paid Chk# 005462E INTERNAL REVENUE SERVICE	4/5/2018	\$8,813.36 Vendor Liability
Paid Chk# 005463E HEALTH EQUITY, INC.	4/5/2018	\$591.53 H.S.A. Employee contribution
Paid Chk# 005464E HEALTH EQUITY, INC.	4/5/2018	\$35.40 Monthly Health Equity Account
Total Checks		\$81,336.90

PRE-PAID

Paid Chk# 038301 PAYROLL	3/22/2018	\$69.26
Paid Chk# 038302 PAYROLL	3/22/2018	\$69.26
Paid Chk# 038303 PAYROLL	3/22/2018	\$429.25
Paid Chk# 038304 APPLE FORD LINCOLN	3/27/2018	\$31,304.00 2018 FORD EXPLORER #2
Paid Chk# 038305 AMUNDSON, SHANE & BOBBIE	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038306 ARENS, AMANDA & DEREK	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038307 BECKER, MELISSA	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038308 BEHNKEN, ALANA	3/29/2018	\$6.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038309 CARLSON, JULIE	3/29/2018	\$9.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038310 CHRISTENSEN, TRICIA	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038311 CLANCY, CHRISTINE	3/29/2018	\$6.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038312 DEN HARTOG, COREY & SARA	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038313 DEUTH, BRENDA	3/29/2018	\$6.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038314 DRILL, ERICA	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038315 DUNHAM, HEATHER	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038316 HELGESON, ANGELA	3/29/2018	\$9.00 REFUND 2018 EASTER EGG HUNT
Paid Chk# 038317 HOFFMAN, WES & CARRIE	3/29/2018	\$3.00 REFUND 2018 EASTER EGG HUNT

CITY OF ELKO/NEW MARKET

*Check Summary Register©

April 2018

Paid Chk#	038318	HOLLIDAY, TAMMY	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038319	JACKSON, COY & MICHELLE	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038320	JACOBSON, SARAH	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038321	JOHNSON, BRETT & JESSICA	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038322	KARSSEBOOM, KRISTINA	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038323	KIEFFER, RILEY	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038324	KOWARSCH, JESSICA	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038325	LARSON, AMANDA	3/29/2018	\$12.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038326	LENZ, SARAH	3/29/2018	\$15.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038327	LUXMORE, CRYSTAL & ERIC	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038328	LYNCH, ANDY	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038329	MALONEY, SUSAN	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038330	N.E.W. Lions	3/29/2018	\$40.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038331	REZAC, SUZANNE	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038332	ROUFS, RAE	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038333	RYAN, PHIL & ELISSA	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038334	SCHIEVE, CHRIS & SARAH	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038335	SEELHAMMER, CHAD	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038336	SKOGMAN, KAYLEE	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038337	SPRIGGS, ED	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038338	STOLTZ, TONY	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038339	TIMMERMAN, SHANNA & RYAN	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038340	TUREK, MIKE	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038341	HEATHER VETTER	3/29/2018	\$6.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038342	WERNER, WILLIE & JULIE	3/29/2018	\$3.00	REFUND 2018 EASTER EGG HUNT
Paid Chk#	038343	Voided	4/6/2018	\$0.00	Check Add Unused
Total Checks				\$32,109.77	

CHECK REGISTER

Paid Chk#	038344	ACE HARDWARE & PAINT	4/12/2018	\$42.50	Parks Repairs
Paid Chk#	038345	ACE HARDWARE & PAINT4	4/12/2018	\$16.22	PW - FLEET
Paid Chk#	038346	ADVANCED GRAPHIX INC	4/12/2018	\$1,140.00	Graphics on Chiefs Vehicles
Paid Chk#	038347	APPLE FORD LINCOLN	4/12/2018	\$972.49	Equipment for truck #424
Paid Chk#	038348	ASPEN MILLS	4/12/2018	\$14.85	FD - Name Tag
Paid Chk#	038349	BANYON DATA SYSTEMS INC	4/12/2018	\$300.00	TRAINING - 1 DAY LELIA
Paid Chk#	038350	BLACKFIRE CREATIVE	4/12/2018	\$168.62	DECALS FOR #424
Paid Chk#	038351	BODYWERKS	4/12/2018	\$1,206.87	VEHICLE REPAIR 2008-FORD ESCAP
Paid Chk#	038352	BOLTON & MENK	4/12/2018	\$16,254.00	GENERAL - JAN/FEB 18 T15.10071
Paid Chk#	038353	CAMPBELL KNUTSON	4/12/2018	\$3,847.30	26660 CHOWEN AVE (HAZARD BLDG)
Paid Chk#	038354	CDW GOVERNMENT	4/12/2018	\$2,072.11	IT - CISCO W/FIRE POWER
Paid Chk#	038355	CINTAS CORPORATION NO. 2	4/12/2018	\$26.70	UNIFORMS
Paid Chk#	038356	CITY OF SAVAGE	4/12/2018	\$15,954.76	IT SERVICES - 2QR & LOGMEIN
Paid Chk#	038357	ROBERT CRAWFORD	4/12/2018	\$733.57	MILEAGE - 1ST QTR 2018
Paid Chk#	038358	CULLIGAN BOTTLED WATER	4/12/2018	\$75.00	Bottled Water
Paid Chk#	038359	E.H. RENNER & SONS	4/12/2018	\$792.25	WATER REPAIRS - WELL #3
Paid Chk#	038360	FISH ROCK COUNTRY MARKET	4/12/2018	\$776.35	PD Fuel
Paid Chk#	038361	TODD FRIEDGES	4/12/2018	\$315.66	BLOWER FOR DRYER
Paid Chk#	038362	PAYTON HILL	4/12/2018	\$264.74	CLASS A LICENSE
Paid Chk#	038363	INTERNATIONAL INSTITUTE	4/12/2018	\$125.00	2018 RENEWAL
Paid Chk#	038364	INNOVATIVE OFFICE	4/12/2018	\$577.62	Office Supplies
Paid Chk#	038365	KINGDOM CLEANING	4/12/2018	\$1,050.00	Library
Paid Chk#	038366	LAKEVILLE SANITARY, INC.	4/12/2018	\$98.73	121 TODD ST - WAGNER PARK
Paid Chk#	038367	LARKSTUR ENGINEERING	4/12/2018	\$60.59	FLEET - #410
Paid Chk#	038368	LELIA LEONHARDT	4/12/2018	\$31.16	MILEAGE TO BANYON - 32.6 MI @
Paid Chk#	038369	LUBRICATION TECHNOLOGIES,	4/12/2018	\$1,175.08	PW - Fleet Maint & Equip
Paid Chk#	038370	MAMA-METRO AREA MGMT ASSN	4/12/2018	\$25.00	LUNCHEON 3/8/18
Paid Chk#	038371	METROPOLITAN COUNCIL	4/12/2018	\$8,987.10	RESERVE CAPCITY LOAN - 2016
Paid Chk#	038372	METROPOLITAN COUNCIL	4/12/2018	\$8,987.10	RESERVE CAPCITY LOAN - 2016
Paid Chk#	038373	METROPOLITAN COUNCIL	4/12/2018	\$18,807.29	MCES CHARGES - MAY 2018
Paid Chk#	038374	METROPOLITAN COUNCIL	4/12/2018	\$22,568.75	RESERVE CAPACITY LOAN - 2018
Paid Chk#	038375	MHSRC/RANGE	4/12/2018	\$415.00	PURSUIT DRIVING REFERSHER
Paid Chk#	038376	MN BOARD OF PEACE OFFICER	4/12/2018	\$90.00	2018 EVA POST LICENSE RENEWAL
Paid Chk#	038377	MN CRITTER GETTERS, INC.	4/12/2018	\$1,148.00	Monthly Animal Control - MAR18
Paid Chk#	038378	MUNICIPAL INSPECTIONS, INC.	4/12/2018	\$4,080.87	EROSION CONTROL

CITY OF ELKO/NEW MARKET

*Check Summary Register©

April 2018

Name	Check Date	Check Amt
<u>CHECK REGISTER CONTINUED</u>		
Paid Chk# 038379 MVTL LABORATORIES	4/12/2018	\$95.00 PW - WATER TESTING
Paid Chk# 038380 NAPA AUTO PARTS	4/12/2018	\$206.05 PW - Fleet Maint & Equip
Paid Chk# 038381 QUILL CORPORATION	4/12/2018	\$400.33 Operating Supplies
Paid Chk# 038382 R&R CLEANING CONTRACTORS,	4/12/2018	\$92.70 RUGS - MARCH 2018
Paid Chk# 038383 RDO EQUIPMENT CO.	4/12/2018	\$32.99 PW - FLEET
Paid Chk# 038384 RIGID HITCH INCORPORATED	4/12/2018	\$672.21 ACCESSORIES FOR #424
Paid Chk# 038385 RITEWAY BUSINESS FORMS	4/12/2018	\$668.66 LASER UTILITY BILLS
Paid Chk# 038386 SCHLOMKAS PORTABLE	4/12/2018	\$260.00 Portable Restrooms - MARCH 2018
Paid Chk# 038387 SCOTT COUNTY TREASURER	4/12/2018	\$342.65 ELECTION EQUIPMENT COSTS
Paid Chk# 038388 C/O SHRED RIGHT	4/12/2018	\$60.00 Shredding
Paid Chk# 038389 SPRINGSTED, INC.	4/12/2018	\$3,100.00 2012B ARBITRAGE CALCULATION
Paid Chk# 038390 SUEL PRINTING COMPANY	4/12/2018	\$87.50 Legal Ads
Paid Chk# 038391 TEMP-ASSURE, INC.	4/12/2018	\$7,000.00 FURNACE REPLACEMENT - CITY HAL
Paid Chk# 038392 TOP PERFORMANCE SALES	4/12/2018	\$300.90 CLEANING SUPPLIES
Paid Chk# 038393 TOWMASTER	4/12/2018	\$109.96 PW - FLEET
Paid Chk# 038394 VERIZON WIRELESS	4/12/2018	\$808.31 Cell Phones
Paid Chk# 038395 XEROX CORPORATION	4/12/2018	\$552.53 Copier
Paid Chk# 038396 ZIEGLER INC.	4/12/2018	\$1,115.11 PW - Fleet Maint & Equip

Total Checks \$129,106.18

DIRECT DEPOSITS

Paid Chk# 501641E Bi-Weekly ACH	3/22/2018	\$33,447.54
Paid Chk# 501661E Bi-Weekly ACH	4/5/2018	\$29,846.40

Total Checks \$63,293.94



STAFF MEMORANDUM

SUBJECT:	Outdoor Concerts and Events Permit Application
MEETING DATE:	April 12, 2018
PREPARED BY:	Sandra Green, City Clerk
REQUESTED ACTION:	Adopt Resolution 18-13 Approving an Outdoor Concerts and Events Permit for Tapestry Vineyard Church.

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:

Shari Luebbert, on behalf of Tapestry Vineyard Church has submitted an Outdoor Concerts and Events Permit Application for an outdoor church service.

DISCUSSION:

As part of Fire Rescue Days, Tapestry Vineyard Church has submitted an application to sponsor an outdoor church service at Wagner Park on June 24, 2018 from 10:00 a.m. to 12:00 Noon. Tapestry Church has invited several guest churches to participate in the readings or music. Music would be a small church band for approximately 20 minutes and be located at either the east or west side of the tent.

The church service would be held in the Wagner Park ballfield under the same tent that was used the day previously for games after the community parade. Set up would start at 8:00 a.m. on June 24th and teardown will be immediately after the event.

Staff is recommending approval of the Outdoor Concerts and Events Application for Tapestry Vineyard Church.

Attachments:

- Resolution 18-13 Approving Outdoor Concerts and Events Permit for Tapestry Vineyard Church
- Map of location of event

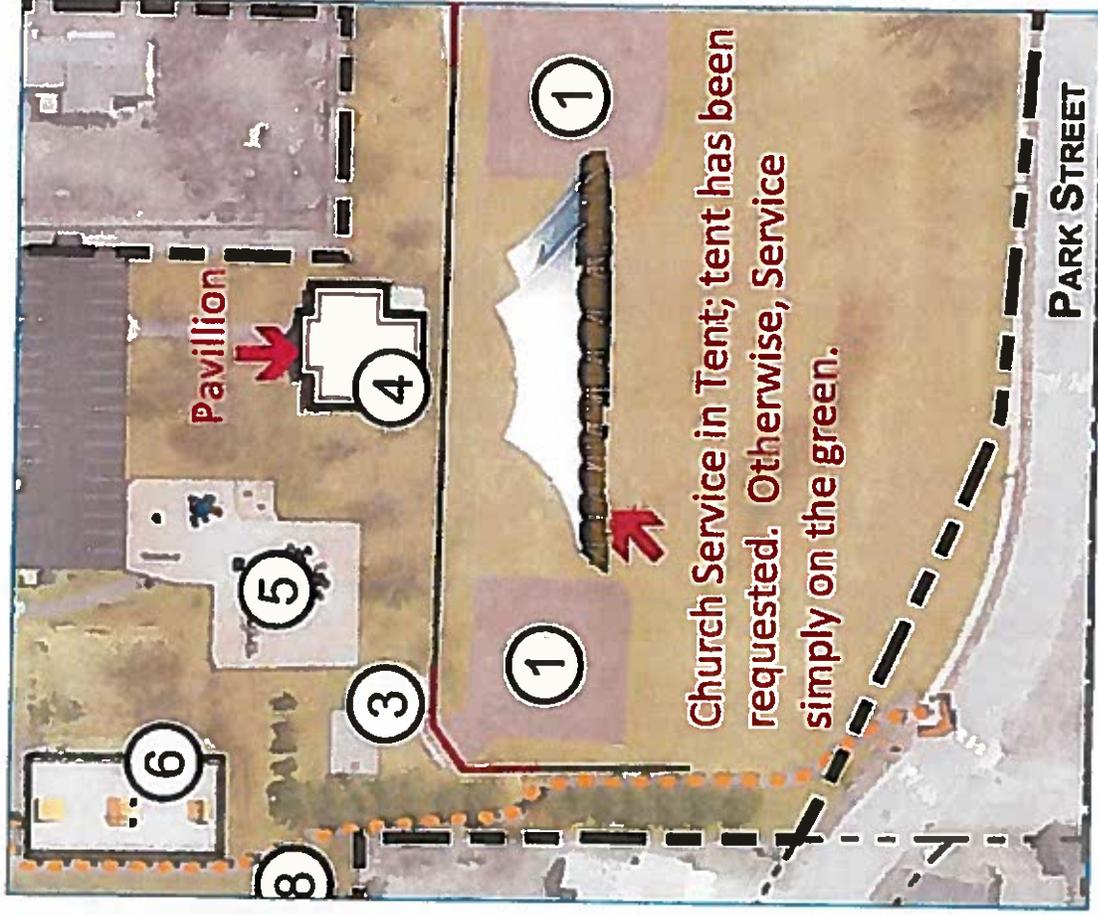
WAGNER PARK



Tapestry Vineyard
Church, Multi-Church
Service Location
in the field

ECUMENICAL SERVICE

June 25th at 10:00 am



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

RESOLUTION NO. 18-13

WHEREAS; Tapestry Vineyard Church has submitted an application for an Outdoor Concerts and Events permit for a church service to be held at Wagner Park, 121 Todd Street, Elko New Market on June 24, 2018 between the hours of 10:00 a.m. and 12:00 noon;

WHEREAS, the City Clerk reviewed the application and determined that it meets the requirements of the City's Outdoor Concerts and Events Ordinance and recommends approval of the permit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Elko New Market, Minnesota, that an Outdoor Concerts and Events permit be issued to Tapestry Vineyard Church for the premises located at 121 Todd Street, Elko New Market, Minnesota, for an Outdoor Concerts and Events Permit for June 24, 2018 between the hours of 10:00 a.m. to 12:00 noon. This permit is issued contingent upon Applicant's compliance with the above-approved time frames and the City's ordinances, including the outdoor concert and event ordinance and noise ordinance and the following conditions:

1. Provide a Certificate of Insurance.

APPROVED AND ADOPTED this 12th day of April, 2018.

CITY OF ELKO NEW MARKET

By: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Outdoor Concert and Event Permit - Fire Rescue Days Parade and Other Activities
MEETING DATE:	April 12, 2018
PREPARED BY:	Sandra Green, City Clerk
REQUESTED ACTION:	Adopt Resolution 18-14 Approving an Outdoor Concerts and Events Permit for the Community and Civic Events Committee

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:

The Community and Civic Events Committee submitted an Outdoor Concerts and Events Permit, on behalf of the City of Elko New Market, for outdoor events to be held from 7:00 p.m. on June 21, 2018 to 1:00 p.m. on June 24, 2018.

DISCUSSION:

The Outdoor Concerts and Events Permit Application is for the annual Fire Rescue Days, which includes the Community Parade and various activities included with Fire Rescue Days. The 2018 Fire Rescue Days will begin Thursday, June 21, 2018 and conclude Sunday, June 24, 2018. The following are some, but not limited to, activities included in Fire Rescue Days.

The Elko New Market Parks Commission will be sponsoring a FREE Family Fun Night in the Park starting at 7:00 p.m. on Thursday, June 21, 2018 at Wagner Park, 121 Todd Street, Elko New Market.

The Elko New Market Chamber of Commerce will be sponsoring a Community Golf Tournament on Friday, June 22, 2018 with registration at 11:00 a.m. at Boulder Pointe Golf Course.

The N.E.W. Lions will be hosting a Steak Dinner on Friday, June 22 from 5:00 p.m. to 8:00 p.m. in the parking lot located at 450 Main Street.

There will be a 1K and 5K Run sponsored by the Windmill Animal Rescue Non-Profit Organization on Saturday, June 23, 2018 starting with check-in at 7:30 a.m. at the Elko New Market Police Department, 26518 France Avenue, Elko New Market.

The Elko New Market Fire Relief Association will be selling concessions tentatively starting at 11:00 a.m. Following the parade, the Relief Association will be providing entertainment.

The Parade will start approximately at 1:00 p.m. and the route will be: Start at City Hall - Main Street to Dakota Avenue - Dakota Avenue to Park Street and end at Wagner Park - see map attached.

Following the parade, some of the activities at Wagner Park will include balloon artist, games, inflatable, helicopter (if available), police car, fire truck, food and beverages.

On Sunday, June 24, 2018 the Boy Scouts Troop 325 will be hosting a Pancake Breakfast at Wagner Park from 7:00 a.m. to Noon.

Staff is recommending Council approve the Outdoor Concerts and Events Application for the Fire Rescue Days Community Parade and associated activities.

BUDGET IMPACT:

Minimal

Attachments:

- Resolution 18-14 Approving an Outdoor Concerts and Events Permit for the Community and Civic Events Committee, on behalf of the City of Elko New Market, for Fire Rescue Days and associated activities.
- Map of the Community Parade Route

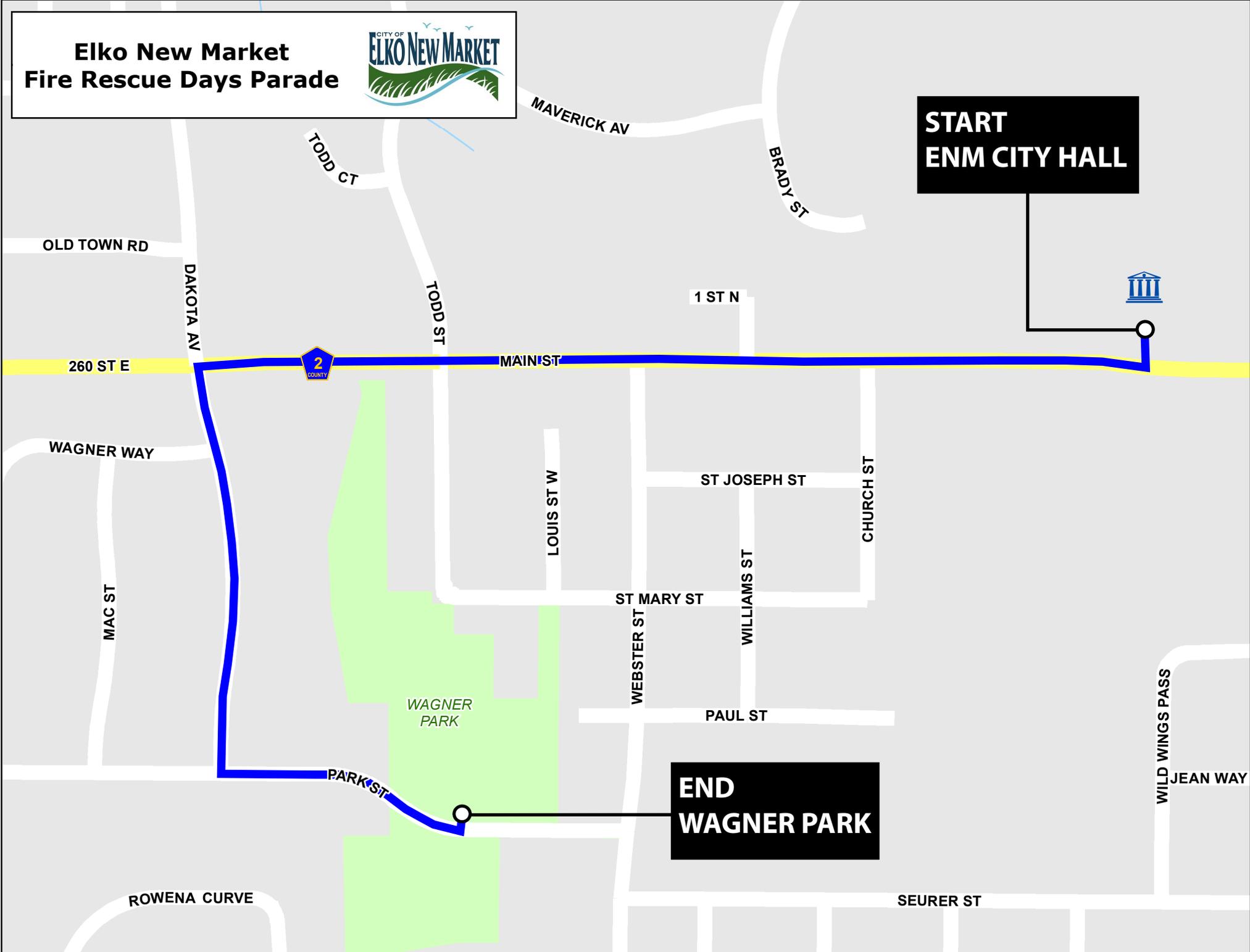
Elko New Market Fire Rescue Days Parade



**START
ENM CITY HALL**



**END
WAGNER PARK**



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

RESOLUTION NO. 18-14

WHEREAS, the Community and Civic Events Committee, on behalf of the City of Elko New Market, has submitted an application for an Outdoor Concerts and Events permit for the Elko New Market Fire Rescue Days, including various events and activities, from 7:00 p.m. on June 21, 2018 to 1:00 p.m. on June 24, 2018 within the City of Elko New Market;

WHEREAS, the City Clerk reviewed the application and determined that it meets the requirements of the City's Outdoor Concerts and Events Ordinance and recommends approval of the permit;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Elko New Market, Minnesota, that an Outdoor Concerts and Events permit be issued to the Community and Civic Events Committee, on behalf of the City of Elko New Market, for Fire Rescue Days, including various events and activities within the City of Elko New Market;

APPROVED AND ADOPTED this 12th day of April, 2018.

CITY OF ELKO NEW MARKET

By: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Gambling Permit for A Race Worth Winning - ALS
MEETING DATE:	April 12, 2018
PREPARED BY:	Sandra Green, City Clerk
REQUESTED ACTION:	Adopt Resolution 18-15 Approving Gambling Permit for A Race Worth Winning - ALS

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:

2018 will be the twelfth year Elko Speedway has held a benefit for Amyotrophic Lateral Sclerosis (ALS), often referred to as “Lou Gehrig’s disease”. This benefit is in remembrance of Dan Ryan.

DISCUSSION:

The benefit will be held on September 22, 2018 at Elko Speedway, 26350 France Avenue, Elko New Market, Minnesota. The event is sponsored by A Race Worth Winning, which is a local non-profit organization.

The event is a 50/50 raffle fundraiser. A 50 /50 raffle is where a non-profit organization sells tickets and gives 50% of the total sales to the winner and donates the remaining 50% of the total sales to the Minnesota/South Dakota local chapter of the ALS Foundation. The average total sales for this event is \$2,400.00 with \$1,200.00 going to the winner and \$1,200.00 being donated to ALS.

The City has not received any concerns or issues regarding this event over prior years.

Attachment:

- Resolution 18-15 Approving Gambling Permit for A Race Worth Winning - ALS

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

RESOLUTION NO. 18-15

WHEREAS; A Race Worth Winning - ALS, PO Box 131, Elko New Market, MN 55020 has submitted an application for a gambling permit for a benefit event, located at Elko Speedway, 26350 France Avenue, Elko New Market, Minnesota, 55020;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Elko New Market, Minnesota, that a gambling permit be issued to A Race Worth Winning - ALS for the premises located at Elko Speedway, 26350 France Avenue, Elko New Market, Minnesota 55020, for a benefit to be held on September 22, 2018. Type of gambling activity the organization will be conducting is Raffles. This is a non-profit organization and previous applications are on file with the Gambling Control Board.

APPROVED AND ADOPTED this 12th day of April, 2018.

CITY OF ELKO NEW MARKET

By: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT: Community and Civic Events Committee Appointments
MEETING DATE: April 12, 2018
PREPARED BY: Sandra Green, City Clerk
REQUESTED ACTION: Adopt Resolution 18-16 Appointing A Community and Civic Events Committee for 2018 Year Terms

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:

At the May 10, 2012 City Council Meeting, the Council approved establishing a Community and Civic Events Committee (CCEC). The purpose of the CCEC is to advise the City Council on the development, promotion, expansion and maintenance of community and civic events. The CCEC serves to foster communication between local non-profit groups located within or serving the Elko New Market area that are involved with sponsoring, organizing or conducting civic and community events.

The CCEC is composed of at least five members with up to a total of eleven members, all appointed by the City Council. The CCEC consists of the following: one City Council member, one member of the Parks Commission, the City Administrator or their designee and up to 8 at large members from the non-profit groups located within or serving the City of Elko New Market that are involved with sponsoring, organizing or conducting civic and community events.

DISCUSSION:

Staff has contacted the Chamber of Commerce multiple times regarding appointing a Chamber representative to the CCEC. The Chamber has not been able to find an individual to represent the Chamber on the CCEC but will continue to try and recruit a representative, but for the time being this position will be left vacant.

The following non-profit groups have requested the City Council appoint a representative from their organization to serve on the CCEC for the 2018 year term.

Mike Sutton, Elko New Market Parks & Recreation Commission
Terre Larsen, N.E.W. Lions Club
Janelle Kirsch, New Prague Area Community Education
Larry Caduff, Knights of Columbus
Denise Anderson, Boy Scout Troop 325
Jodi Muelken, Elko New Market Fire Relief Association
Toni Maat, Windmill Animal Rescue
Amanda Cambronne, Lakeville School District
Vacant, Chamber of Commerce

The following individuals have been previously appointed by the City Council to serve on the CCEC.

Kate Timmerman, City Council Representative
Sandra Green, City Representative

BUDGET IMPACT:

None

Attachments:

- Resolution 18-16 Appointing A Community and Civic Events Committee for 2018 Terms

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

RESOLUTION NO. 18-16

**RESOLUTION APPOINTING
A COMMUNITY AND CIVIC EVENTS COMMITTEE**

WHEREAS, the City has established a Community and Civic Events Committee (“CCEC”) as an advisory committee to the City Council;

WHEREAS, the City Council appoints members on an annual basis and now desires to appoint members for the CCEC for the 2018 year terms;

BE IT RESOLVED that the City Council of the City of Elko New Market, Minnesota hereby appoints the following members to the CCEC for the 2018 year terms, in addition to the City Administrator or his/her designee:

- A. Councilmember Timmerman;
- B. At Large Member: Terre Larsen, N.E.W. Lions;
- C. At Large Member: Janelle Kirsch, New Prague Area Community Education;
- D. At Large Member: Larry Caduff, Knights of Columbus;
- E. At Large Member: Denise Anderson, Boy Scout Troop 325;
- F. At Large Member: Jodi Muelken, Elko New Market Fire Relief Assn.;
- G. At Large Member: Toni Maat, Windmill Animal Rescue;
- H. At Large Member: Amanda Cambronne, Lakeville School District;
- I. At Large Member: Vacant, Elko New Market Chamber of Commerce;
- J. Parks Commission: Mike Sutton

PASSED AND DULY ADOPTED by the City Council of the City of Elko New Market this 12th day of April, 2018.

CITY OF ELKO NEW MARKET

Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Janitorial Services Agreement
MEETING DATE:	April 12, 2018
PREPARED BY:	Sandra Green, City Clerk Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Approve Agreement for Janitorial Services

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

INTRODUCTION

The City Council is being asked to approve a one (1) year (with option for two additional years at City discretion at the same cost) Janitorial Services Agreement with Vanguard Cleaning Systems of Minnesota, Eagan, MN.

DISCUSSION

As part of periodic review of service vendors, the City initiated a Request For Proposals (RFP) process for janitorial services in January of this year. Staff conducted the RFP process in February and March and received four (4) proposals for services to compare with the present vendor, Kingdom Cleaning, LLC, Eagan, MN. Currently, Kingdom Cleaning provides a variety of cleaning services to City Hall, the Library, the Police Department and the Wagner Park Shelter for a total cost of \$14,716/year, not including carpet cleaning, window cleaning, and stripping/sealing non-carpeted areas, which are extra services billed as needed. After conducting interviews with two (2) of the vendors, Staff is recommending the attached contract with Vanguard Cleaning Systems of Minnesota for an amount of \$10,140/year for a one (1) year contract, which can be extended an additional two (2) years at the City's discretion. The City can terminate the contract at any time with 30 days' notice. The City will save \$4,576/year by signing the contract with Vanguard Cleaning Systems for the same level of janitorial services.

Vanguard Cleaning Systems is a Minnesota-owned franchise company that has been in operation in the Twin Cities area since 2005. In addition, positive references were given by the Cities of Orono, Prior Lake, and West St. Paul, along with Washington County Public Works, on the quality of their work. The company is licensed, bonded and insured and all employees working at these Cities have passed a background check. They are trained for 40 hours before working and the company has ongoing training to make sure that "best practices" are maintained. They use sustainable, environment friendly cleaning products wherever possible. Unlike the present vendor, the same person(s) will be assigned to our contract for providing cleaning and there will be quality checks with City Staff at least once a month by a Supervisor to insure our satisfaction. Their successful experience with other cities is also a plus, since they understand our specific needs as a public entity for quality janitorial services.

Other than the term of the contract, cost of services, and minor revisions to Exhibit A – Janitorial Schedule of Duties, there are no other significant revisions to the contract. The attached contract has been reviewed by the City Attorney, as to form and content.

ACTION REQUESTED

Approve Janitorial Services Agreement with Vanguard Cleaning Systems

Attachment:

Vanguard Cleaning Systems of Minnesota Contract

JANITORIAL SERVICES AGREEMENT

AGREEMENT: This Agreement, made this 1st day, of June, 2018, by and between Split Rock Management, Inc., dba Vanguard Cleaning Systems of Minnesota, a Minnesota corporation, with a business address of 3459 Washington Drive, Suite 109, Eagan, MN 55122 ("Contractor") and the City of Elko New Market, with a business address of 601 Main Street, Elko New Market, MN 55054 ("City").

IN CONSIDERATION OF THE MUTUAL UNDERTAKINGS HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

1. CONTRACT DOCUMENTS. The following documents shall be referred to as the "Contract Documents" all of which shall be taken together as a whole as the contract between the parties as if they were set out verbatim and in full herein:

- This document entitled "Janitorial Services Agreement"
- City of Elko New Market 2018 Request for Proposals for Janitorial Services Agreement, including:
 - Janitorial Service Specifications
 - Proposal Sheet
 - Janitorial Schedule of Duties
- Contractor 2018 Proposal for Janitorial Services

In the event of conflict among the provisions of these documents, the order in which they are itemized above shall control, resolving any such conflict. The Contract Documents are fully a part of this Agreement as if attached to this Agreement or repeated herein.

2. SERVICES.

A. The City hereby engages Contractor to perform janitorial services for the City as described in Exhibit A, attached and made a part hereof, at the following locations:

- Elko New Market City Hall
- Scott County Library (Elko New Market location)
- Elko New Market Police Station
- Wagner Park Pavilion (May 1ST through October 31ST)

The Contractor shall be familiar with, observe and comply with all ordinances, laws, and regulations which in any manner affect those engaged or employed in the work, or the materials, facilities or equipment used in the proposed work, or which in any way affect the conduct of the work, and shall protect and indemnify the City and its officers and agents against any claim or liability arising from or based on any violation of same.

B. The City Administrator, or his or her designee, shall verify that the work is completed to the satisfaction of the City. Contractor's failure to perform the work hereunder to the City's satisfaction and in a timely manner shall be cause of termination of this Agreement by the City without notice.

C. Services shall not be performed during periods when the relevant structure to be cleaned is closed, e.g. weekend or holiday, with the exception of the Library.

- D. The Contractor shall immediately notify the City of any accident of any kind, which involves the general public or private or public property, which occurs during the performance of this Agreement. Upon City's request, the Contractor shall provide the City with a written report within forty-eight (48) hours including the details of any such accident.
- E. The Contractor shall take all necessary precautions to protect public and private property during the performance of this Agreement. Such property damage shall be addressed for repair or replacement, at no charge to the property owner, within forty-eight (48) hours with property of the same or equivalent value at the time of the damage. If the Contractor fails to address the repair or replacement damaged property in within forty-eight (48), the City may, but shall not be obligated to, repair or replace such damaged property, and the Contractor shall fully reimburse the City's for any of its reasonably incurred expenses. The Contractor shall reimburse and/or provide evidence of an insurance claim, the City for any such expenses within ten (10) days of receipt of the City's invoice.
- F. The Contractor shall use care and diligence in the performance of this Agreement and shall perform all janitorial services required by this Agreement in a neat, orderly, and efficient manner.
- G. The Contractor shall provide neat, orderly, and courteous personnel for its services and shall provide courteous and knowledgeable personnel for its customer service office.
- H. The Contractor shall prohibit its employees from drinking alcoholic beverages or using any controlled substance, except pursuant to a doctor's prescription, while on duty, or in the course of performing their duties under this Agreement. If the City determines that any of the Contractor's employees is unfit or unsuitable to perform the services under this Agreement as a result of intoxication, drug use, or by virtue of abusive or obnoxious behavior, then, upon the City's written request, the Contractor shall remove such employee from work within the City and furnish a suitable and competent replacement employee.
- I. All of the Contractor's employees working within the City shall be required to wear an identification tag with a picture that clearly indicates that the Contractor employs the employee.
- J. All of the Contractor's vehicle operators working within the City shall carry valid state driver's licenses for the class of vehicle operated. Such vehicle operators shall obey all traffic regulations, including weight and speed limits.

3. TERM. This Agreement shall commence on the effective date and shall continue for a period of one year. At the option of the City, the Agreement may be renewed thereafter for a period of 24 months for the same rates as provided in Exhibit B.

4. COMPENSATION. The City shall compensate the Contractor for performance of all services listed on Exhibit A in accordance with the rates provided in Exhibit B. Invoices will be paid within 30 days of City approval.

5. TERMINATION. Notwithstanding any other section or provision of this Agreement, either party may terminate this Agreement upon thirty (30) days written notice, at any time, without reason, to the other party's representative at its respective address. No notice shall be due for termination for cause. "Termination for cause" shall include, but not be limited to, breach of confidential or premises security and material breaches of this Agreement.

6. CHANGE IN WORK PERFORMED. The compensation is based upon the areas to be serviced and the frequency of service outlined in Exhibit A. If there are changes in area or services, the City agrees to negotiate a reasonable price adjustment with the Contractor.

7. MODIFICATION. The parties may from time to time request changes in this Agreement, which may include an increase or decrease in the Contractor's compensation based on the work added or subtracted from the Services to be provided under this Agreement. Changes to the Agreement shall be effective when incorporated in written amendments to this Agreement. No claim will be honored for compensation for extra services or work beyond the scope of this Agreement without the written approval of the City.

8. INSURANCE.

A. Contractor shall furnish prior to commencement of any work under this Agreement certificate(s) of insurance providing insurance coverage as follows:

(1) Workers' Compensation Insurance - Covering all persons engaged in work under this Agreement to the full statutory limits stipulated in the Minnesota Workmen's Compensation Law.

(2) Commercial Liability Insurance - Including premises and operations and including products/completed operations with the following minimum limits:

Bodily Injury & Property Damage: \$1,000,000/each occurrence
\$2,000,000/aggregate

(3) Commercial Vehicle Liability Insurance - Including owned, non-owned and hired motor vehicles.

Bodily Injury & Property Damage: \$1,000,000/each occurrence
\$2,000,000/aggregate

The above requirements should not be interpreted to limit the liability of the Contractor under this Agreement.

B. All insurers shall be either licensed or authorized to do business in the State of Minnesota and carry a Best rating of B+ or greater.

C. This coverage shall protect the Contractor, its employees, agents, representatives and subcontractors against claims arising out of the work performed. The City of Elko New Market, its officers, agents and employees shall be included as additionally insured with respect to all liability policies herein.

D. A thirty (30) day cancellation clause with notice to the City of Elko New Market shall be included for cancellation, non-renewal, or any material changes in policies and ten (10) days for cancellation due to non-payment of insurance; words modifying the cancellation clause such as "endeavor to" provide notice will be unacceptable and must be stricken.

E. It shall be the Contractor's responsibility to provide similar insurance for each subcontractor or to provide evidence that each subcontractor carries such insurance in like amount prior to the time such subcontractor proceeds to perform under this Agreement.

9. INDEMNIFICATION: Contractor agrees to defend, indemnify and hold the City, its officers, employees and agents, harmless from any liability, claims, damages, costs, judgments, or expenses, including reasonable attorney's fees, resulting directly or indirectly from an act or omission of the Contractor, its agents, employees, or subcontractors in the performance of the services provided by this Agreement and against all losses by reason of the failure of said Contractor fully to perform, in any respect, all obligations under this Agreement.

10. AUDITS: The books, records, documents, and accounting procedures and practices of the Contractor or other parties relevant to this Agreement are subject to examination by the City and either Legislative Auditor or the State Auditor for a period of three (3) years after the effect date of this Agreement.

11. INDEPENDENT CONTRACTOR: The City hereby retains the Contractor as an independent contractor upon the terms and conditions set forth in this Agreement. The Contractor is not an employee of the City and is free to contract with other entities as provided herein. Contractor shall be responsible for selecting the means and methods of performing the work. Contractor shall furnish any and all supplies, equipment, and incidentals necessary for Contractor's performance under this Agreement. City and Contractor agree that Contractor shall not at any time or in any manner represent that Contractor or any of Contractor's agents or employees are in any manner agents or employees of the City. Contractor shall be exclusively responsible under this Agreement for Contractor's own FICA payments, workers compensation payments, unemployment compensation payments, withholding amounts, and/or self-employment taxes if any such payments, amounts, or taxes are required to be paid by law or regulation.

12. CONTRACTOR'S EMPLOYEES: It shall be understood and agreed that during the term of this Agreement all individuals performing duties on behalf of the Contractor shall be listed with the City. All employees must be legally eligible to perform work under State and Federal law.

13. SUBCONTRACTORS. The Contractor shall not enter into subcontracts for services provided under this Agreement without the express written consent of the City.

14. ASSIGNMENT. Neither party shall assign this Agreement, or any interest arising herein, without the written consent of the other party.

15. CONFLICTS. No salaried officer or employee of the City shall have a financial interest; direct or indirect, in this Agreement. The violation of this provision rendered the Agreement void. Any federal regulation and applicable state statutes shall not be violated.

16. CLAIMS. To receive any payment on this Agreement, the invoice or bill must include the following signed and dated statement: "I declare under penalty of perjury that this account, claim or demand is just and correct and that no part of it has been paid."

17. LIMITATIONS OF REMEDIES. In the event of a breach of the Agreement by the City, Contractor shall not be entitled to recover punitive, special or consequential damages for loss of business.

18. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Minnesota. If any provision in this Agreement is held by any court to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force.

19. DATA PRACTICES ACT. Contractor shall at all times abide by the Minnesota Government Data Practices Act, Minn. Stat. §13.01, et seq., to the extent that the Act is applicable to data and documents in hands of Contractor.

20. DISCRIMINATION. In performance of this Agreement, Contract shall not discriminate on the grounds of or because of race, color, creed, religion, national origin, sex, marital status, status with regards to public assistance, disability, sexual orientation, or age against any employee of Contract, any subcontractor or it, or any applicant for employment. Contractor shall include a similar provision in all contracts with subcontractors to this Agreement. The Contractor further agrees to comply with all aspects of the Minnesota Human Rights Act, Minn. Stat. §363.01, et. Seq., Title VII of the Civil Rights Act of 1964, and the Americans with Disability Act of 1990.

21. ENTIRE AGREEMENT. This Agreement contains the entire Agreement between the Contractor and the City. All prior negotiations between the parties are merged in this Agreement, and there are no understandings or agreements other than those incorporated herein. This Agreement may not be modified except by written instrument signed by both parties.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement as of the day and year first above written.

Dated: _____

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

AND: _____
Sandra Green, City Clerk

Dated: _____

SPLIT ROCK MANAGEMENT, INC.

BY: _____
Michael Hamerlind

ITS: _____
Assistant Regional Director

**EXHIBIT A
JANITORIAL SCHEDULE OF DUTIES**

CITY HALL OFFICES, POLICE STATION, WAGNER PARK SHELTER AND PUBLIC LIBRARY:

Restrooms:

Once Weekly

- Clean and sanitize toilets
- Empty all trash containers
- Clean mirrors, sinks and countertops
- Clean Chrome
- Mop floors
- Check and replace all soap and paper products

Monthly (First week of the month)

- Clean panels between bathroom stalls & doors
- Clean all trash containers, including those located inside individual stalls

Quarterly (March, June, September, and December (Last week of the month)

- Clean tile walls (and as needed)
- Clean light fixtures

Doors:

Once Weekly:

- Clean and sanitize

Office Areas:

Once Weekly

- Empty all trash containers and clean when needed
- Vacuum all carpeting, including under desks, tables, and other furniture
- Spot clean carpeting when needed
- Mop all non-carpeted areas

Monthly (First week of the month)

- Dust all furniture, including countertops, file cabinets, bookcases, desktops (please notify staff), computers and other office equipment
- Dust windowsills and baseboards

Quarterly (March, June, September, and December- Last week of the month)

- Clean and dust top and front of cabinets and all file cabinets

Annually

- Clean light fixtures (November)

Kitchen(s): City Hall and Police Station

Once Weekly

- Clean sinks and countertops
- Clean appliance(s) (stove, refrigerator, and dishwasher) and microwave(s) if applicable
- Empty trash containers and recycle container
- Mop floors

Quarterly (March, June, September, and December- Last week of the month)

- Move appliance(s) and clean floor underneath

Annually

- Clean light fixtures (November)

Council Chambers / Conference Room(s):

Once Weekly

- Empty trash container and clean when needed
- Clean and dust Council dais and all equipment
- Vacuum carpeting, including rugs, under rugs, and under dais.
- Spot clean carpeting when needed

Monthly (Last week of the month)

- Dust window sill and blinds
- Dust base of flag stands
- Dust baseboards

Quarterly (March, June, September, and December- Last week of the month)

- Dust base of tables, desks, and chairs

Annually

- Clean light fixtures (November)

Public Library

Once Weekly

- Clean & sanitize restrooms, sinks, water fountains, toilets
- Dust all tabletops, study carpets service counters, and desks to include computers, monitors, keyboards and behind
- Dust all chairs and stools (including rungs)
- Dust tops and base of paper book bookracks
- Dust all windowsills, and baseboards
- Dust front entry paneling
- Vacuum all carpeting
- Mop all non-carpeted areas in the building
- Empty all trash containers and clean when needed
- Clean windows in front entry
- Clean fingerprints off inside and outside front door
- Replace all soap and paper products

Monthly (First week of the month)

- Clean walls in children's area
- Clean walls in bathroom
- Clean windows in children's section
- Clean between windows
- Spot clean carpet as needed

Annually

- Clean light fixtures (November)

Wagner Park Pavilion:

Once Weekly

- Clean sinks and countertops
- Clean appliance(s) and microwave(s) (if applicable)
- Empty trash containers and recycle container
- Mop floors

EXHIBIT B

JANITORIAL SERVICES CITY OF ELKO NEW MARKET PROPOSAL SHEET

SERVICES

1. Janitorial services, *per week* (inclusive of all duties and conditions as stated in the specifications and exhibits.)
- a. City Hall \$62.00
 - b. Police Station \$38.00
 - c. Elko New Market Public Library \$75.00
 - d. Wagner Park Shelter \$26.00
2. Commercial Items bid per time:
- a. Carpet Cleaning at areas at City Hall and Police Station \$350.00
 - b. Carpet Cleaning at areas at Elko New Market Public Library \$450.00
 - c. Strip and Seal in non-carpeted areas at City Hall and Police Station \$300.00
 - d. Strip and Seal in non-carpeted areas at Elko New Market Public Library \$250.00
 - e. Windows (inside & outside) cleaning at City Hall, Police Station, Public Works Building, Public Library, and Wagner Park Pavilion \$180.00
3. Other Misc. Items (Please list any items applicable and associated prices with same)

TOTAL QUOTE, PER WEEK	<u>\$195.00</u>
TOTAL QUOTE, FULL YEAR, (Per week * 52)	<u>\$10,140.00</u>

CONTRACTOR INFORMATION:

Name of Company: WASQUARD CLEANING SYSTEMS OF MINNESOTA
 Contact Person: MICHAEL HAMERLIND
 Address: 3159 WASHINGTON DR #103
 City, State, Zip Code: ELKON MN 55022
 Telephone Number: 952-289-6834
 Fax Number: --
 Email Address: MHAMERLIND@WASQUARDCLEANINGMINN.COM

PLEASE RETURN QUOTE BY March 9, 2018 AT 4:30 P.M. ADDRESSED TO:
 City of Elko New Market - "Janitorial Services"
 Attn: Sandra Green, City Clerk
 PO Box 99
 Elko New Market, MN 55020-0099
 Phone number (952)461-2777, Fax (952)461-2782 or email: sgreen@ci.enm.mn.us



STAFF MEMORANDUM

SUBJECT:	Consumer and Commerical Fireworks
MEETING DATE:	April 12, 2018
PREPARED BY:	Sandra Green, City Clerk
REQUESTED ACTION:	Ordinance No. 167 – Amending Title 4 By Adding Chapter 9 Concerning Fireworks; Ordinance No. 169 – Summary of Ordinance No. 167, Ordinance No. 168 – Amending Title 6 By Adding Chapter 5A Concerning Fireworks and Ordinance No. 170 Amending Fee Schedule Concerning Fireworks.

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

On an on-going basis, Staff reviews current ordinances to determine if they are in need of updating or out of compliance with State Statutes. Upon review of City Code, Title 4 Business and License Regulations, Staff noted this section did not include fireworks.

DISCUSSION

Staff is requesting the City Council adopt Ordinance No. 167 amending City Code Title 4 adding Chapter 9 to include the application and licensing process for Commercial and Consumer Fireworks. Staff is recommending Council approval of this amendment to help ensure all fireworks within the City of Elko New Market are conducted in a manner that minimizes the risk of fire or injury to other persons or property; and that the sale and storage of fireworks are in compliance with all provisions of national, state, building and fire codes.

At the present time, a fireworks application must be submitted, along with associated fee, and approved by the City Council for all commercial fireworks. In review of City Code Title 4, Business and License Regulations it was noted there was no reference made to the application and licensing of Commercial or Consumer Fireworks.

Title 4, Chapter 9 includes detailed information on the following:

- Detailed definitions of Commercial and Consumer Fireworks.
- The process for applying for a Commercial Fireworks Permit including obtaining an application, insurance requirements, workers' compensation and employers' liability requirement, review by Fire Chief and associated fee.
- The process for applying for a Consumer Fireworks Sale License including obtaining an application, requirements and restrictions of the application, and associated fee.

The Consumer Fireworks Sale License would be issued contingent on the following restrictions:

- License is non-transferable, either to a different person or location.
- License must be publicly displayed on the licensed premises.
- The license shall post in a conspicuous location in the licensed premises a list of all legal fireworks displayed and stored on the property. The list shall document the name, weight, and quantity of the fireworks and be accompanied by the material safety data sheets.
- The premises are subject to inspection by city employees, including police officers and fire and building officials, during normal business hours.
- The sale of legal fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements.
- The licensee and permitted facility must be in compliance with all provisions of National Fire Protection standard 1124.

- The licensee shall comply with all applicable provisions of the State of Minnesota Building and Fire Codes.
- Photo identification must be checked with each sale. Purchasers must be eighteen (18) years of age or older.
- Other restrictions may be attached to the license as deemed necessary by the City Administrator and the Fire Chief.

Due to the length of Ordinance No. 167, Summary Ordinance No. 169 has been prepared for publication.

In conjunction with amending City Code, Title 4 concerning fireworks, the City Council is also being asked to adopt Ordinance No. 168 amending Title 6, Chapter 5, Police and Public Safety, Misdemeanor Offenses; Nuisances in its entirety to include the following:

- 6-5A-13A title changed from “Prohibited Generally” to “Fireworks Defined” regarding definition of fireworks having the same definition as contained in Minnesota Statute 624.20 Subd. 1 or any superseding statute.
- 6-5A-13B changed to 6-5A-13C relating to Permitted Consumer Fireworks.
- Revision of Section 6-5A-13B to address Sale and Use of Fireworks Prohibited.

Council is being asked to adopt Ordinance No. 170 Amending Elko New Market Fee Schedule to include under Business Related Fees Commercial Fireworks Permit Fee and Consumer Fireworks Sales License Fees as follows:

BUSINESS RELATED FEES

Fireworks

Commercial Fireworks Permit Fee	\$100.00
Consumer Fireworks Sales License Fee	\$100.00

The City Attorney and Zoning Administrator have reviewed the draft Ordinances and recommend approval.

ACTION:

Council is being asked to approve by motion:

- Ordinance No. 167 - Amending Title 4 by Adding Chapter 9 Concerning Fireworks
- Ordinance No. 169 - Summary of Ordinance No. 167
- Ordinance No. 168 - Amending Title 6 by Adding Chapter 5A Concerning Fireworks
- Ordinance No. 170 - Amending City of Elko New Market Fee Schedule, Ordinance No. 165, Concerning Fireworks

Attachments:

Ordinance No. 167 - Amending Title 4 by Adding Chapter 9 Concerning Fireworks

Ordinance No. 169 - Summary of Ordinance No. 167

Ordinance No. 168 - Amending Title 6 by Adding Chapter 5A Concerning Fireworks

Ordinance No. 170 - Amending City of Elko New Market Fee Schedule, Ordinance No. 165,
Concerning Fireworks

**ORDINANCE NO. 167
CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING TITLE 4 BY ADDING
CHAPTER 9 CONCERNING FIREWORKS**

The City of Elko New Market, Minnesota ordains:

Section 1. Title 4 of the Elko New Market City Code is amended by adding Chapter 9 as follows:

**Chapter 9
FIREWORKS**

4-9-1: DEFINITIONS:

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

COMMERCIAL FIREWORKS: any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges, toy cannons and toy canes in which explosives are used, any type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, Roman candles, daygo bombs, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablet or other device containing any explosive substance and commonly used as fireworks. The term **FIREWORKS** shall not include toy pistols, toy guns, in which paper caps containing 0.25 grains or less of explosive compound are used and toy pistol caps which contain less than 0.20 grains of explosive mixture as well as those devices defined below as **CONSUMER FIREWORKS**.

CONSUMER FIREWORKS: wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 500 grams or less for multiple tubes, snakes and glowworms, smoke devices, and trick noisemakers which include paper streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture.

4-9-2: COMMERCIAL FIREWORKS PERMIT REQUIRED:

No person shall use or display any commercial fireworks without an administrative permit issued pursuant to this article. A commercial fireworks permit is not transferable. The application for an administrative permit shall be made as follows:

- A. Application for an administrative permit shall be made in writing to the city clerk on forms to be provided by the city at least 15 days in advance of the date of the display.
- B. The application shall state the name and address of an operator who is certified by the state fire marshal and will supervise the display, the location of the display, and the date and time of the display.
- C. The applicant for a commercial fireworks permit shall provide proof of insurance policies or certificates of insurance acceptable to the city prior to issuance of said license. The insurance policies shall be issued by insurance companies authorized to do business in the state for coverage and limits as set forth below:
 - 1. General liability policy providing coverage for bodily injury or property damage for claims arising out of the permittee's actions or inactions in its use of explosives, fireworks or pyrotechnics for minimum combined single liability limits as follows:

General aggregate \$1,000,000.00

Each occurrence \$1,000,000.00

The policy shall be on an annual basis or the full period of the permit, and such policy shall include, but not be limited to, explosion, collapse, and underground hazards, independent contractors, and contractual coverage, and proof of insurance to the city shall state such coverage.

The city shall be named as an additional insured.

The permittee shall indemnify and hold the city, its officers, commissioners, and agents harmless from any damages or claims resulting from or relating to its use of explosives, fireworks, or pyrotechnics in the city by the permittee. Proof to the city will state the policy contractual coverage covers this indemnification agreement.

- 2. Business auto policy covering owned (if any), nonowned, and hired autos with minimum combined single bodily injury and property damage liability limits of \$1,000,000.00 each accident.
- 3. Workers' compensation and employers' liability as required by the state.

Should any such policy be canceled or not renewed for any cause before the expiration date thereof, the issuing company shall mail 30 days written notice to the city clerk, except such notice shall be ten days for nonpayment of premium.

If a policy is terminated for any reason, the permit shall be automatically suspended upon the day the policy terminates, unless a new policy complying with this section is obtained and filed with the city clerk prior to the termination of the policy in force.

The insurance policies shall be written with companies having a Best's Key Rating Guide of A-VII, or as approved by the city's insurance agent.

- D. The fire chief, or a designee, shall investigate each application. If after the investigation the fire chief determines the operator of the display is certified by the state fire marshal and competent and that the display is of such character and is to be located, discharged, or fired that it will not be hazardous to property or endanger any person and the display as planned will conform to the safety guidelines of the state fire marshal, then the clerk shall issue a permit for display when the applicant pays a permit fee.
- E. Every display shall be conducted so as not to endanger any person or property. Every display shall be conducted in accordance with all applicable provisions of this code, state law, and regulations including regulations of the state fire marshal.
- F. The fee for a permit to display commercial fireworks shall be established by ordinance. The fee shall be submitted with the permit application.

4-9-3: CONSUMER FIREWORKS SALES LICENSE REQUIRED:

Except as herein provided, no person shall keep for retail sale or sell at retail consumer fireworks unless licensed by the city. License applications shall be submitted to the city clerk together with the license fees as determined from time to time by city council resolution. A license shall be issued for the specific premises identified in the application and shall not be transferable. The application shall provide:

- A. The net or gross quantity of explosive material to be kept on the premises for retail sale or other disposition.
- B. The interior floor plan of the building showing the place(s) of storage and/or display.
- C. The location, type and capacity of sprinkler(s) and fire extinguishers.
- D. A license shall expire on December 31st of each year.
- E. A license shall be issued subject to the following restrictions:
 - 1. The license is non-transferable, either to a different person or location.

2. The license must be publicly displayed on the licensed premises.
 3. The licensee shall post in a conspicuous location in the licensed premises a list of all legal fireworks displayed and stored on the property. The list shall document the name, weight, and quantity of the fireworks and be accompanied by the material safety data sheets.
 4. The premises are subject to inspection by city employees, including police officers and fire and building officials, during normal business hours.
 5. The sale of legal fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements.
 6. The licensee and permitted facility must be in compliance with all provisions of National Fire Protection standard 1124.
 7. The licensee shall comply with all applicable provisions of the State of Minnesota Building and Fire Codes.
 8. Photo identification must be checked with each sale. Purchasers must be eighteen (18) years of age or older.
- F. The fee for a permit to keep for retail sale or sell at retail consumer fireworks shall be established by ordinance. The fee shall be submitted with the permit application.

4-9-4: CONSUMER FIREWORKS PROHIBITED ON PUBLIC PROPERTY

The use of consumer fireworks is not permitted on public property.

Section 2. Effective Date. This ordinance shall be effective upon its passage and publication by the City Council.

PASSED AND ADOPTED this 12th day of April, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk

ORDINANCE NO. 168

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

**AN ORDINANCE AMENDING TITLE 6 BY ADDING
CHAPTER 5A CONCERNING FIREWORKS**

The City of Elko New Market, Minnesota ordains:

Section 1. Section 6-5A-13 of the Elko New Market City Code is amended in its entirety to read as follows:

6-5A-13: FIREWORKS:

A. Fireworks Defined. For the purposes of this section, “fireworks” will have the same definition as contained in Minnesota Statute § 624.20 Subd. 1 or any superceding statute.

B Sale and Use of Fireworks Prohibited. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or wholesale, or use or explode any fireworks, except as otherwise provided under Title 4, Chapter 9 of the Elko New Market City Code.

C Permitted Consumer Fireworks:

1. Prohibited Areas: All use, display or discharge of those nonexplosive, nonaerial pyrotechnic entertainment devices only, containing the limited amounts of pyrotechnic chemical compositions described in and permitted by Minnesota statutes section 624.20, subdivisions 1(b) and (c), hereinafter "permitted consumer fireworks", is strictly prohibited in the area on, below, above or within, or in close proximity to:

- a. Recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, rights of way, lakes, rivers, waterways and all other property owned or leased by the city, county, state or federal government and located in whole or in part within the city limits.
- b. Private property within the city limits that has conspicuously posted a written sign or notice that no fireworks discharge is allowed.
- c. Within three hundred feet (300') of any consumer fireworks retail sales facility or storage area that has properly posted a written sign or notice that no fireworks discharge is allowed.
- d. Any property, area, structure or material that, by its physical condition or the physical conditions in which it is set, would constitute a fire or personal safety hazard.

2. Use Permitted; Safety Considerations: All other use, display or discharge of permitted consumer fireworks must be conducted in a manner that minimizes the risk of fire or injury to other persons or property.

Section 2. Effective Date. This ordinance shall be effective upon its passage and publication by the City Council.

PASSED AND ADOPTED this 12th day of April, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk

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

SUMMARY ORDINANCE NO. 169

**AN ORDINANCE AMENDING TITLE 4 ELKO NEW MARKET CITY CODE BY
ADDING CHAPTER 9 CONCERNING FIREWORKS**

NOTICE IS HEREBY GIVEN that, on April 12, 2018, Ordinance No. 167 was adopted by the City Council of the City of Elko New Market, Minnesota.

NOTICE IS FURTHER GIVEN that, because of the lengthy nature of Ordinance No. 167, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the Council amends Title 4 of the Elko New Market City Code by adding a new Chapter 9 concerning commercial fireworks and consumer fireworks retail sales. The Ordinance requires an administrative permit for commercial fireworks displays and the application and investigation requirements. The Ordinance also requires a retail sales license for retail sales of consumer fireworks and regulations concerning the sales. A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours.

APPROVED for publication by the City Council of the City of Elko New Market this 12th day of April, 2018.

CITY OF ELKO NEW MARKET

By: _____
Robert Crawford, Mayor

By: _____
Sandra Green, City Clerk

ORDINANCE NO. 170

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

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET FEE SCHEDULE,
ORDINANCE NO. 165, CONCERNING FIREWORKS**

WHEREAS, the City's fee schedule for 2018 is set forth under City of Elko New Market Ordinance No. 165; and,

WHEREAS, the City has adopted Ordinance No. 167, which amends Title 4 by adding Chapter 9 Concerning Commercial and Consumer Fireworks and requires the issuance of a permit for use or display of any commercial and consumer fireworks;

WHEREAS, the City desires to adopt permit and license fees required under Ordinance No. 167 for issuance of permits for use or display of commercial fireworks and licenses for sales of consumer fireworks;

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

Section 1. City of Elko New Market Ordinance No. 167 is hereby amended to add the following fees under Business Related Fees:

BUSINESS RELATED FEES

Fireworks

Commercial Fireworks Permit Fee	\$100.00
Consumer Fireworks Sales License Fee	\$100.00

Section 2. Effective Date. This Ordinance shall be effective upon its passage and publication by the City Council.

ADOPTED this 12th day of April, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Amending the Bylaws of the Elko New Market Firefighters Relief Association
MEETING DATE:	April 12, 2018
PREPARED BY:	Thomas Terry, City Administrator
REQUESTED ACTION:	Adopt Resolution 18-19 Amending the Bylaws of the Elko New Market Firefighters Relief Association

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

In April of 2009, the City Council worked with the Fire Relief Association to establish a Pension Committee to review and make recommendations regarding pension funding and benefit levels. The Committee had two primary objectives:

1. Develop a common understanding between the City and Fire Relief Association regarding pension funding and benefit levels.
2. Develop a multi-year funding and benefit level strategy that would allow the Fire Department to continue to attract and retain quality personnel.

In 2010, the City and Fire Relief Association adopted a Memorandum of Understanding (MOU) that memorialized the understanding between the City of Elko New Market and Elko New Market Fire Relief Association regarding the respective intent of each organization as it relates to pension contributions and benefit level. The term of the initial MOU was three years - 2010 through 2012. The MOU was considered to be successful, meeting the intended objectives. With the expiration of the initial MOU, the Pension Committee was reconvened and recommended an extension of the general terms of the MOU. The term of the second MOU was for two years – 2013 and 2014. In 2014, the City and Fire Relief Association adopted a third MOU for three years - 2015 through 2017. Last year, the City and Fire Relief Association adopted a fourth MOU for three years - 2018 through 2020.

DISCUSSION:

The current MOU provides that the City of Elko New Market will on an annual basis approve a pension benefit level that is funded at 107%. The Fire Relief has determined that the benefit level may be increased to \$7,445 per year of service and still be funded at 107%. The current approved benefit level is \$6,110. The primary factors in the ability to increase the pension benefit from the current level is reduction in the required funding level from 110% in previous MOUs to 107% and the performance of the Relief's investments in 2017.

The Elko New Market Fire Relief Association passed a resolution to amend its by-laws to increase the benefit amount paid for years of service to \$7,445 at its meeting on April 6, 2018. Association bylaws are required to be approved by the City of Elko New Market. Therefore, the City Council is being asked to approve Resolution 18-19 Amending the Bylaws of the Elko New Market Firefighters Relief Association. Staff has reviewed the calculations and determined that they are consistent with the MOU.

Based on the most recent comparative information from the Office of the State Auditor (*Financial And Investment Report Of Volunteer Fire Relief Associations For The Year Ended December 31, 2016*), the City of Elko New Market Fire Relief was in the top 4% of over 530 relief associations that provided lump sum pension plans. The Elko New Market benefit level in that reporting year was \$5,910 per year of service. At that time, only seven (7) relief associations had a pension benefit level that was greater than the \$7,445 provided for under the current MOU. This would indicate that the Elko New Market Fire Relief pension benefit is extremely competitive and among the highest in the state.

BUDGET IMPACT:

None. The increase in pension benefit is based on an analysis of current liabilities and assets. However, the Council should be aware that the City underwrites the pension. If the pension fund falls below 100%, the City shall fund the difference through increased pension

contribution. Increased benefit levels increase the potential liability if future revenues (investment income revenue, etc.) are insufficient to the approved benefit level.

Attachments:

- Resolution 18-19 Amending the Bylaws of the Elko New Market Firefighters Relief Association
- Resolution Amending the Elko New Market Firefighters Relief Association By-Laws
- Memorandum of Understanding Between the City Of Elko New Market and the Elko New Market Fire Relief Association

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA
RESOLUTION NO. 18-19**

**RESOLUTION AMENDING THE BYLAWS OF THE
ELKO NEW MARKET FIREFIGHTERS RELIEF ASSOCIATION**

WHEREAS, the Elko New Market Firefighters Relief Association (“Association”) has approved amendments to Table LS-14 attached as Addendum A to the Association’s bylaws increasing the benefit level to \$7,445.00 as provided in Exhibit A attached hereto, in accordance with Section 7.1 of the Association’s bylaws;

WHEREAS, Association bylaws are required to be approved by the City of Elko New Market;

WHEREAS, it is in the best interest of the City and of the Association that the bylaw amendments be approved.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Elko New Market, Minnesota, that the amendments to the Elko New Market Firefighters Relief Association bylaws modifying pension benefits attached hereto as Exhibit A are approved effective _____.

APPROVED AND ADOPTED this ___ day of _____, 2018.

CITY OF ELKO NEW MARKET

By: _____
Bob Crawford, Mayor

ATTEST:

Sandra Green, City Clerk

EXHIBIT A
AMENDMENTS
TO
THE ELKO NEW MARKET FIREFIGHTERS RELIEF ASSOCIATION
BYLAWS

ADDENDUM A
Table LS-14

LUMP SUM SERVICE PENSION
EFFECTIVE
\$7,445 Benefit Level

Formula (Years X Level X Percentage)

Years of Service	\$Level	Percentage	Amount
10	\$7,445	60%	\$44,670
11	\$7,445	64%	\$52,413
12	\$7,445	68%	\$60,751
13	\$7,445	72%	\$69,685
14	\$7,445	76%	\$79,215
15	\$7,445	80%	\$89,340
16	\$7,445	84%	\$100,061
17	\$7,445	88%	\$111,371
18	\$7,445	92%	\$123,289
19	\$7,445	96%	\$135,797
20	\$7,445	100%	\$148,900 BASE
21	BASE + \$7,445		\$156,345
22	BASE + \$14,890		\$163,790
23	BASE + \$22,335		\$171,235
24	BASE + \$29,780		\$178,680
25	BASE + \$37,225		\$186,125
26	BASE + \$44,670		\$193,570
27	BASE + \$52,115		\$201,015
28	BASE + \$59,560		\$208,460
29	BASE + \$67,005		\$215,905
30	BASE + \$74,450		\$223,350
31	BASE + \$81,895		\$230,795
32	BASE + \$89,340		\$238,240
33	BASE + \$96,785		\$245,685
34	BASE + \$104,230		\$253,130
35	BASE + \$111,675		\$260,575

No Maximum Years of Service

ELKO NEW MARKET FIREFIGHTERS RELIEF ASSOCIATION

RESOLUTION NO. 18-01

**RESOLUTION AMENDING
THE ELKO NEW MARKET FIREFIGHTERS RELIEF ASSOCIATION BY-LAWS**

WHEREAS, the members of the Elko New Market Firefighters Relief Association desire to increase the benefit amount paid for years of service to \$7,445.00 under the bylaws;

WHEREAS, pursuant to Section 7.1 of the Elko New Market Firefighters Relief Association Bylaws, the bylaw amendments attached hereto as Exhibit A were approved by a 2/3 majority of the members present and voting at a (regular/special) meeting of the Association held on April, 5, 2018; and

NOW, THEREFORE, BE IT RESOLVED by the Elko New Market Firefighters Relief Association that the amendments to the Association bylaws attached hereto as Exhibit A are hereby adopted.

PASSED, ADOPTED AND APPROVED this 5th day of April, 2018.

Jodi L Muelken

Jody M, President

ATTEST:

Christopher L. Frege
C. Frege, Secretary

**AMENDMENTS
TO
THE ELKO NEW MARKET FIREFIGHTERS RELIEF ASSOCIATION
BYLAWS**

ADDENDUM A
Table LS-14

LUMP SUM SERVICE PENSION
EFFECTIVE
\$7,445 Benefit Level

Formula (Years X Level X Percentage)

Years of Service	\$Level	Percentage	Amount
10	\$7,445	60%	\$44,670
11	\$7,445	64%	\$52,413
12	\$7,445	68%	\$60,751
13	\$7,445	72%	\$69,685
14	\$7,445	76%	\$79,215
15	\$7,445	80%	\$89,340
16	\$7,445	84%	\$100,061
17	\$7,445	88%	\$111,371
18	\$7,445	92%	\$123,289
19	\$7,445	96%	\$135,797
20	\$7,445	100%	\$148,900 BASE
21	BASE + \$7,445		\$156,345
22	BASE + \$14,890		\$163,790
23	BASE + \$22,335		\$171,235
24	BASE + \$29,780		\$178,680
25	BASE + \$37,225		\$186,125
26	BASE + \$44,670		\$193,570
27	BASE + \$52,115		\$201,015
28	BASE + \$59,560		\$208,460
29	BASE + \$67,005		\$215,905
30	BASE + \$74,450		\$223,350
31	BASE + \$81,895		\$230,795
32	BASE + \$89,340		\$238,240
33	BASE + \$96,785		\$245,685
34	BASE + \$104,230		\$253,130
35	BASE + \$111,675		\$260,575

No Maximum Years of Service



**MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF ELKO NEW MARKET AND
THE ELKO NEW MARKET FIRE RELIEF ASSOCIATION**

WHEREAS, the Elko New Market Fire Department provides a valuable public safety service for the residents and property owners in the City of Elko New Market and the surrounding Fire District.

WHEREAS, the City of Elko New Market and the Elko New Market Fire Relief Association wish to provide benefit levels that attract and retain fire fighters.

WHEREAS, this Memorandum of Understanding is non binding and intended to memorialize the understanding between the City of Elko New Market and Elko New Market Fire Relief Association regarding the respective intent of each organization as it relates to pension contributions and benefit level.

THEREFORE, the parties do hereby agree to the following:

1. The term of the Memorandum of Understanding shall be three years - 2018 through 2020.
2. For purposes of this memorandum, the municipal contribution shall not include the State Fire Aid and shall be in addition to the State Fire Aid.
3. The City shall provide municipal contributions for 2018 through 2020 in the amounts and according to the timeline provided below.

Payment Schedule	Payment 1		Payment 2		Total
	Amount	Payment Date	Amount	Payment Date	
2018	\$59,073.60	06/30/2018	\$59,073.60	12/15/2018	\$118,147.20
2019	\$62,027.28	06/30/2019	\$62,027.28	12/15/2019	\$124,054.56
2020	\$65,128.65	06/30/2020	\$65,128.65	12/15/2020	\$130,257.30

4. The amount of the State Fire Aid received by the City shall be paid to the Fire Relief no later than 30 days after being received by the City.
5. It is recognized that the intended contributions are based on the assumption of level or increasing tax base and non-property tax revenues in the Fire Fund and General Fund operating budgets for the City and contract jurisdictions within the Fire District. Decreasing tax based or non-property tax revenues will limit the ability of the City and the contract jurisdictions within the Fire District to support the afore mentioned contributions.
6. The City of Elko New Market will on an annual basis approve a pension benefit level that is funded at 107%.
7. If the funding for the approved benefit level falls below 100%, the City of Elko New Market will not approve a pension benefit level increase thereafter until it is funded at 110%.

-
8. If the funding for the approved benefit level falls below 100%, the Elko New Market Fire Relief Association will consider reducing the benefit level to an amount that would be funded at 100%.
 9. The Elko New Market Fire Relief Association will have an Actuarial Valuation performed on the pension fund in conformance with GASB (Governmental Accounting Standards Board) rule 67 requirements. The City of Elko New Market will share in 50% of the cost to complete the cost of the Actuarial Valuation and 50% of the cost to include that information in the annual audit for the Elko New Market Fire Relief Association. The Elko New Market Fire Relief Association will assume the remaining costs associated with the Actuarial Valuation and annual audit. The Elko New Market Fire Relief Association will provide the City of Elko New Market with documentation of the cost to complete the Actuarial Valuation and include that information in the annual audit.
 10. This Memorandum of Understanding is not binding.

In witness whereof the parties have caused this memorandum to be executed on August 10, 2017.

City of Elko New Market

Robert "Bob" Crawford, Mayor

Attest:

Sandra Green, City Clerk

Elko New Market Fire Relief Association

Jodi Muelken, President

Attest:

Chris Flegel, Secretary

Shared/City Departments/Fire Dept. /Fire Relief Association/Memorandums of Understanding/2013-2014 Memorandum



STAFF MEMORANDUM

SUBJECT:	Commercial Vehicle Ordinance Amendment
MEETING DATE:	April 12, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Adopt Ordinance No. 163 Amending Title 11 Chapter 8-3 of the City Code Concerning Commercial Vehicle Parking

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

It had come to the attention of staff that the City Code regarding the parking of commercial vehicles within the City contained an unintended error. Staff reviewed the discrepancy with the Planning Commission who concurred that a correction to the Code should be made. The proposed correction would allow two Class II commercial vehicles to be parking within residential zoning districts, and one Class I vehicles within residential zoning districts only if they were considered to be “grandfathered” (parked prior to 12.14.06).

A public hearing regarding the proposed ordinance amendment was held on January 4, 2018. There was not opposition to the ordinance that was presented; however, there was a request to change the definitions of Class I and Class II commercial vehicles. A change in definition had not been proposed as part of the ordinance amendment. Following the public in January, the Planning Commission did recommend one additional change proposed ordinance, that would require a one-time registration for Class I commercial vehicles allowed in residential districts pursuant to the “grandfathering” clause, rather than an annual registration previously contained in the Code.

Throughout the process, several individuals that represent the vehicle towing industry were very vocal about their desire to allow tow trucks to be parked in residential districts. Their rational is that tow trucks should be considered an emergency service, and allowing them to be parked in residential districts would improve response time. Along with several supporters of this particular change, there was also opposition to the possible allowance of tow trucks in residential district. The primary reason for the opposition was the change in character of residential neighborhoods and a possible decline in property values based on the change in character.

The Planning Commission ultimately recommended approval of the Ordinance amendment as currently drafted. The Commission may consider a change in definitions of Class I and Class II commercial vehicles in the future, but that change would be to a separate section of the City Code and would require a separate public hearing.

BUDGET IMPACT:

The budget impact of this item is the time related to City Attorney review, and City Staff time.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has reviewed the draft Ordinance and recommended approval.

REQUESTED ACTION:

Motion to:

- Approve Ordinance No. 163 Amending Title 11-8-3 of the City Code Concerning Commercial Vehicle Parking

Attachments:

(Draft) Ordinance No. 163

Planning Commission Staff Report 3.6.17

CURRENT ORDINANCE LANGUAGE

11-8-3: COMMERCIAL VEHICLE PARKING:

- A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)
- B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and. 2011 Code)
- C. Parking on Residential Property: **No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial,** provided the following requirements are satisfied:
1. Class I Commercial Vehicles:
 - a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2¹/₂) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.
 - b. Class I commercial vehicles that do not meet the requirements of subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business and the commercial vehicle was parked or stored on the residential lot on or before the effective date hereof. Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.
 - c. The owner of a residential lot that meets the requirements of subsections C1a and C1b of this section shall be required to apply for and receive an administrative permit allowing the class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection C1c may be revoked for any violation of this code. The administrative permit shall be renewed annually and is not transferable.
 - d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section [11-3-4](#) of this title. Administrative permit fees shall be determined by the city council.
 - e. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.
 2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.

- D. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage. (Ord. 5, 12-14-2006)

SUGGESTED ORDINANCE AMENDMENT LANGUAGE

11-2-2-DEFINITIONS:

COMMERCIAL VEHICLE: Any vehicle used for commercial purposes including, but not limited to: trailers, motorized wheeled or tracked vehicles or vehicles displaying company signage, company logos, commercial equipment, fixtures or tools.

Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semitrucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: All vehicles other than Class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. Class II vehicles shall also be eight feet (8') in height or under, a maximum of twenty-four feet (24') in length and no more than eighteen thousand (18,000) pounds.

11-8-3: COMMERCIAL VEHICLE PARKING:

- A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)

~~B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and, 2011 Code)~~

- C. Parking on Residential Property: ~~No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial, provided the following requirements are satisfied:~~ Commercial vehicles shall not be parked, stored or otherwise located on residential property or in residential zoning districts unless the following conditions are satisfied:

1. Class I Commercial Vehicles:

a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2¹/₂) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A Class I commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.

b. Class I commercial vehicles that may not be parked on a residential lot under ~~do not meet the requirements of~~ subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business, and the commercial vehicle was parked or stored on the residential lot on or before 12-14-2006, the effective date hereof. Class I commercial vehicles may be

replaced with a comparable vehicle if the applicant resides on the same residential lot. ~~and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.~~

c. The owner of a residential lot that meets the requirements of subsections C(1)(a) ~~and or~~ C(1)(b) of this section shall be required to apply for and receive an administrative permit allowing the Class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection ~~may be revoked for any violation of this code. The administrative permit shall be renewed annually and is not transferable.~~ The administrative permit shall be issued pursuant to the terms of Section 11-3-4 of the City Code. Administrative permit fees shall be determined by the City Council. Should a Class I commercial vehicle permitted under this section be replaced with a comparable vehicle, the applicant shall register the new vehicle with the City.

~~d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section 11-3-4 of this title. Administrative permit fees shall be determined by the city council.~~

e. ~~d.~~ Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.

e. No more than one Class I commercial vehicle may be parked on a residential lot and permitted under this Section.

~~2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.~~

2. Class II Commercial Vehicles:

a. Class II commercial vehicles, as defined by section 11-2-2 of this title, may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.

b. No more than two Class II commercial vehicles may be parked on a residential lot.

D. Parking in Commercial Zoning Districts: Class I and Class II commercial vehicles may be parked in commercial zoning districts subject to requirements of Chapter 9 and Chapter 26 of this title.

E. Parking in Industrial Zoning Districts: Class I and Class II commercial vehicles may be parked in industrial zoning districts subject to requirements of Chapter 9 and Chapter 27 of this title.

~~D~~ E. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage.

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

ORDINANCE NO. 163

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE
TITLE 11, CHAPTER 8-3, CONCERNING COMMERCIAL VEHICLE
PARKING**

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

SECTION 1. Section 11-8-3 of the Elko New Market City Code is hereby amended to read as follows:

- A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)
- B. Parking On Residential Property: Commercial vehicles shall not be parked, stored or otherwise located on residential property or in residential zoning districts unless the following conditions are satisfied:
 1. Class I Commercial Vehicles:
 - a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2^{1/2}) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A Class I commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.
 - b. Class I commercial vehicles that may not be parked on a residential lot under subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business, and the commercial vehicle was parked or stored on the residential lot on or before 12-14-2006. Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot.

c. The owner of a residential lot that meets the requirements of subsections C(1)(a) or C(1)(b) of this section shall be required to apply for and receive an administrative permit allowing the Class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection may be revoked for any violation of this code. The administrative permit shall be issued pursuant to the terms of Section 11-3-4 of the City Code. Administrative permit fees shall be determined by the City Council. Should a Class I commercial vehicle permitted under this section be replaced with a comparable vehicle, the applicant shall register the new vehicle with the City.

d. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.

e. No more than one Class I commercial vehicle may be parked on a residential lot and permitted under this Section.

2. Class II Commercial Vehicles:

a. Class II commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.

b. No more than two Class II commercial vehicles may be parked on a residential lot.

C. Parking In Commercial Zoning Districts: Class I and Class II commercial vehicles may be parked in commercial zoning districts subject to requirements of Chapter 9 and Chapter 26 of this title.

D. Parking In Industrial Zoning Districts: Class I and Class II commercial vehicles may be parked in industrial zoning districts subject to requirements of Chapter 9 and Chapter 27 of this title.

E. Contracting And Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage.

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

ADOPTED this 12th day of April, 2018 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



601 Main Street
Elko New Market, MN 55054
phone: 952-461-2777 fax: 952-461-2782

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
RE: DRAFT AMENDMENT TO SECTION 11-8-3 OF THE CITY CODE / ZONING ORDINANCE, PERTAINING TO COMMERCIAL VEHICLE PARKING
DATE: MARCH 6, 2018

Background / History

At the November 2, 2017 Planning Commission meeting, discussion took place regarding a proposed amendment to Section 11-8-3 of the City Code / Zoning Ordinance pertaining to commercial vehicle parking. Section 11-8-3 of the City Code currently precludes the parking of all commercial vehicles, both Class I and Class II vehicles, on all residential lots unless the lot is zoned commercial. Class I and Class II commercial vehicles are defined below:

Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semi-trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: All vehicles other than class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. Vehicles shall also be eight feet (8') in height or under, a maximum of twenty-four feet (24') in length and no more than eighteen thousand (18,000) pounds.

At the November 2, 2017 meeting, the Planning Commission recommended the following:

1. No exceptions be made in the Ordinance for the parking of Class 1 commercial vehicles in residential zoning districts.
2. Staff prepare an Ordinance amendment which makes an allowance for the parking of Class II commercial vehicles in residential zoning districts
3. A public hearing be scheduled to consider the referenced Ordinance amendment.

Public Hearing

At the January 4, 2018 Planning Commission meeting, a public hearing was held to formally consider the proposed ordinance changes (with the changes described above). The changes proposed were strictly to clarify language to allow the parking of Class II vehicles in residential zoning district. At the January meeting, a significant number of comments were received. Some comments were in favor of the changes,

as proposed. Some comments were regarding changing the definition of Class I vehicles to specifically exclude flat-bed trucks and tow trucks, and allow them in residential districts.

Persons in favor of the amendment, which would continue to prohibit the parking of Class I vehicles in residential districts, cited concerns related to an ongoing commercial vehicle parking violation. In this regard, those persons who spoke in favor of the amendment cited the following concerns related to the potential allowance of Class I commercial vehicle parking in residential zoning districts:

- Negative impacts the neighborhood appearance
- Negative impacts on property values
- Noise concerns (back-up beepers)
- Street impacts (not designed for commercial vehicles)
- Unsafe conditions (related to the backing of large commercial vehicles)
- Air quality (from diesel truck engines)

Persons requesting that flat-bed trucks and tow trucks be specifically allowed in residential zoning districts were primarily represented by persons directly or indirectly involved in towing businesses. In this regard, the following opinions were expressed:

- An allowance should be made for tow truck parking in residential zoning districts.
- Prompt response times for tow truck drivers are critical and, for this reason, many towing service employees park their tow trucks at their homes.
- Tow truck services should be considered and permitted as an essential emergency activity in the City (similar to police and fire response calls).
- The prohibition of tow truck parking in residential zoning districts would negatively affect towing business operations (both in terms of efficiency and financial impacts).
- The parking of work-related commercial vehicles in residential zoning districts reflects the character of the City of Elko New Market, which is a working class community.

Ultimately, the Planning Commission closed the public hearing and decided to continue the discussion of the commercial vehicle parking amendment at a future meeting date and suggested that a revised version of the draft ordinance amendment be prepared which reflects received Planning Commission feedback in the following areas:

- Registration requirements for Class I commercial vehicles which hold grandfather rights (one time versus annually).
- The allowance of two Class II commercial vehicles on residentially zoned property.

Research

The Planning Commission requested that details regarding staff's previous research of other city codes be provided for review. Staff also conducted additional research related to commercial vehicle parking regulations in neighboring communities. Specifically, the scope of research was expanded to include some additional south metro communities. Results of this research are provided in an attached table and summarized below.

- Apple Valley - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.
- Belle Plaine - Commercial vehicles (over 9,000 lbs GVWR) not permitted in residential districts unless stored within a garage.
- Bloomington - Commercial vehicles which are greater than eight feet in height or 22 feet in length are prohibited in residential zoning districts except per listed exceptions (see table).

- Burnsville - Commercial vehicle parking in residential districts is subject to a maximum vehicle length restriction (22 feet) and licensing requirement.
- Eagan - Commercial vehicle parking regulated by exclusion from list of permitted accessory uses in R-1 districts and home occupation requirements.
- Farmington - Class I commercial vehicles allowed only on lots 2.5 acres in size or greater (see table for definitions). Class II commercial vehicles allowed if the primary form of transportation to the resident's job.
- Jordan - Commercial vehicles (over 1.5-ton capacity) not permitted to be parked outside in residential districts. One commercial vehicle may be stored within a garage.
- Lakeville - Commercial vehicles (used for commercial purposes, greater than 8' in height, greater than 22' in length) not allowed in residential districts.
- Lonsdale - "Major" commercial vehicles (more than 19,500 lbs GVWR) not permitted in residential districts. Two "Minor" commercial vehicles (19,500 GVWR or less) may be parked on a residential lot if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.
- New Prague - Does not regulate commercial vehicle parking in residential districts, other than semis.
- Prior Lake - Commercial vehicles (more than 9,000 lbs GVWR or more than 22' in length) not permitted to be parked outside in residential zoning districts. One vehicle may be allowed in connection with an approved home occupation.
- Savage - Commercial vehicles (over 10,000 lbs GVWR or more than 22' in length) are not allowed in residential districts. They currently have an exemption for tow trucks used for emergency response.
- Shakopee - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.

Of the surveyed cities, all include some limitations which are imposed upon commercial vehicle parking in residential zoning districts. The most common means of regulation are gross vehicle weight rating (GVWR) limits and/or dimensions. Three of the thirteen cities surveyed regulate based on vehicle tonnage.

Of the thirteen communities surveyed, New Prague appears to have the most lenient regulations pertaining to commercial vehicle parking, followed by Lonsdale, and then Elko New Market and Farmington. The majority of cities have more restrictive ordinances regarding the parking of commercial vehicles in residential districts than Elko New Market does.

Staff Recommendation

Staff has prepared a revised ordinance amendment which incorporates the specific changes requested by the Planning Commission at the January 4, 2018 meeting. The public hearing on the ordinance amendment has been held and public comments received. If the Planning commission chooses to approve the ordinance as presented, it can be acted on at the March 6th Planning Commission meeting, with a recommendation for approval to the City Council.

The Planning Commission did not, however, seem to reach a conclusion or closure regarding the definition of commercial vehicles, or a possible exemption which would permit tow trucks in residential districts. If the Planning Commission would like to change the definition of Class I and Class II commercial vehicles, a new public hearing notice must be published in the newspaper and a new hearing held before the Planning Commission. In this case, staff would also suggest that the Planning Commission view a flatbed tow truck and smaller tow truck in a residential setting, in person to better understand the scale of the vehicles in question and the neighborhood impact.

Staff requests Planning Commission action on the revised Ordinance amendment.

City Attorney Comments

The City Attorney has reviewed the draft ordinance and has no comments or concerns.

Commercial Vehicle Parking 11-8-3 – Proposed Zoning Ordinance Amendment

Page 3 of 14

March 6, 2018

CURRENT ORDINANCE LANGUAGE

11-8-3: COMMERCIAL VEHICLE PARKING:

- A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)
- B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and, 2011 Code)
- C. Parking on Residential Property: **No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial,** provided the following requirements are satisfied:
1. Class I Commercial Vehicles:
 - a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2^{1/2}) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.
 - b. Class I commercial vehicles that do not meet the requirements of subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business and the commercial vehicle was parked or stored on the residential lot on or before the effective date hereof. Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.
 - c. The owner of a residential lot that meets the requirements of subsections C1a and C1b of this section shall be required to apply for and receive an administrative permit allowing the class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection C1c may be revoked for any violation of this code. The administrative permit shall be renewed annually and is not transferable.
 - d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section [11-3-4](#) of this title. Administrative permit fees shall be determined by the city council.
 - e. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.
 2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.
- D. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage. (Ord. 5, 12-14-2006)

SUGGESTED ORDINANCE AMENDMENT LANGUAGE

(March 6, 2018)

11-2-2-DEFINITIONS:

COMMERCIAL VEHICLE: Any vehicle used for commercial purposes including, but not limited to: trailers, motorized wheeled or tracked vehicles or vehicles displaying company signage, company logos, commercial equipment, fixtures or tools.

Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semitrucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

Class II: All vehicles other than Class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less. Class II vehicles shall also be eight feet (8') in height or under, a maximum of twenty-four feet (24') in length and no more than eighteen thousand (18,000) pounds.

11-8-3: COMMERCIAL VEHICLE PARKING:

A. Definitions: Commercial vehicle references (including class I and class II) included within this section shall have the meanings provided in section [11-2-2](#) of this title. (Ord. 5, 12-14-2006)

~~B. General Requirements: No commercial vehicle or equipment shall be parked (off street or on street) or stored in a residential district except when loading, unloading, or rendering a service. Except for short term parking (48 hours or less) and guest parking, the number of vehicles parked on or in front of a residential lot shall not exceed double the number of persons residing on the premises and having automobile driver's licenses. (Ord. 5, 12-14-2006; and 2011 Code)~~

C. Parking on Residential Property: ~~No commercial vehicles may be parked, stored or otherwise located on any residential lot in an area zoned residential within the City. Commercial vehicles may be parked, stored or otherwise located on residential lots within an area zoned commercial, provided the following requirements are satisfied: Commercial vehicles shall not be parked, stored or otherwise located on residential property or in residential zoning districts unless the following conditions are satisfied:~~

1. Class I Commercial Vehicles:

a. Class I commercial vehicles, as defined by section [11-2-2](#) of this title, may be parked or stored on a residential lot with a minimum lot size of two and one-half (2¹/₂) acres. The commercial vehicle shall be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A Class I commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit.

b. Class I commercial vehicles that ~~may not be parked on a residential lot under~~ do not meet the requirements of subsection C(1)(a) of this section may be parked or stored on a residential lot, provided the commercial vehicle is used as the resident's primary form of transportation to the resident's job or is associated with a permitted home business, and the commercial vehicle was parked or stored on the residential lot on or before ~~12-14-2006, the effective date hereof.~~ Class I commercial vehicles may be replaced with a comparable vehicle if the applicant resides on the same residential lot. ~~and has an updated administrative permit. An administrative permit shall terminate upon the sale of the property.~~

c. The owner of a residential lot that meets the requirements of subsections C(1)(a) ~~and or~~ C(1)(b) of this section shall be required to apply for and receive an administrative permit allowing the Class I commercial vehicle to remain parked or stored on the residential lot. The administrative permit issued pursuant to this subsection ~~It~~ may be revoked for any violation of this code. ~~The administrative permit shall be renewed annually and is not transferable.~~ The administrative permit shall be issued pursuant to the terms of Section 11-3-4 of the City Code. Administrative permit fees shall be determined by the City Council. Should a Class I commercial vehicle permitted under this section be replaced with a comparable vehicle, the applicant shall register the new vehicle with the City.

~~d. The administrative permit shall be renewed on an annual basis and may be revoked or declined by the city. The administrative permit shall be issued pursuant to the terms of section 11-3-4 of this title. Administrative permit fees shall be determined by the city council.~~

~~e. Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.~~

~~e. No more than one Class I commercial vehicle may be parked on a residential lot and permitted under this Section.~~

~~2. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.~~

~~2. Class II Commercial Vehicles:~~

~~a. Class II commercial vehicles, as defined by section 11-2-2 of this title, may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.~~

~~b. No more than two Class II commercial vehicles may be parked on a residential lot.~~

~~D. Parking in Commercial Zoning Districts: Class I and Class II commercial vehicles may be parked in commercial zoning districts subject to requirements of Chapter 9 and Chapter 26 of this title.~~

~~E. Parking in Industrial Zoning Districts: Class I and Class II commercial vehicles may be parked in industrial zoning districts subject to requirements of Chapter 9 and Chapter 27 of this title.~~

~~D E. Contracting and Excavating Equipment: All contracting and excavating equipment located on residential lots shall be stored inside an accessory building or garage. (Ord. 5, 12-14-2006)~~

TOW TRUCK EXAMPLES



Truck 35.
2015 Dodge 5500 (I) plate 21,000 GVW



Truck 29
2005 Chev 5500 (H) plate 18,000 GVW



Truck 25
2001 Chev 6500 (H) plate 18,000 GVW



Truck 32
2012 Ford F650 (J) plate 26,000 GVW



Truck 33
Freightliner M2 (J) plate 26,000 GVW



Truck 34
Freightliner M2 (J) plate 26,000 GVW

The above photos were supplied by Marek Towing. Note from Kevin Marek: “As the pictures above show these are not large box trucks or semi-trucks. The trucks do not go home loaded or store cars at the residence; they are only the empty truck as pictured above. As you can tell we have late model equipment and take pride in their appearance.”

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
Apple Valley	Commercial vehicles (defined as over 1 ton) are not allowed in residential zoning districts.	Zoning Code (section 155.373) - Zoning districts where the primary use is single-family residences may have a maximum of four passenger vehicles, in addition to any permitted motorcycles, recreational vehicles or trailers, parked or stored outside the residence for the occupants of that property provided all passenger vehicles are parked or stored on the lot as regulated by the city code. NON-PASSENGER VEHICLE. Any motor vehicle measuring eight feet or more in overall height or 22 feet or more in overall length including any ancillary racks, cranes, storage compartments and the like; or any vehicle with a manufacturer's nominal rating carrying capacity of one ton or more, or any vehicles or trailers not customary or incidental to the use or occupancy of residential properties, such as, but not limited to: dump trucks; step vans; cargo trucks; tow trucks; semi-trailer tractors; fire trucks; boom trucks; tank trucks; hearses; and the like.	Traffic Code (Parking Regulations) Section 71.19.B.2 - No commercial motor vehicle in excess of one-ton capacity and no commercial trailer shall be parked or stored in a residential district except when loading, unloading or rendering a service. One commercial vehicle, not over one-ton capacity, may be parked at the residence of the owner or operator of the vehicle. Under no circumstances shall parking facilities accessory to residential structures be used for open air storage of commercial vehicles	
Belle Plaine	Does not allow parking of vehicles over 9,000 pounds gross weight in any residential zoning district, unless stored within a garage.	No person shall allow a semi-trailer, whether or not attached to a truck-tractor to stand or be parked on any residential street in the City at any time, or in any public parking lot except in an emergency in order to change tractors. Nor shall any person allow any commercial vehicle over 9,000 pounds gross weight to be parked on any street adjacent to property zoned residential or on any private property zoned residential unless enclosed in a suitable enclosure, except when utilized for excavation or construction on the property.	Residential Area Parking. On and off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles; no more than one (1) truck not to exceed gross capacity of nine thousand (9,000) pounds; and recreational vehicles and equipment. Under no circumstances, shall require parking facilities accessory to residential structures be used for the storage of commercial vehicles used on-site or equipment, or for the parking of automobiles belonging to the employees, owners, tenants or customers of business or manufacturing establishments.	
Bloomington	The parking of commercial vehicles which are greater than eight feet in height or 22 feet in length are prohibited in residential zoning districts except per listed exceptions.	<p>Zoning Code Parking Standards (Section 21.301.06(m)(2))</p> <p>(ii) <i>Type III motor vehicles.</i> Type III vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under subsection (m)(4) of this section.</p> <p>(iii) <i>Non-residential motor vehicles.</i> Non-residential vehicles must not be parked or stored in a residential district or in the public right-of-way immediately abutting any residential district, except as provided under subsection (m)(4) of this section.</p> <p>Definition of <i>Type III Motor Vehicle</i>:</p> <p>A vehicle that is:</p> <ol style="list-style-type: none"> 1. Greater than eight feet in height; or 2. Greater than 22 feet in length. 	<p><i>Exceptions.</i> The parking and storage limitations and requirements of this section are subject to the following exceptions:</p> <p>(A) Vehicles and trailers otherwise prohibited from being parked or stored under this section may be temporarily parked on or in front of a residential lot while being loaded or unloaded or while rendering a service at that location.</p> <p>(B) Vehicles and trailers otherwise restricted by this section may be parked on a residential lot when the lawful principal use of the lot under the Zoning Code is other than residential and the vehicle and/or trailer is directly related to that lawful use.</p> <p>(C) Vehicles designed for accommodating the needs of a person with disabilities are allowed to exceed the Type I or Type II height limits set in this section, provided that the vehicle displays a disability license plate or disability parking sticker issued by the state.</p> <p>(D) Vehicles and trailers otherwise prohibited from being parked or stored under this section may be temporarily parked on weekdays between 11:00 a.m. and 1:00 p.m. Such parking must occur off the public right-of-way and on the premises owned or occupied by the driver of the vehicle.</p> <p>(E) Trailers that are recreational vehicles as defined by § 19.50.03 may be parked or stored on a site if properly parked or stored in accordance with said § 19.50.03.</p>	

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
Burnsville	Commercial vehicle parking in residential districts is subject to a maximum vehicle length restriction (22 feet) and licensing requirement.	Health Nuisances (Section 7-1-8) Off street parking in R-1, R-1A, R-2 and R-3 Districts shall be limited to: a. The use of persons residing on the premises and their visitors. b. The number of passenger vehicles may not exceed the number that can be garaged and parked off street on driveways. <u>c. One (1) commercially licensed vehicle of twenty-two feet (22') or less in length shall be allowed if used by the resident for transportation to their job on a daily basis.</u>		
Eagan	Off-street commercial vehicle parking regulated by exclusion from list of permitted accessory uses in R-1 Districts and home occupation requirements.	Zoning Code (Section 11.60, Subd. 5) Commercial vehicle storage not listed as a permitted accessory activity in single family residential districts (therefore prohibited) Zoning Code Home Occupation (Section 11.70, Subd. 23) • Home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and shall not change the character thereof. • Evidence of the home occupation shall not be visible from the street.	Truck, Trailer and Commercial Vehicle Parking (Section 9.10) Subd. 2 - It is unlawful to park a semitrailer, truck tractor, or a combination thereof within an area zoned as a residential district, except for the purpose of loading or unloading the same. Subd. 7 - It is unlawful to park any vehicle in excess of 9,000 pounds gross vehicle weight upon any residential street for a continuous period of more than six hours.	
Farmington	Class I commercial vehicles allowed only on lots 2.5 acres in size or greater. Class II commercial vehicles allowed if the primary form of transportation to the resident's job.	Zoning Code (Section 10-6-4.N) Off-Street Parking No commercial vehicles or contracting or excavating equipment may be parked, stored or otherwise located on any residential lot within the city except as provided herein: Class I Commercial Vehicles: a) Class I commercial vehicles may be parked or stored on a residential lot with a minimum lot size of two and one-half (2 ^{1/2}) acres. The commercial vehicle must be entirely screened from neighboring residential property with a one hundred percent (100%) opaque screen consisting of wooden fencing, landscaping, berms or a combination of the foregoing. A commercial vehicle shall not be parked or stored within one hundred fifty feet (150') of any neighboring residential dwelling unit. (b) Class I commercial vehicles may be parked on a residential lot when loading, unloading, rendering a temporary service benefiting the premises or providing emergency services. Class II Commercial Vehicles: Class II commercial vehicles may be parked on a residential lot if used as the resident's primary form of transportation to the resident's job or if associated with a permitted home business.	Zoning Code (Section 10-2-1) Definitions – Commercial Vehicles A) Class I: Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight, including, but not limited to: semitrailers, the tractor portion of semi trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle. (B) Class II: All vehicles other than class I commercial vehicles including pickup trucks, vans, trailers and school buses designed to carry twenty (20) persons or less.	

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
Jordan	Commercial vehicles not permitted to be parked outside in residential zoning districts. One vehicle, 1.5 ton capacity or less, may be stored within a garage.	Zoning Code. 154.233 - (G) Use of parking facilities. Required off-street parking facilities in a residential district may be utilized only for parking passenger automobiles; however, 1 truck not exceeding 1.5-ton capacity may be parked by the occupant of each dwelling unit on the resident's property inside a building. No required parking facilities or public street in a residential district shall be used for open-air storage of commercial vehicles, customer's vehicles, or vehicles belonging to employees, owners, tenants or customers of business or manufacturing establishments. No required off-street parking facility in a residential district shall be utilized for storage of boats, other recreational vehicles, or any junk, inoperable, or unsightly vehicles or materials.	Parking Regs. 73.10 - It is unlawful for any person owning or driving or in charge of any commercial bus, truck, truck tractor, or tractor trailer combination which has a registered gross vehicle weight in excess of 9,000 pounds or which is 19 feet or more in length to cause, or permit or park, stop or leave the vehicle standing with the motor running on any public: (1) Street; (2) Alley; or (3) Other public property within any residential district. (C) Divisions (A) and (B) above shall not apply to: (1) Any truck being used by a public utility; (2) Any truck being used by a moving company, while it is actually being used to service a residence; (3) Any truck used in conjunction with an authorized construction site, during the period that construction is actually taking place, including non-working days and holidays; (4) A truck or semi-tractor parked in the driveway of a residence for less than 30 minutes with the motor running; or (5) A semi-tractor trailer combination that is legally parked in a zone classified for industrial use so long as its proximity to a residential district does not disturb any members of the public and it is in compliance with the snow removal ordinance.	
Lakeville	Commercial vehicles not allowed in residential districts.	Commercial Vehicles in Residential Districts: No commercial vehicle or equipment shall be parked or stored in a rural or residential district except when loading, unloading, or rendering a service as allowed by subsection 11-19-7.F.4 of this title. (11-19-7.F.4 - Except where specifically allowed, contracting, excavating equipment, or other commercial vehicles and equipment may not be parked or stored on any property in the city unless it is being used in conjunction with a temporary service benefiting the premises.)	Commercial Vehicle: A vehicle used for commercial purposes either greater than eight feet (8') in height or greater than twenty two feet (22') in length, including, but not limited to: boom trucks, cargo trucks, dump trucks, farm implements, firetrucks, ambulances, limousines, hearses, semi-tractor trailers, tank trucks and tow trucks.	Tow trucks specifically referenced in definition of "commercial vehicle."
Lonsdale	"Major" commercial vehicles are not permitted in residential zoning districts. "Minor" commercial vehicles (2) may be parked on a residential lot if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.	Zoning Code. 91.06 (A) - Commercial vehicles in excess of 10,001 pounds gross vehicle weight are prohibited on city streets for more than 6 hours. 91.07 (3) - No more than four vehicles per dwelling unit may be parked or stored anywhere outside on a residential property. 153.077 (H) - No major commercial vehicles or equipment may be parked, stored, or otherwise located on any residential lot/parcel within an area zoned as residential except short term loading/unloading, emergency situations, or by special permit. Minor commercial vehicles may be parked on a residential lot/parcel if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business. 153.077(C) No more than two commercial vehicles are allowed on a residential property.	Commercial Vehicle - Major. Any commercial vehicle and/or associated trailer which: 1) exceeds a gross vehicle weight rating of 19,500 lbs., 2) exceeds 24' in length, or 3) any of the following types of vehicles regardless of weight/length, including, but not limited to: semitrailers, tractor portions of semi trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses designed to carry more than 20 persons, or any other similar vehicle. Commercial Vehicle - Minor. All commercial vehicles other than major commercial vehicles including pickup trucks, vans, trailers, and school buses designed to carry 20 persons or less. Said commercial vehicles shall also be 8' in height or less, a maximum of 24' in length, and no more than 19,500 lbs.	
New Prague	Does not regulate commercial vehicle parking in residential districts, other than semi-tractors.	No person shall park a semi-tractor or trailer in any area of the city unless it is zoned B-1, B-2, B-3 or I-1.		

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
Prior Lake	Commercial vehicles not permitted to be parked outside in residential zoning districts. One commercial vehicle not to exceed 9,000 pounds is permitted in a single family residential district, only in conjunction with a permitted home occupation.	Zoning Code. 1107.203. Required off-street parking facilities in an "R" Use District may be utilized only for parking passenger automobiles, except that 1 truck not exceeding 1.5-ton capacity may be parked inside a building on the resident's property by the occupant of each dwelling unit. No required parking facilities or public right-of-ways in any "R" Use District shall be used for open-air storage of commercial vehicles, customer's vehicles, or vehicles belonging to employees, owners, tenants or customers of business or manufacturing establishments.	Zoning Code. 1102.404 - Home occupations are permitted accessory uses in the R1 district if a permit has been issued and the use is in compliance with all of the following conditions: a) all materials or equipment shall be stored within an enclosed structure; b) operation of the home occupation is not apparent from the public right-of-way or any lake, except for parking of 1 vehicle not to exceed 9,000 pounds gross vehicle weight.	City Code/Traffic Code. 901.209 - It shall be unlawful for any person to park any commercial motor vehicle or trailer on any residential street or within any right-of-way in the City, except temporarily while loading, unloading, or rendering a service.
Savage	Commercial vehicles more than 22' in length or over 10,000 pounds gross weight capacity are not allowed in residential districts, except that one tow/utility truck used for emergency response may be allowed. (Staff is proposing amendment to remove provision for emergency response vehicle.)	Zoning Code. 152.494. (B) No commercial motor vehicle that is 22 feet or more in length or over 10,000 pounds gross weight capacity, no semi-trailer, truck tractor or combination thereof, and not commercially licensed trailer shall be parked or stored in a residential district except when loading, unloading or rendering a service. Under no circumstances shall parking facilities accessory to residential structures be used for open storage/parking of commercial vehicles nor for open parking of automobiles belonging to the employees, owner, tenant or customers of business or manufacturing establishments, except that tow trucks utility trucks or similar vehicles may be parked at a private residence for the purpose of emergency preparedness, but only for the period of time in which the resident operator is on call. In all cases, no more than one permitted commercial vehicle shall be parked on a residential lot at any given time. - The number of passenger automobiles or permitted commercial vehicles, as set forth by (B) above, parked at a residence may not exceed the number than can be garaged and parked within permitted off-street parking spaces. Those vehicles parked on the driveway that are not garaged must be currently licensed, operable and in good repair. In cases of permitted two-family dwellings, the same shall apply.		Note From City Planning Department Staff: "You can pass on that we had complaints about a tow truck driver bringing the vehicle home every night because he owned the business but lost his commercial space in Burnsville. He claimed he was on call every night and there was nothing the City could do. We tried pushing that he did not have a contract with a police department or the like so he was technically not on call for the purpose of "emergency preparedness" but our attorney didn't think our enforcement actions would hold up in court. He ended up losing his house so the problem went away." Noted that they may consider amending code in future.

**COMMERCIAL VEHICLE PARKING IN RESIDENTIAL ZONING DISTRICTS
REGULATION SURVEY**

City	Summary	Code Reference #1	Code Reference #2	Notes
Shakopee	Commercial vehicles (defined as over 1 ton) are not allowed in residential zoning districts.	Zoning code. Use. Off-street parking facilities in an Rural Residential (RR), Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density (R-2), or Multiple-Family Residential (R-3) Zone, shall be used solely for the parking of personal vehicles.	Traffic Regulations - 71.10 TRUCK PARKING. - (A) Public property. It is unlawful to park a detached semi-trailer upon any street, municipally-owned parking lot, or other public property. (B) Residential district. It is unlawful to park a semi-trailer, whether or not attached to a truck-tractor, within an area zoned as a residential district, except for the purpose of loading or unloading the same.	VEHICLE, PERSONAL. Any self-propelled vehicle designed and used for the carrying of not more than 15 persons, including the driver, truck with a rated carrying capacity of 1 ton or less, motorcycle, or motorbike. VEHICLE, COMMERCIAL. Any vehicle other than a personal vehicle or recreational vehicle.



STAFF MEMORANDUM

SUBJECT:	Elko New Market/Scott County Spring Cleanup Agreement
MEETING DATE:	April 12, 2018
PREPARED BY:	Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Approve Recycling Program Agreement with Scott County and authorize the Mayor and City Administrator to execute the Agreement

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:

The scheduled Annual Spring Cleanup will be held on Saturday, June 9, 2017, from 8:00 AM to 11:30 AM at City Hall. This will be the eleventh (11th) Annual Dropoff Day for the City of Elko New Market and the sixth (6th) year that New Market Township has jointly participated in the Spring Cleanup. In 2017, Staff instituted changes in operating Dropoff Day, which resulted in the smallest deficit ever for this service - \$2,008.40.

Each year, Staff has applied for and received funding through Scott County for this purpose to help offset the cost of providing this service to residents and for the past five (5) years, the City and New Market Township have worked cooperatively on provision of this program to residents of both the City and the Township.

DISCUSSION:

The City has never charged New Market Township residents a higher fee for participating in a City-sponsored Dropoff Day. In exchange for that practice, New Market Township decided to participate in the Dropoff Day event five (5) years ago when Scott County agreed to allow the Township's allocation to be used for holding the City's Annual Dropoff Day. This provided an additional \$849.94 in grant funds from Scott County for reimbursement of expenses, resulting in a total grant from Scott County of \$1,865.42 for the 2018 event. These funds have a significant impact on helping the City fund this service.

This Agreement with Scott County allows Elko New Market to receive both our reimbursement of eligible expenses and New Market Township's reimbursement of eligible expenses for a total reimbursement of \$1,865.42 upon signature and submission of the attached Agreement.

Staff is recommending the Mayor and City Administrator be authorized to sign that attached Recycling Program Agreement with Scott County.

BUDGET IMPACT:

Reimbursement from Scott County in the amount of \$1,865.42 for expenses related to the City/Township Annual Dropoff Day for residents.

Attachments:

- 2018 Recycling Agreement with Scott County

COUNTY OF SCOTT

RECYCLING PROGRAM AGREEMENT

THIS AGREEMENT, by and between the County of Scott, a body politic and corporate under the laws of the State of Minnesota, hereinafter referred to as the "County," and the City of Elko New Market, Minnesota, a municipal corporation, hereinafter referred to as the "City", by and through its City Council.

WHEREAS, the purpose of this Agreement is to establish a mechanism for distribution of funds obtained from the Minnesota Pollution Control Agency for a "clean-up day" to be held by the City in accordance with funding requirements for implementation and/or enhancement of recycling programs in cities and townships within Scott County, consistent with the County Solid Waste Master Plan; and

WHEREAS, Minn. Stat. Sect. 473.8441, establishes the Local Recycling Development Program, providing grants to counties to be distributed by the Minnesota Pollution Control Agency; and

WHEREAS, Minn. Stat. Sect. 115A.557, establishes the County Waste Reduction and Recycling Funding program and the framework for funds to be distributed by the Minnesota Pollution Control Agency; and

WHEREAS, Scott County has received funding from the Minnesota Pollution Control Agency, identified as Local Recycling Development Grant; and

WHEREAS, these funds are to be used for the activities specified in the Minnesota Pollution Control Agency Grant Agreement; and

WHEREAS, the City intends to administer a city-wide recycling day which would qualify for receiving funds.

NOW THEREFORE, in consideration of the mutual undertakings and agreement contained within this Agreement, the County and the City hereby agrees as follows:

1. **Compensation and Terms of Payment**

A. Compensation

The County shall pay to the City a percentage of the grant money available through the County for its one-day city wide clean up on June 9, 2018. The amount of funds available for each Scott County municipality and township is based upon population and a formulation used by the County to determine shares due to municipalities under the program. This funding is to be used for the development and/or enhancement of recycling programs.

The maximum amount of grant payment available to the City under this Agreement is one thousand eight hundred sixty-five dollars and forty-two cents (\$1,865.42).

B. Terms of Payment

1. The County shall pay the City in one lump sum when the City has met the requirements as specified in section three (3) of this Agreement.
2. In the event that another jurisdiction is participating with the City's event, that jurisdiction shall provide County with a copy of a resolution approving such action. Upon the receipt of such a resolution and appropriate completion documentation, County shall include the participating jurisdiction's designated amount of program funding in City's payment. If any portion of the funding is to go to the participating jurisdiction, it shall be the City's responsibility to ensure such payment is made.

2. **Condition of Payment**

All services provided by the City pursuant to this Agreement shall be performed to the satisfaction of the County, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. Payment shall be withheld for work that is found by the County to be unsatisfactory, or performed in violation of federal, state and local laws, ordinances, rules or regulations.

3. **Scope of Services**

- A. The City shall organize and facilitate a one-day clean up wherein it shall collect materials from residents.
- B. The City is further is obligated and agrees to the following:
 1. All recyclables shall be delivered to a licensed recycling facility.
 2. Organic materials (yard and tree waste) shall be delivered to a licensed/permitted yard waste compost facility or a permitted land application site.
 3. A written report shall be submitted to the County within sixty (60) days of the event, identifying the quantities of materials recycled, the facility to which they were delivered and processed, including actual expenditures and revenues.
 4. Only expenditures used for the collection of recyclable material, which results in waste reduction, are eligible for reimbursement from the County's Local Recycling Development Grant. Any solid waste land filled is not included as reimbursable expenditures.
 5. The City shall advertise any neighboring jurisdiction's participation and allow its residents to participate in the collection. In the event that a neighboring jurisdiction participates with the City's event, the City shall provide the Authorized Agent of Scott County a copy of any and all such advertisements.

4. **Effective Date of Agreement**

This Agreement shall be effective upon execution by all parties to the Agreement.

5. **Term of Agreement**

This Agreement shall remain in effect until December 31, 2018 or until all obligations set forth in this Agreement have been satisfactorily fulfilled or unless earlier terminated as provided in section 13 of this Agreement.

6. **Authorized Agents**

Scott County shall appoint an authorized agent for the purpose of administration of this Agreement. The City is notified of the authorized agent of Scott County as follows:

Miranda Chard
Scott County Program Specialist
600 Country Trail E.
Shakopee, MN 55352
(952) 496-8043
mchard@co.scott.mn.us

The County is notified the authorized agent for the City is as follows:

Mark Nagel
Assistant City Administrator
601 Main Street
Elko New Market, MN 55054
(952) 461-2777
mnagel@ci.emn.mn.us

7. **County and State Audit**

Pursuant to Minn. Stat. Section 16C.05, Subd. 5, the books, records, documents, and accounting procedures and practices of the City relative to this Agreement shall be subject to examination by the County and the State Auditor. Complete and accurate records of the work performed pursuant to this Agreement shall be kept by the City for a minimum of six (6) years following termination of this Agreement for such auditing purposes. The retention period shall be automatically extended during the course of any administrative or judicial action involving the County of Scott regarding matters to which the records are relevant. The retention period shall be automatically extended until the administrative or judicial action is finally completed or until the authorized agent of the County notifies the City in writing that the records need no longer be kept.

8. **Indemnity**

All parties to this Agreement recognize each other as a political subdivision of the State of Minnesota. Each party mutually agrees to indemnify, defend and hold harmless the

other from any claims, losses, costs, expenses or damages resulting from the acts or omissions of the respective officers, agents, or employees relating to activities conducted by either party under this Agreement. Each party's obligation to indemnify the other for all claims arising from a single occurrence under this clause shall be limited in accordance with the statutory tort liability limitation as set forth in Minn. Stat. Sec. 466.04.

9. **Insurance**

Each Party shall maintain public liability coverage protecting itself, its Board, officers, agents, employees and duly authorized volunteers against any usual and customary public liability claims in amounts which shall, at a minimum, comply with Minn. Stat. Sec. 466.04 and Workers' Compensation and shall be in accordance with the Minnesota statutory requirements. Said policies shall be kept in effect during the entire term of this Agreement.

10. **Subcontracts**

The City shall not subcontract any portion of the work to be performed under this Agreement nor assign this Agreement without the prior written approval of the authorized agent of the County. The City shall ensure and require that any subcontractor agrees to and complies with all of the terms of this Agreement. Any subcontractor of the City used to perform any portion of this Agreement shall report to and bill the City directly. The City shall be solely responsible for the breach, performance or nonperformance of any subcontractor.

11. **Force Majeure**

The County and the City agree that the City shall not be liable for any delay or inability to perform this Agreement, directly or indirectly caused by or resulting from strikes, labor troubles, accidents, fire, flood, breakdowns, war, riot, civil commotion, lack of material, delays of transportation, acts of God or other cause beyond reasonable control of the City and the County.

12. **Data Practices**

The City, its agents, employees and any subcontractors, in providing all services hereunder, agree to abide by the provisions of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as amended, and Minn. Rules promulgated pursuant to Ch. 13. The City agrees to indemnify and hold the County, its officers, department heads and employees harmless from any claims resulting from the City's unlawful disclosure, failure to disclose, or use of data protected under state and federal laws.

13. **Termination**

This Agreement may be terminated under the following circumstances:

A. By mutual written agreement of the parties;

B. By either party, with or without cause, giving not less than thirty (30) days written notice, delivered by mail or in person to the other party, specifying the date of termination.

14. **Access to Premises**

The City shall arrange access, as necessary, to work sites for the County for the purpose of verification of any requirements as described in this Agreement.

15. **Independent Contractor**

It is agreed that nothing contained in this Agreement is intended or should be construed as creating the relationship of a partnership, a joint venture, or an association with the County and the City. The City is an independent contractor and neither the City, the City's employees, agents, subcontractors nor representatives shall be considered employees, agents or representatives of the County. Except as otherwise provided herein, the City shall maintain, in all respects, its present control over the means and personnel by which this Agreement is performed.

16. **Notices**

Any notices to be given under this Agreement shall be given by enclosing the same in a sealed envelope, postage prepaid, and depositing the same in the United States Postal Service, addressed to the City at its address stated herein, and to the authorized agent of the County at the address stated herein.

17. **Controlling Law**

The laws of the State of Minnesota shall govern all questions and interpretations concerning the validity and construction of this Agreement and the legal relations between the herein parties and performance under it. The appropriate venue and jurisdiction for any litigation hereunder will be those courts located with the County of Scott, State of Minnesota. Litigation, however, in the federal courts involving the herein parties will be in the appropriate federal court within the State of Minnesota. If any provision of this Agreement is held invalid, illegal or unenforceable, the remaining provisions will not be affected.

18. **Successors and Assigns**

The County and the City, respectively, bind themselves, their partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns, and legal representatives of such other party with respect to all covenants of this Agreement. Neither the County nor the City shall assign, sublet, or transfer any interest in this Agreement without the prior written consent of the other.

19. **Equal Employment and Americans with Disabilities**

In connection with the work under this Agreement, the City agrees to comply with the applicable provisions of state and federal equal employment opportunity and nondiscrimination statutes and regulations. In addition, upon entering into this Agreement, the City certifies that it has been made fully aware of Scott County's Equal Employment Opportunity and Americans with Disabilities Act Policy, attached hereto and incorporated herein as **Exhibit A** through both oral and written communications, that it supports this policy and that it will conduct its own employment practices in accordance therewith. Failure on the part of the City to conduct its own employment practices in accordance with County Policy may result in the withholding of all or part of regular payments by the County due under this Agreement unless or until the City complies with the County policy, and/or suspension or termination of this Agreement.

20. **Changes**

The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as for this Agreement.

21. **Severability**

In the event any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties unless such invalidity or non-enforceability would cause the Agreement to fail its purpose. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

22. **Entire Agreement**

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous Agreements presently in effect between the County and the City relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed intending to be bound thereby.

CITY OF ELKO NEW MARKET

(SEAL)

By _____
Robert Crawford, Mayor

And _____
Thomas Terry, City Administrator

Date _____

Date _____

COUNTY OF SCOTT

ATTEST:

By _____
Paul Nelson,
Environmental Services Manager

Date _____

APPROVED AS TO FORM:

By _____
Jeanne Andersen,
Assistant County Attorney

Date _____

EXHIBIT A

POLICY STATEMENT

It is the policy of Scott County Government to provide Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity laws, directives, and regulations of Federal, State, and local governing bodies or agencies thereof, including Minnesota Statutes, Chapter 363A.

Scott County will not engage in any employment practices which discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, disability, age, marital status, sexual orientation, or status with regard to public assistance. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

Further, Scott County fully supports incorporation of nondiscrimination rules and regulations into contracts and will commit the necessary time and resources to achieve the goals of Equal Employment Opportunity.

Any employee of the County who does not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and Plan will be subject to disciplinary action. Any subcontractor of the County not complying with all applicable Equal Employment Opportunity laws, directives, and regulations of Federal, State, and local governing bodies or agencies thereof, including Minnesota Statutes, Chapter 363A, will be subject to appropriate contractual sanctions.

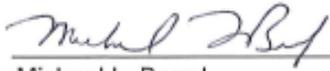
Scott County has designated the Employee Relations Director as the manager of the Equal Opportunity Program. These responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this program, as required by Federal, State, and local agencies. The Scott County Administrator will receive and review reports on the progress of the program. If any employee or applicant for employment believes he or she has been discriminated against, please contact the Scott County Employee Relations Director, Scott County Employee Relations, Government Center Room 201, 200 Fourth Avenue West, Shakopee, Minnesota 55379-1220, or call (952) 496-8103.



Gary L. Shelton
Scott County Administrator

1/3/17

Date



Michael L. Beard
Chair, Board of Commissioners

1/3/17

Date



STAFF MEMORANDUM

SUBJECT:	Request for Encroachment Agreement for Fence by Elko Express Baseball Team
MEETING DATE:	April 12, 2018
PREPARED BY:	Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Approval of Encroachment Agreement between the City and Elko Express Baseball Club

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:

At the March 22nd City Council meeting, the Council was approached the Elko Express Baseball Club to construct gates and a fence around their field. The intent by the Club was to enable the Club to better control spectators entering the ballpark for a ball game, increase the safety of spectators, and insure that all admission fees are collected. The team depends on those revenues for the operation of the Club, but continues to have problems with people entering the ballpark without paying. In addition, in order to host playoff games for more revenue, there needs be secure gates and fences to make sure that all admissions are collected.

DISCUSSION:

At the March 22nd meeting, Staff outlined a concept that would meet the needs of the Club while preserving the requirement of Old Elko City Hall Park remaining open to the public, as shown in Appendix A. City Council concurred with this approach.

The City Attorney's recommendation to granting their request is to have an Encroachment Agreement that would detail the terms of the constructing the fence on City property. An Encroachment Agreement is typically used by the City for fence encroachments onto City easements and property. It provides the approval to the Club for the encroachment without providing any legal interest to the Club regarding the property itself. The City Council directed Staff and the City Attorney to prepare an Encroachment Agreement that would include the following terms: (1) the fence would be constructed such that it would moved into place for ball games, but moved back to allow public access to the Park at all other times; (2) the City would approve the fence design and materials; (3) retains the right to have the fence removed with a 30-day notification; (4) the Club would be responsible for all costs related to the construction and maintenance of the fence; (5) identification of the approved area of encroachment on City property; (6) indemnification of the City by the Club for any claims related to the fence and (7) the Club would reimburse the City for City Attorney expenses in drafting the Encroachment Agreement.

This arrangement has been memorialized in an Encroachment Agreement prepared by the City Attorney and is attached for consideration.

BUDGET IMPACT:

Other than Staff time, there is no cost, so there is no impact on the 2018 Budget

REQUESTED ACTION:

City Council is being asked to approve the Encroachment Agreement and to authorize Staff to oversee the implementation of the Agreement by the Club.

ATTACHMENTS:

1. Appendix A – Fence Location
2. Encroachment Agreement

(reserved for recording information)

Easement Encroachment Agreement for Fences
(Between Property Owner & City of Elko New Market)

1. **Agreement** made this ___ day of _____, 2018, by and between the City of Elko New Market, a Minnesota municipal corporation (“City”), and the Elko Baseball Club, Inc., a Minnesota non-profit corporation (hereinafter referred to as “Team”).
2. **Background.** Owners are the fee owners of certain real property located in the City of Elko New Market, County of Scott, State of Minnesota, legally described in **Exhibit A** attached hereto, hereinafter referred to “Team Property”:

The City is the fee owner of property abutting the Team Property legally described in **Exhibit B** attached hereto (“City Property”). Owners desire to construct a fence on the Team Property which will encroach into a portion of the City Property as depicted on the attached survey/site map attached hereto as **Exhibit C**.

3. **Encroachment Authorization.** The City hereby approves the encroachment on the City Property for the construction of a fence contingent upon the following conditions:
 - A. The fence shall not adversely affect use of old City Hall Park or create debris buildup. The Team is responsible for insuring that any debris is cleaned up within the City Property on a regular basis.
 - B. The Team is responsible for verifying that no conflict exists with utilities prior to installation of the fence.
 - C. The Team shall keep the fence and gates in good repair and shall comply with all City Ordinances related to fences. The City shall have no responsibility to maintain the fence.
 - D. The City shall not be liable for repair or replacement of the fence in the event that they are moved, damaged, or destroyed. The Team shall be responsible for any costs associated with the removal of the fence located on City Property upon written request of the City at any time.

- E. The team is responsible for all costs associated with the installation of the fence and gates. The type and design of the fence and gate will require the written approval of the City prior to installation.
 - F. The fence and gates must be constructed such that access to the City Park by the public is maintained at all times, except during Elko Express Baseball games held on Team Property. The Team shall be responsible for removal of fence/gates areas immediately prior to and after each game to allow such access.
 - G. The gates and fence shall be constructed in the location shown in Exhibit C.
- 4. **Hold Harmless and Indemnity.** In consideration of being allowed to encroach on the City Property, the Team, their successors, and assigns, hereby agrees to indemnify and hold harmless the City from any damage caused to the City Property, including the fence and gates, any removal of fencing and gates from the City Property, and any injury to the Team, their officers, members, agents, employees and volunteers caused or resulting in whole or in part by the encroachment or access on the City Property.
 - 5. **Termination of Agreement.** The City may, at its sole discretion, terminate this Agreement at any time by giving the then owner of the Team Property thirty (30) days advance written notice, except that no notice period will be required in the case of an emergency condition as determined solely by the City and the Agreement may then be terminated immediately. The property owner shall remove the fence and gates to the extent that they impact the City Property to the effective date of the termination of this Agreement. If the owner fails to do so the City may remove the fence and gates and charge the cost of removal back to the owner for reimbursement.
 - 6. **Recording.** This Agreement shall run with the land and shall be recorded against the title to the Team Property and City Property.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

**CITY:
CITY OF ELKO NEW MARKET**

BY: _____
Bob Crawford, Mayor

(S E A L)

BY: _____
Sandra Green, City Clerk

STATE OF MINNESOTA)
 (ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Bob Crawford and Sandra Green, respectively the Mayor and City Clerk of the City of Elko New Market, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by its City Council.

NOTARY PUBLIC

ELKO BASEBALL CLUB INC.

BY: _____

Print Name: _____

Title: President

STATE OF MINNESOTA)
) ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by _____, President of Elko Baseball Club, Inc. a Minnesota nonprofit corporation, on behalf of the corporation.

**THIS INSTRUMENT WAS
DRAFTED BY:**

City Attorney
City of Elko New Market
601 Main Street - PO Box 99
Elko New Market, MN 55020-0099

EXHIBIT A

Legal Description of Team Property

Parcel A

That part of the south 200.00 feet of the east 544.50 feet (as measured at right angles) of the Northwest Quarter of Section 27, Township 113, Range 21, Scott County, Minnesota lying southerly and westerly of the following described line;

Commencing at the southwest corner of said south 200.00 feet of the east 544.50 feet; thence North 00 degrees 35 minutes 46 seconds East, along the west line of said east 544.50 feet, a distance of 60.00 feet to the point of beginning of the line to be described; thence North 88 degrees 35 minutes 44 seconds East parallel with the south line of said Northwest Quarter a distance of 232.00 feet; thence South 40 degrees 01 minutes 34 seconds East a distance of 76.75 feet to a point on the south line of said Northwest Quarter distant 282.00 feet easterly of the point of commencement and there terminating.

Parcel B

A tract of land in the Northeast Quarter of the Southwest Quarter, Section 27, Township 113N, Range 21W, described as follows:

Beginning at a point on the north line of said Northeast Quarter of the Southwest Quarter distant 333.00 feet west of the northeast corner thereof; thence south and parallel with the east line of said Northeast Quarter of the Southwest Quarter a distance of 50.00 feet; thence east and parallel with said north line a distance of 42.58 feet; thence south and parallel with said east line a distance of 356.8 feet; thence west at right angles to said east line a distance of 300.00 feet; thence north a distance of 396.1 feet to a point on said north line distant 257.42 feet west of the point of beginning; thence east along said north line a distance of 257.42 feet to the point of beginning.

Parcel C

The west 72.00 feet of the following described tract of land:

All that part of Section 27, Township 113, Range 21 described as follows:

Commencing 33.00 feet west of the center of said Section 27 and running thence west along the north line of the Northeast Quarter of the Southwest Quarter of said Section 27 a distance of 300.00 feet; thence south 50.00 feet; thence east 300.00 feet; and thence north 50.00 feet to the point of beginning.

EXHIBIT B

Legal Description of City Property

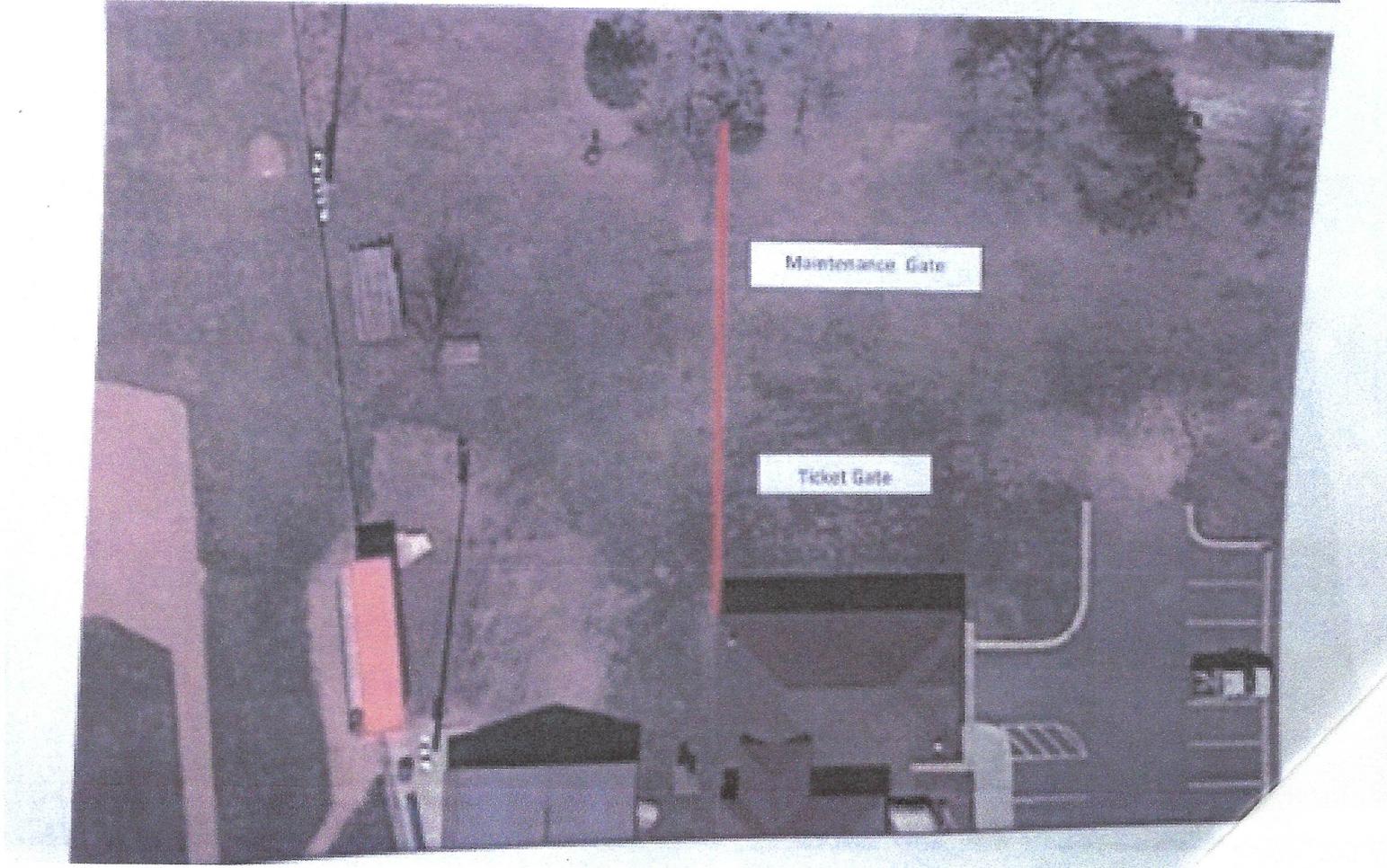
Real Property situated in Scott County, Minnesota, legally described as follows:

A parcel of land commencing at a point on the North and South center line of Section Twenty-seven (27), Township One Hundred Thirteen (113), Range Twenty-one (21), 117.18 feet South from the intersection of the North and South center line with East and West center line of said Section; thence West at right angles with said North and South center line a distance of 290 feet and 5 inches; thence South and parallel with said North and South center line a distance of 300 feet; thence East to the North and South center line a distance of 290 feet and 5 inches; thence North of said North and South center line a distance of 300 feet to the place of beginning, containing two acres more or less.

EXHIBIT C
DEPICTION OF ENCROACHMENT



Maintenance Gate
Open (Except for
Events)



Maintenance Gate

Ticket Gate



STAFF MEMORANDUM

SUBJECT: Community Survey - 2018
MEETING DATE: April 12, 2018
PREPARED BY: Mark Nagel, Assistant City Administrator
REQUESTED ACTION: Approve conducting a Community Survey with Morris Leatherman Firm and providing feedback on content of survey.

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

INTRODUCTION

The City Council is being asked to retain the Morris Leatherman firm to conduct a community survey, which provides information on public service performance and data for the City's annual budgeting process and policy discussions. This will be the third Community Survey, so the Consultant will be able to develop longitudinal trends in city-provided public services, as well.

DISCUSSION

In April of 2010, the City Council adopted the Community Oriented Local Government (COG) philosophy to guide how the City of Elko New Market conducts the business of local government. One of the key components for COG is performance measurement, which states that the City will develop and utilize methods for measuring performance to evaluate progress and establish accountability for improving public services. The data derived from the Community Survey conducted in 2012 is consistent with the COG and provided information for making more effective policy decisions regarding the desired level and type of City services by the community, as well as providing a comparison with other Minnesota cities.

Prior to 2012, the City did try to do performance measurement through its own city-wide survey, which was online, in 2 City Newsletters and mailed to residents in 2009. In spite of these efforts, only 80 people participated in the survey, which did not produce statistically valid, reliable results for policy-making purposes. The lesson learned from that experience was that a Community Survey that measures the performance of City services should be done professionally using statistically valid, reliable methods, so that changes in City services based on survey results were made with accurate data.

The 2012 Community Survey established a baseline for future surveys, so that the impact of changes to City services and changes in expectations related to City services could be measured over the long term. Every three (3) years, updates of the survey allow the City to continually benchmark our City services and provide a comparison with other cities and insure that the data used to make policy decisions remains reliable and valid. A second Community Survey was completed in 2015.

After each of the previous two surveys, Staff in each City Department has reviewed their results and made efforts to address the citizen concerns in the survey: for example, the City has embarked on the Green Step Cities program to address comments in the 2015 survey to be more environmentally conscious.

Another example is customer service, which the City Staff focused on in an effort to improve ratings for the survey in 2012 with success, as evidenced by the following from the 2015 survey results - "The standard threshold indicating quality customer service in the public sector is an 80% positive rating. The combined 95% favorable ratings on customer service places Elko New Market in the top decile across the metro area and among the top three exurban communities".

Where else did the City improve in its delivery of services to residents? Like every other city – communications and social media. Here's the conclusion from the 2015 Community Survey: "Forty-five percent, a decrease of 20%, of the households in the community accessed the City's website. Website visitors are more often residents for ten years or less, households with children, and 35 to 44 year old. Non-visitors are more apt to be residents for more than twenty

years, empty-nesters, and over 55 year old. Among users, a very high 96% favorably rated the content of the website, while 88% rated the ease of navigating the website favorably... A social media presence by the City of Elko New Market would supplement its current communications reach. At this point, Facebook users are 39% of the households in the city, while 26% use Twitter. About one-half of the users of Facebook and Twitter report they are likely to use that social media to obtain information about the community.”

In addition, the two (2) previous Community Surveys have confirmed City policies relating to the addition of officers to the Police Department; reaffirming the City’s move to a community-valued policing philosophy; moving City snowplowing “in house; and expanding City recreational opportunities for residents through cooperative agreements with New Prague Community Education; Lakeville Community Education; and Three Rivers Parks System..

Since 2015, the City has upgraded its website, established a presence on Facebook, and expanded its number of Twitter participants to try and meet the changing communications needs of ENM citizens...but, are we making progress? Additional questions in this area, which have been added to the attached survey, for 2018 should help establish a work plan. Transparency, non-jargon communications, and timely information are key to maintaining the customer service levels our residents have come to expect. Simply put, this is just one area that the Community Survey can help Staff focus on what is important to our residents.

Additionally, the Community Survey also enables the City to comply with 2010 State legislation that established a voluntary performance measurement reporting program for cities. The purpose of the program is to provide cities incentives to develop, measure, track, and report performance data on their critical services. Participation in the program has meant that the City has received a reimbursement of \$0.14/capita from the State, or for Elko New Market, a total of about \$600 per year, for the past 3 years, or about \$1,800, which is used for offsetting costs related for participating in the performance measurement program.

Also helping to reduce the cost of the Community Survey is the participation of the Minnesota Valley Transit Authority, which pays \$1,380 towards the cost for inclusion of transit-related questions.

As in past Community Surveys, written price quotes were solicited from The Morris Leatherman Company (\$8,500; 65 questions; sample size 250); Springsted, Inc (\$16,500; 65 questions; sample size 250); and ICMA/National Research Center (\$20,260; 65 questions; mailed survey of 1,600 HHs). The low price quote is from The Morris Leatherman Company, which includes analysis of the results and a presentation to the City Council. Additional questions over the 65 will be billed at a rate of \$150/question, so the total cost may be slightly higher. A copy of their proposal is attached for reference.

Please contact the City Administrator with any questions regarding this matter.

Attachments:

2018 Community Survey Draft
The Morris Leatherman Company Proposal

THE MORRIS LEATHERMAN COMPANY
 3128 Dean Court
 Minneapolis, Minnesota 55416

City of Elko New Market
 Residential Survey
 PRELIMINARY MARCH 2018

Hello, I'm _____ of the Morris Leatherman Company, a polling firm located in Minneapolis. We have been retained by the City of Elko New Market to speak with a random sample of residents about issues facing the community. This survey is being conducted because the City Council and City Staff are interested in your opinions and suggestions about current and future city needs. I want to assure you that all individual responses will be held strictly confidential; only summaries of the entire sample will be reported.

- | | | |
|----|--|---|
| 1. | Approximately how many years have you lived in the City of Elko New Market? | LESS THAN TWO YEARS.....1
TWO TO FIVE YEARS.....2
FIVE TO TEN YEARS.....3
TEN TO TWENTY YEARS.....4
20 TO 30 YEARS.....5
OVER THIRTY YEARS.....6
DON'T KNOW/REFUSED.....7 |
| 2. | Thinking back to when you moved to Elko New Market, what factors were most important to you in selecting the city?
(DO NOT READ LIST)

_____ | DON'T KNOW/REFUSED.....00
NEIGHBORHOOD.....01
HOUSING.....02
SAFE.....03
RURAL/OPEN SPACE.....04
QUIET AND PEACEFUL.....05
CONVENIENT LOCATION....06
FRIENDLY PEOPLE.....07
SMALL TOWN FEEL.....08
CLOSE TO FAMILY.....09
SCHOOLS.....10
CLOSE TO JOB.....11 |
| 3. | What do you like most about living in the City of Elko New Market?
(DO NOT READ LIST)

_____ | DON'T KNOW/REFUSED.....00
SMALL TOWN FEEL.....01
QUIET AND PEACEFUL.....02
HOUSING/NEIGHBORHOOD...03
RURAL/OPEN SPACE.....04
SAFE.....05
FRIENDLY PEOPLE.....06
CONVENIENT LOCATION....07
PLACE TO RAISE KIDS....08 |

4. What do you think is the most serious issue facing the city today?
(DO NOT READ LIST)
-
-
5. How would you rate the quality of life in Elko New Market -- excellent, good, only fair, or poor?
- | | |
|-------------------------|----|
| DON'T KNOW/REFUSED..... | 00 |
| NOTHING..... | 01 |
| HIGH TAXES..... | 02 |
| LACK OF BUSINESSES..... | 03 |
| CITY SPENDING..... | 04 |
| TOO MUCH GROWTH..... | 05 |
| QUALITY OF WATER..... | 06 |
| NEED GROCERY STORE..... | 07 |
| HIGH COST OF WATER..... | 08 |
| ROAD REPAIR..... | 09 |
| EXCELLENT..... | 1 |
| GOOD..... | 2 |
| ONLY FAIR..... | 3 |
| POOR..... | 4 |
| DON'T KNOW/REFUSED..... | 5 |

Moving on....

Property tax revenues are divided among the City of Elko New Market, Dakota County, and your local public school district. In 2014, the actual percentage of your property taxes going to the City of Elko New Market was 40 percent.

6. When you consider the property taxes you pay and the quality of city services you receive, would you rate the general value of city services as excellent, good, only fair, or poor?
- | | |
|-------------------------|---|
| EXCELLENT..... | 1 |
| GOOD..... | 2 |
| ONLY FAIR..... | 3 |
| POOR..... | 4 |
| DON'T KNOW/REFUSED..... | 5 |

I would like to read you a list of a few city services. For each one, please tell me whether you would rate the quality of the service as excellent, good, only fair, or poor? (ROTATE)

	EXCL	GOOD	FAIR	POOR	DK/R
7. Police protection?	1	2	3	4	5
8. Fire protection?	1	2	3	4	5
9. Storm drainage, ponds, wetland maintenance and flood control?	1	2	3	4	5
10. Park maintenance?	1	2	3	4	5
11. City-sponsored recreation programs?	1	2	3	4	5
12. Code Enforcement?	1	2	3	4	5

Now, for the next three city services, please consider only their job on city-maintained street and roads. That means

excluding interstate highways, state and county roads that are taken care of by other levels of government. Hence, Interstate 35, County Road 2, also known as 260th Street or Main Street and County Road 91, also known as Natchez Avenue, should not be considered. How would you rate

	EXCL	GOOD	FAIR	POOR	DK/R
13. City street repair and maintenance?	1	2	3	4	5
14. Snow plowing?	1	2	3	4	5

IF ANY CITY SERVICE IS RATED "ONLY FAIR" OR "POOR," ASK:

15. Why did you rate that service as (only fair/poor?) (DO NOT READ LIST)	DON'T KNOW/REFUSED....00
_____	POOR SNOW PLOWING.....01
_____	LACK OF DRAINAGE.....02
	SLOW RESPONSE.....03
	POOR STREET REPAIR....04
	LACK OF CODE ENFORCE...05
	NOT ENOUGH RECREATION..06
	POOR PARK MAINTENANCE..07
16. In general, what city services do you feel need to be improved? (DO NOT READ LIST)	DON'T KNOW/REFUSED....00
_____	NONE.....01
_____	WATER TREATMENT PLANT..02
	CODE ENFORCEMENT.....03
	STREET MAINTENANCE.....04
	MORE POLICE.....05
	MORE REC PROGRAMS.....06
	MORE REC FACILITIES....07
	SNOW PLOWING.....08
	PARK MAINTENANCE.....09
17. Are there any city services you would like to see add in the City of Elko New Market? (IF "YES," ASK:) What would those be?	DON'T KNOW/REFUSED....00
_____	NOTHING.....01
	RECREATION PROGRAMS....02
	COMMUNITY CENTER.....03

Thinking about another topic....

18. How would you rate the amount of police patrolling in your neighborhood -- too much, about the right amount or not enough?	TOO MUCH.....1
	ABOUT RIGHT AMOUNT.....2
	NOT ENOUGH.....3
	DON'T KNOW/REFUSED.....4

19. How would you rate the amount of traffic enforcement by the police in your neighborhood -- too much, about right amount or not enough? TOO MUCH.....1
 ABOUT RIGHT AMOUNT.....2
 NOT ENOUGH.....3
 DON'T KNOW/REFUSED.....4
20. How serious of a problem is traffic speeding in your neighborhood -- very serious, somewhat serious, not too serious, or not at all serious? VERY SERIOUS.....1
 SOMEWHAT SERIOUS.....2
 NOT TOO SERIOUS.....3
 NOT AT ALL SERIOUS.....4
 DON'T KNOW/REFUSED.....5
21. And, how serious of a problem are stop sign violations in your neighborhood -- very serious, somewhat serious, not too serious, or not at all serious? VERY SERIOUS.....1
 SOMEWHAT SERIOUS.....2
 NOT TOO SERIOUS.....3
 NOT AT ALL SERIOUS.....4
 DON'T KNOW/REFUSED.....5
22. Please tell me which one you consider to be the greatest concern in Elko New Market? If you feel that none of these problems are serious in the city, just say so....
- Violent crime.....01
 Traffic speeding.....02
 Drugs.....03
 Youth crimes and vandalism.....04
 Identity theft.....05
 Business crimes, such as shoplifting and check fraud.....06
 Residential crimes, such as burglary, and theft.....07
 ALL EQUALLY.....08
 NONE OF THE ABOVE.....09
 DON'T KNOW/REFUSED.....10

Moving on....

23. Do you commute outside of your city to school or work on a daily basis? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

IF "YES," ASK:

24. Which major highway do you use for the majority of your commuting to work or school?

25. Do you or anyone in your household ride public transit on a regular basis? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

IF "YES," ASK:

26. How many days per week on average do you ride public transit? ONE.....1
 TWO.....2
 THREE.....3
 FOUR.....4
 FIVE OR MORE.....5
 DON'T KNOW/REFUSED.....6

IF "NO" IN QUESTION #25, ASK:

27. Have you ever ridden public transit? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

Now, I would like to read you a list of potential services that could be offered by public transit. For each one, please tell me if it would make you much more likely to use public transit, somewhat more likely or would it make no difference to you.

	MML	SML	NOD	DKR
28. Service to events in Downtown Minneapolis or Downtown Saint Paul for events like concerts or sporting events at Target Center, Target Field or the Xcel Energy Center.	1	2	3	4
29. Service to the Minnesota State Fair, ValleyFair, Canterbury Park or the Renaissance Festival.	1	2	3	4
30. Service to area Community and Technical Colleges, such as Normandale, Inver Hills, or Dakota County Technical College.	1	2	3	4
31. Are there any other changes you would make to public transit so it is more convenient for you? (DO NOT READ LIST)				
_____				DON'T KNOW/REFUSED.....00
_____				NO.....01
				MORE ROUTES.....02
				MORE STOPS.....03
				EXPRESS BUSES.....04
				LONGER HOURS OF OPERATION.....05

32. Are you familiar with the Minnesota Valley Transit Authority or MVTA? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

Continuing....

The Elko New Market park system is composed of larger community parks, like Windrose Park and Wagner Park, and smaller neighborhood parks, like Woodcrest Park and Rowena Ponds Park, trails, and community ballfields. For each facility, please tell me if you or members of your household use that facility. Then for each one you use, please tell me if you would rate that facility as excellent, good, only fair, or poor?

	NOT USE	USE EXC	USE GOO	USE FAI	USE POO	DK/ REF
33. Larger community parks?	1	2	3	4	5	6
34. Smaller neighborhood parks?	1	2	3	4	5	6
35. Trails and Sidewalks?	1	2	3	4	5	6
36. Community ballfields?	1	2	3	4	5	6
37. Wagner Park skatepark?	1	2	3	4	5	6
38. Ice rinks?	1	2	3	4	5	6
39. Wagner Park Shelter?	1	2	3	4	5	6
40. In general, do you feel that existing recreational facilities offered by the City meet the needs of you and members of your household?						YES.....1 NO2 DON'T KNOW/REFUSED.....3

IF "NO," ASK:

41. What additional recreational facilities would you like to see the City offer its residents?

42. In general, do you feel that existing recreational programs offered by the City meet the needs of you and members of your household?						YES.....1 NO2 DON'T KNOW/REFUSED.....3
--	--	--	--	--	--	--

IF "NO," ASK:

43. What additional recreational programs would you like to see the City offer its residents?

44. Have you or members of your household participated in any City park and recreation programs? YES.....1
NO.....2
DON'T KNOW/REFUSED.....3

IF "YES," ASK:

45. Which ones? DON'T KNOW/REFUSED.....00
(DO NOT READ LIST) BASEBALL/SOFTBALL.....01
MULTIPLE SPORTS.....02
SOCCER.....03
SWIMMING.....04
BASKETBALL.....05

46. Were you satisfied or dissatisfied with your experience? SATISFIED.....1
DISSATISFIED.....2
DON'T KNOW/REFUSED.....3

Changing topics....

When you think about community events, such as the Egg Hunt, Fire Rescue Days or the Halloween Party....

47. In general, do you feel that existing community events offered by the City meets the needs of you and members of your household? YES.....1
NO2
DON'T KNOW/REFUSED.....3

IF "NO," ASK:

48. What additional community events would you like to see the City offer its residents?

49. Do you think the city has the right amount of community events, too many or too few? ABOUT RIGHT AMOUNT.....1
TOO MANY.....2
TOO FEW.....3
DON'T KNOW/REFUSED.....4

50. Have you or members of your household participated in any community events? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

IF "YES," ASK: (n=175)

51. Which ones? DON'T KNOW/REFUSED.....00
 (DO NOT READ LIST) LION'S EVENTS.....01
 BLOCK PARTIES.....02
 _____ FIRE & RESCUE DAYS.....03
 _____ PARADE.....04
 NIGHT TO UNITE.....05
 EASTER EGG HUNT.....06
 CITYWIDE GARAGE SALE...07
 HALLOWEEN.....08

52. Were you satisfied or dissatisfied with your experience? SATISFIED.....1
 DISSATISFIED.....2
 DON'T KNOW/REFUSED.....3

IF "NO," ASK:

53. Are there any changes or improvements that would make you more likely to participate in a community event?

Changing topics....

54. During the past year, have you contacted Elko New Market City Hall? YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

IF "YES," ASK:

55. On your last telephone call or visit, which Department did you contact -- the Police Department, Fire Department, Public Works, Park and Recreation, Building Inspections, Engineering, Planning, Administration, Billing Department, or the General Information Desk receptionist? POLICE DEPARTMENT.....01
 FIRE DEPARTMENT.....02
 PUBLIC WORKS.....03
 PARKS AND REC.....04
 BUILDING INSPECT.....05
 ENGINEERING.....06
 PLANNING.....07
 ADMINISTRATION.....08
 BILLING DEPT.....09
 GENERAL INFORMATION...10
 DON'T KNOW/REFUSED.....11

Thinking about your last contact with the City, for each of the following characteristics, please rate the service as excellent, good, only fair, or poor....

	EXC	GOO	FAI	POO	DKR
56. Response time from City Staff to assist you?	1	2	3	4	5
57. Courtesy of city staff?	1	2	3	4	5

Moving on.....

58. What is your principal source of information about Elko New Market City Government and its activities?

59. How would you prefer to receive information about Elko New Market City Government and its activities?

60. During the past year, did you or members of your household regularly read the "_____", the City's newsletter?

YES.....1
 NO.....2
 DON'T KNOW/REFUSED.....3

IF "YES," ASK:

61. How would you rate the quality of the newsletter -- excellent, good, only fair, or poor?

EXCELLENT.....1
 GOOD.....2
 ONLY FAIR.....3
 POOR.....4
 DON'T KNOW/REFUSED.....5

The City could discontinue the printed version of the "_____" to be more environmentally friendly, save costs and provide more timely information. If the print copy of the newsletter was no longer mailed....

62. Would your household be able to access the electronic version on a computer or mobile device?

YES.....1
 NO.....2
 DON'T KNOW./REFUSED.....3

73. Is there any other social media you use on a regular basis?

Now, just a few more questions for demographic purposes....

74. Do you have school-aged children or pre-schoolers in your household? YES.....1
NO.....2
DON'T KNOW/REFUSED.....3
75. What is your age, please? 18-24.....1
(READ CATEGORIES, IF NEEDED) 25-34.....2
35-44.....3
45-54.....4
55-64.....5
65 AND OVER.....6
REFUSED.....7

Thank you for your time. Good-bye.

76. Gender (DO NOT ASK) MALE.....1
FEMALE.....2

The Morris Leatherman Company
3128 Dean Court
Minneapolis, MN 55416

TO: Mark Nagel, Assistant City Administrator

FROM: Peter Leatherman, Managing Partner

DATE: February 14, 2018

SUBJECT: Residential Survey of Elko New Market

The cost of a survey is driven by the length of the questionnaire and the size of the sample. Let's use the following parameters for the study:

- Random Digit Dialing Telephone Sample Selection, including cellular phone and landline households
- Foreign language interviewers to speak with residents whose primary household language is not English
- 250 Completed Random Sample ($\pm 6.0\%$ at the .05 confidence level)
- 65 Question Items (approximately 15 minutes average interview time)
- Non-Response rate of less than 10%

The total cost for this study would be \$8,500.00. Each question item beyond the initial allotment of 65 would be an additional \$150.00.

We phase billing for a project: 50% on initiation of the project and 50% on the delivery of the final analysis and formal presentation of the survey.

There are no additional costs. The final deliverables would include:

- ✓ Frequencies of question responses
- ✓ Volume of cross-tabulations
- ✓ Report of all other statistical methods used in this study
- ✓ Written Executive Summary, including survey findings and recommendations
- ✓ Presentation graphics, when applicable
- ✓ Formal presentation of results at a meeting of your choice

If you want to discuss this further, please feel free to contact me. We look forward to the opportunity to work with you again.

Take care.

Peter Leatherman
Vice President



STAFF MEMORANDUM

SUBJECT:	Christmas Pines Request for Reduction in Development Fees
MEETING DATE:	April 12, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Consider the Request for Reduction in Development Fees

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

City staff has been working with Garry Tupy from On-Site Marketing Company since June of 2016 in regards to development of the property known as Christmas Pines, which is a small residential development containing twenty (20) detached townhome lots. In May of 2017, the City received an application for preliminary plat approval of the subdivision, which was approved in June of 2017.

Early in 2017, staff provided Mr. Tupy with an estimate of development fees (trunk area charges) that would apply to the development, so that he could incorporate those numbers into his development pro forma. The estimated development fees in 2017, which included sewer and water trunk fees, storm sewer area charges, park fees and street light fees, was \$198,487.05. Those same fees increased to \$206,353.31 in 2018 due to the inflationary increases included in the 2018 fee schedule. Attached are copies of the 2017 and 2018 fee estimates that apply to the development.

Section 12-8-1 of the City Code requires that application for final plat approval be submitted no later than one year after the date of preliminary plat approval, and that in the case of a phased development, the request for final plat approval for each subsequent phase be submitted within one year of the approval of the previous phase.

It is not uncommon for a development to receive preliminary plat approval in one year and final plat approval in a subsequent year. Historically, the City has applied development fees that are in place (adopted per the fee schedule) at the time the final plat and development contract are approved. On-Site Marketing is requesting a deviation from the practice that the City has historically applied.

Staff requests clear Council direction on this matter and suggests breaking the discussion on this request into categories:

- 1) From a policy standpoint and for future reference, does the City Council wish to apply development fees that are in place at the time of preliminary plat approval, or at the time of final plat approval?
 - a. If the City Council wishes to apply the development fees that are in place / adopted at the time of final of final plat approval, no further discussion is needed.
 - b. If the City Council wishes to apply development fees that are in place at the time of preliminary plat approval, further direction is needed on time frame and how to handle phased developments. In a phased development, there would be a final plat approval associated with each phase, and the process could take several years.
- 2) The City Council should provide direction on how to handle the current request to apply 2017 development fees for the Christmas Pines development.

BUDGET IMPACT:

In regards to the Christmas Pines development, the 2018 development fees are \$7,886.26 higher than the 2017 fees. Approving the request to allow the 2017 development fees versus the 2018 development fees that are currently adopted would result in a \$7,886.26 reduction to the City's three infrastructure funds (sewer, water, storm) as shown on the attached estimates.

Depending on City Council direction regarding the larger policy issue, and how this may be applied to future developments that receive preliminary plat approval in one year and final plat approval in a subsequent year, there could be additional budget impacts that cannot be quantified.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has reviewed the request and has indicated this is a City Council decision.

REQUESTED ACTION:

Staff request that the City Council provide direction on the following:

- 1) From a policy standpoint, whether to apply development fees that are in place at the time of preliminary plat approval, or development fees that are in place at the time of final plat approval.
- 2) Provide direction on the current request from On-Site Marketing, Co. requesting that 2017 development fees apply to the Christmas Pines development.

Attachments:

Garry Tupy letter dated April 4, 2018
Christmas Pines 2017 Development Fee Estimates
Christmas Pines 2018 Development Fee Estimates

On-Site Marketing, Co.

PO Box 1028
Prior Lake, MN 55372
612-328-3870
gbtupy@icloud.com

April 4, 2018

Dear Renee,

On behalf of On-site Marketing Company, we would ask the city staff and council to consider applying the 2017 fee structure for the Christmas Pines developer's agreement.

We understand there have been increases for 2018; however, we have been working hard to bring this project to the market since the Preliminary Plat was approved in 2017. The increased fee amounts would be a hardship to this project. As you are aware, the project has been difficult to bring to the market. There are no efficiencies to a 3 acre plat and the fees per acre are already hovering around \$100,000 per acre not including development costs.

We are excited to move forward and complete the project.

Thank you for your consideration.

Respectfully,

Garry Tupy

CHRISTMAS PINES DEVELOPMENT FEES / CASH REQUIREMENTS - 2017

(Paid at approval of final plat and signing of development contract)

	<u>TOTAL</u>	<u>PER LOT</u>
Storm	\$11,325.45	\$566.27
Sewer	\$77,260.00	\$3,863.00
Water	\$68,860.00	\$3,443.00
Park	\$40,000.00	\$2,000.00
Street Lights	\$1,041.60	\$52.08
Total	\$198,487.05	\$9,924.35

PER LOT \$9,924.35

(Paid at time of building permit)

Water Connection	\$2,007.00	
Sewer Connection	\$1,939.00	
Storm Connection	\$1,177.01	
Landscape Escrow	\$3,000.00	
Erosion Control Escrow	\$2,100.00	
Total	\$10,223.01 X 20	\$204,460.20

CHRISTMAS PINES DEVELOPMENT FEES / CASH REQUIREMENTS - 2018

(Paid at approval of final plat and signing of development contract)

	<u>TOTAL</u>	<u>PER LOT</u>
Storm	\$11,891.71	\$594.59
Sewer	\$81,120.00	\$4,056.00
Water	\$72,300.00	\$3,615.00
Park	\$40,000.00	\$2,000.00
Street Lights	\$1,041.60	\$52.08
Total	\$206,353.31	\$10,317.67

PER LOT \$10,317.67

(Paid at time of building permit)

Water Connection	\$2,107.00	
Sewer Connection	\$2,036.00	
Storm Connection	\$1,235.86	
Landscape Escrow	\$3,000.00	
Erosion Control Escrow	\$2,100.00	
Total	\$10,478.86 X 20	\$209,577.20



STAFF MEMORANDUM

SUBJECT:	Monthly Public Works Report – March 2018
MEETING DATE:	April 12, 2018
PREPARED BY:	Corey Schweich, Public Works Superintendent
REQUESTED ACTION:	Information Only

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:

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

DISCUSSION:

- Public Works has shut down the rinks for the season.
- Staff continues to work on indoor building maintenance items as time permits.
- Staff had only one Snow & Ice Control event in March. Due to the timing and the duration of the event, everything had to be plowed multiple times. As a result of the warmer temperatures, less salt had to be used to melt the snow and ice. The department did however experience multiple breakdowns while plowing. The most significant breakdown was the Trackless sidewalk machine which resulted in sidewalks taking longer than normal to remove the snow, as Staff had to use less efficient equipment.
- As part of the terms of employment when Payton Hill was hired, he needed to obtain his Class A driver's license with tanker endorsement within six months. Payton has successfully obtained the licensing.
- Staff had to repair a couple fire hydrants that had been struck by vehicles. Repairing a hydrant is a fairly simple process after you have done it a time or two. Hydrants are designed to break away if they are struck by a vehicle. Typically there are only two parts that need to be replaced. These parts are included in a traffic repair kit that the Department keeps in stock on the shelf. Senior employees used this as an opportunity to train the newer Staff on hydrant repair.
- The Department will be short staffed until the seasonal maintenance position is filled, but should still be able to maintain the same level of service for the time being. The City has not received any applications for this position.
- Staff installed all of the seasonal weight restriction signs to all of the entrances to City streets off of the county roads.
- Truck #424, a 2018 Ford F-350 has been delivered. This pickup truck is an addition to the fleet, but will replace truck #400 (Red) a 1987 pickup that was purchased from the fire department many years ago. Mechanic Fitterer has started to outfit the truck with all of the safety equipment and tools needed to perform day-to-day tasks. The plow has been ordered and will be installed at a later date. Truck #400 will be taken completely out of service and sold at auction later this summer.
- As part of the SCALE philosophy, the Public Works Department assisted New Market Township by jetting out a few frozen culverts with the City's vac/jetter truck. As the temperatures warmed up later in the month, the City also experienced multiple culverts and storm pipes that were frozen and had to be jetted out. This was an excellent opportunity to train newer Staff on how to safely and properly operate the vac/jetter truck while opening up frozen culverts.
- Staff patched some potholes that had shown up at various locations throughout the community.
- Staff continued to trim up trees in park areas and around pond inlets and outlets as time permits.
- After looking through some reports to gather some information about the level of water in the aquifer, it was found that some of the level transducers were not working properly. Level transducers were installed in four different wells as part of the water treatment plant project to allow the city and the DNR to track the water level in the aquifers. Superintendent Schweich worked with the contractor (InControl) that integrated all of

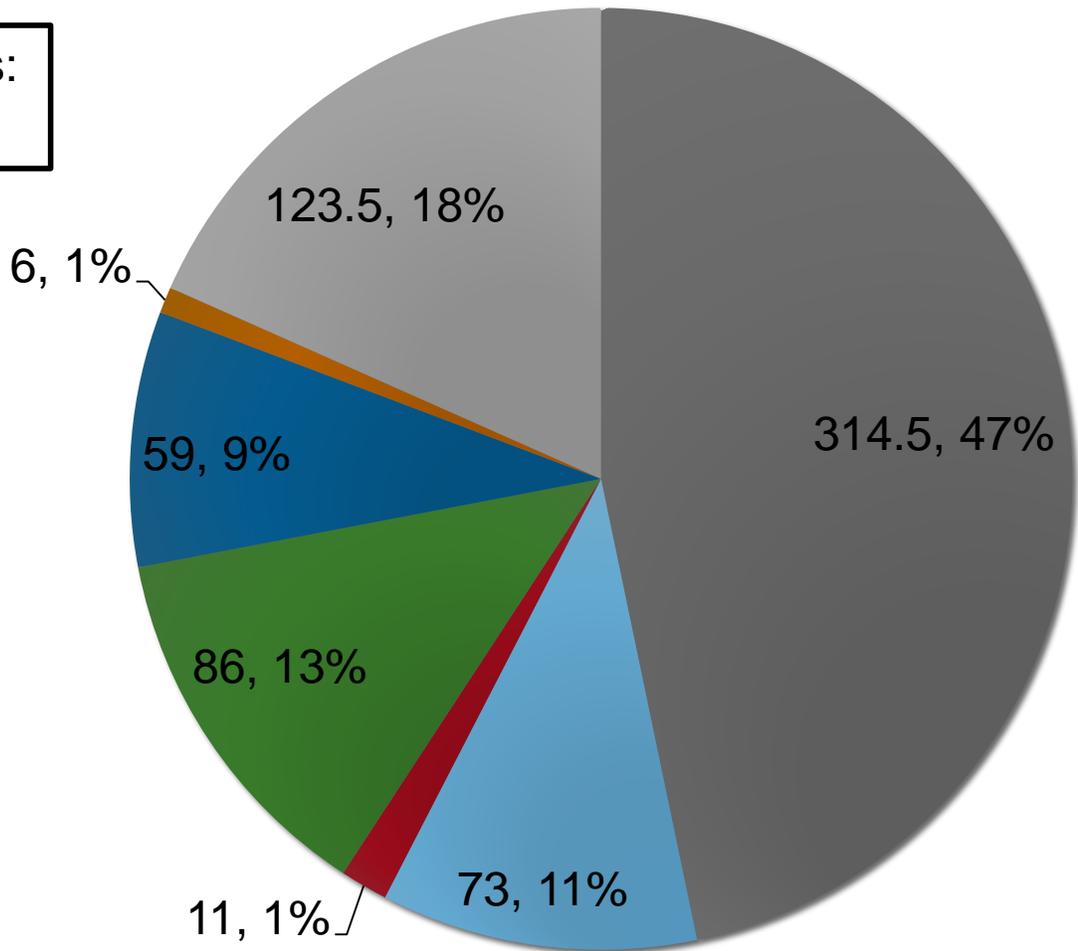
the controls on the water plant to try to figure out what had happened. The transducers all stopped working at different times and may have been caused by a lightning strike or power surge. All of the transducers, but the one at Well #3 have been pulled and sent to the factory to be inspected for warranty replacements. Staff had an issue removing the transducer from Elko Well #3 and had to have the well driller raise the pump up roughly 15' to get the transducer out. This transducer was destroyed, and Staff is working to identify the cause of this.

- Staff started to perform some initial street sweeping as the temperature started to rise later in the month.
- As previously reported, as a result of filling the two full-time positions, Superintendent Schweich has spent a significant amount of time training the two new employees. There is a significant amount of training that goes into adding a new employee to the Department, especially learning the geography of the City while learning their plow routes. Both of the employees have done an excellent job with the training, and will continue to learn more and more every day.

PUBLIC WORKS Combined Time By Department

March 2018

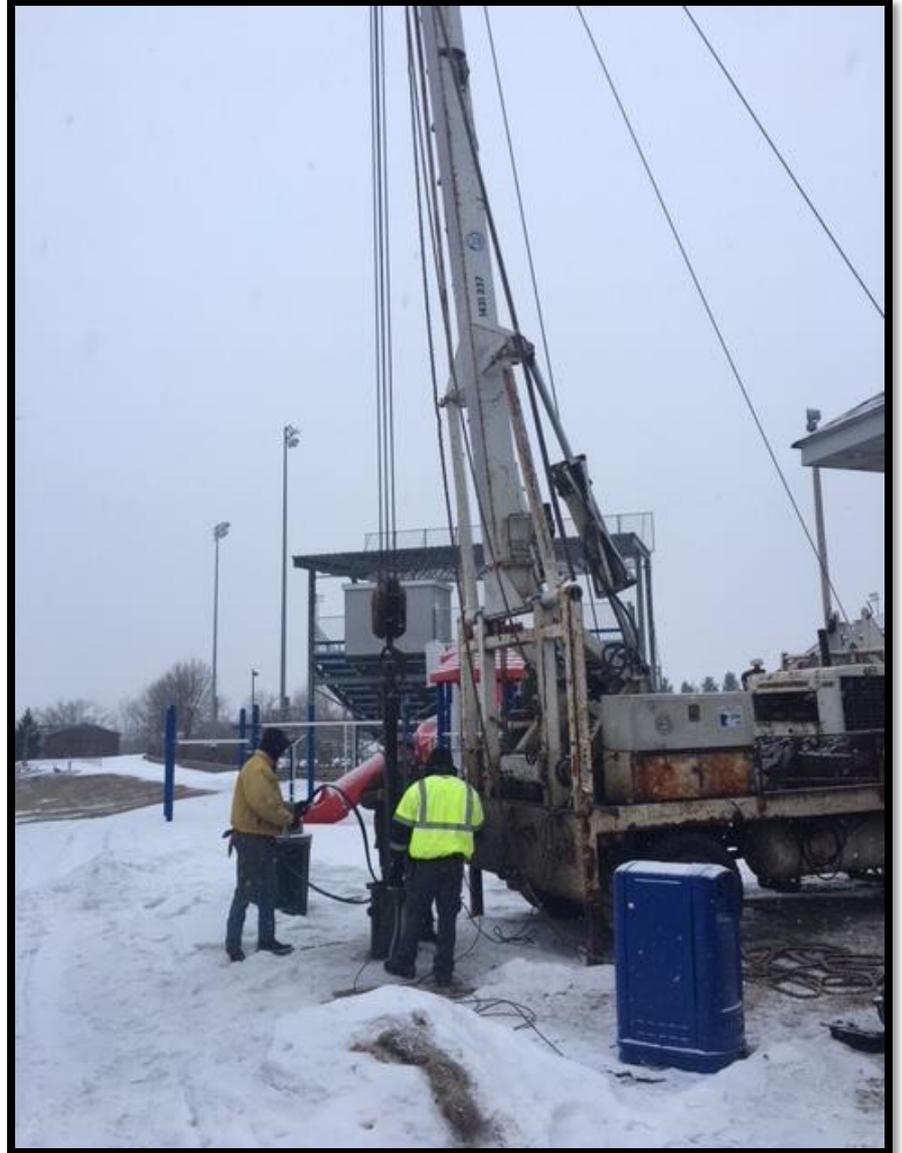
Total Hours:
673



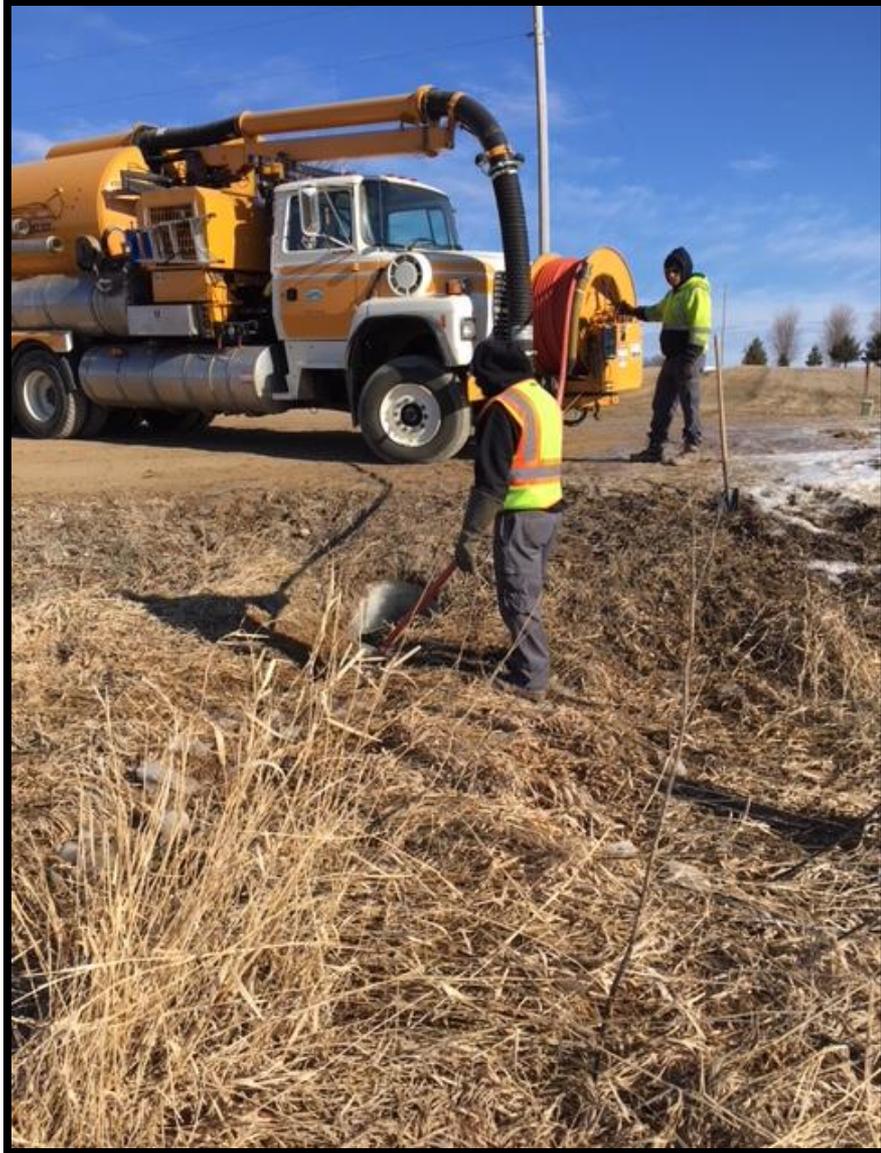
- Public Works
- Buildings
- Water
- Stormwater
- Snow Plowing
- Parks & Grounds
- Sewer

PHOTO ALBUM

by Corey Schweich











STAFF MEMORANDUM

SUBJECT: Monthly Police Activity – March 2018
MEETING DATE: April 12, 2018
PREPARED BY: Steve Mortenson, Chief of Police
REQUESTED ACTION: Information Only

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:

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

DISCUSSION:

March 12 – 16: Officer Josh Gareis attended week long training for Use of Force instruction. Officer Gareis is now certified to instruct officers in Use of Force instruction in the following areas: weapon retention, less lethal use of chemical spray, ground fighting tactics, defensive moves such as punches & kicks and arm bar/escort holds. He will now provide instruction for other ENMPD officers.

March 14 & 15: Officer Craig Bell attended a two day Senior Management course sponsored and instructed by the MN BCA. The instruction focused on “Leadership Lessons Learned.” Officer Bell has four more Senior Management classes to attend before receiving his certification.

March 20: Officer Josh Gareis spoke to a Cub Scout den at a residence. The purpose of the presentation was to talk about community engagement and skills to become leaders in your community.

March 29: Officers Craig Bell & Josh Gareis participated in 8 hours of mandated Use of Force training with the Scott County Sheriff’s Office. Training consisted of use of less lethal weapons: taser, less lethal shotgun, chemical spray and baton. Other training consisted of ground fighting and defensive tactics as well as weapon retention.

Full time police officer hiring process: Application deadline was March 23, 2018. **59** applications were received, reviewed and scored. The top **15** candidates are being contacted for first round interview on April 27th. Staff will be asking for 2 council members to participate in the second round interview which is schedule for May 11th.

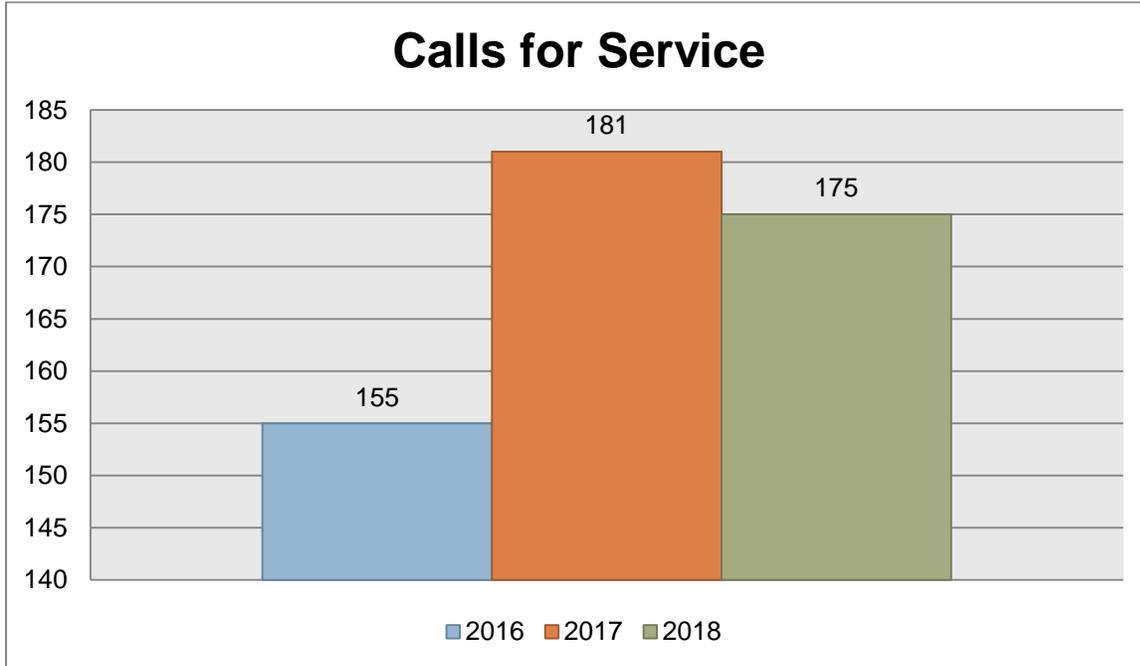
STATISTICAL INFORMATION – APRIL 2018

Types of calls officers responded to:

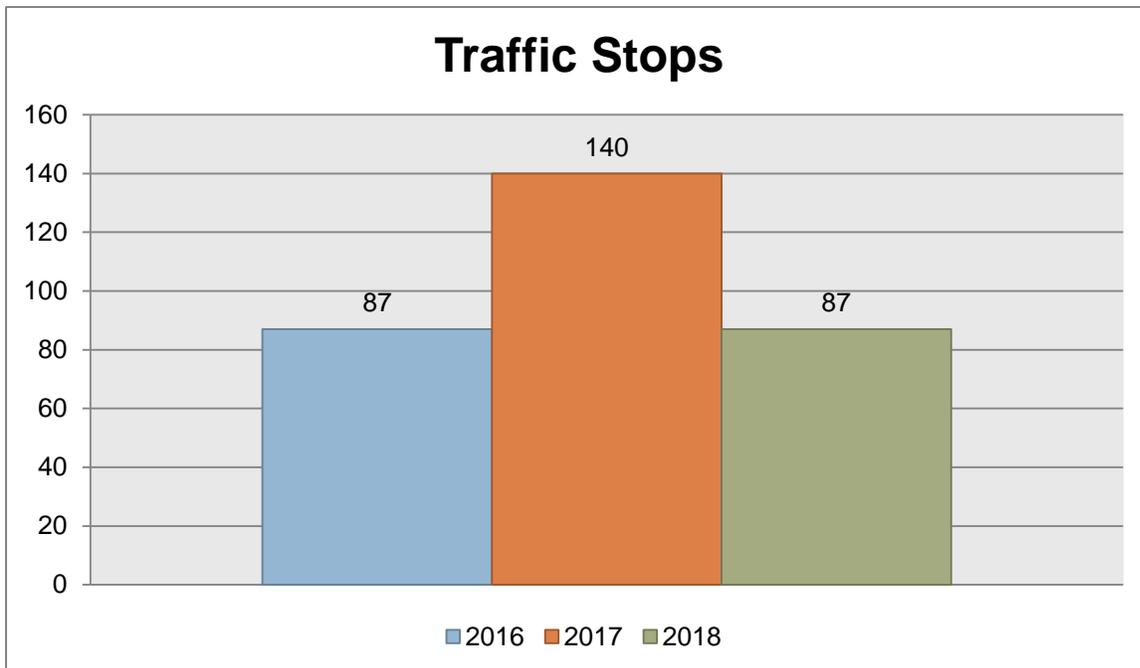
- 2 Burglary – Officer responded to a call of burglaries in progress and located and arrested two adult males were for 1st Degree Burglary (entering occupied homes) after they were caught going through vehicles, finding garage door openers inside the vehicles and entering 2 homes via the garage door. Both suspects have served time in prison for the same or similar crimes.
- 2 DWI Arrests – Both arrests were for 3rd Degree (Gross Misdemeanor) DWI. In one incident, officer found the suspect's vehicle stuck in the ditch. This suspect did not submit to a formal breath test but did provide a breath sample on a PBT which showed an alcohol concentration of .329.
- 4 Disturbance – In one incident officers were called to a business where an adult male was acting disorderly towards employees. The suspect knocked over a flower planter in front of the business. He was cited for disorderly conduct. In another incident, an adult male after leaving a local bar, walked up to a Dominos pizza delivery driver and entered the delivery driver's vehicle. The suspect demanded a ride home. The employee said no so the suspect grabbed the employee by the shirt collar. Employee fled inside the store and the suspect fled the scene. Officers found the suspect nearby and cited him for disorderly conduct and motor vehicle tampering. Suspect showed signs of intoxication and was released to his father.
- 4 Mental Health (officers responded to mental health calls and in 3 of the 4 incidents, placed the person on a Health & Safety hold. Three incidents involved adults, the other a juvenile.)
- 3 Domestic (verbal only, no assault.)
- 5 Medicals
- 3 Fraud
- 2 Theft
- 3 Harassing Communications
- 1 Vandalism
- 2 Noise complaints
- 2 Motor vehicle crash
- 1 Hit & Run motor vehicle crash
- 16 Suspicion (Includes: Suspicious activity, vehicles and people.)

A total of 4 people, all adult males were arrested and transported to the Scott County Jail in April.

Calls for Service:

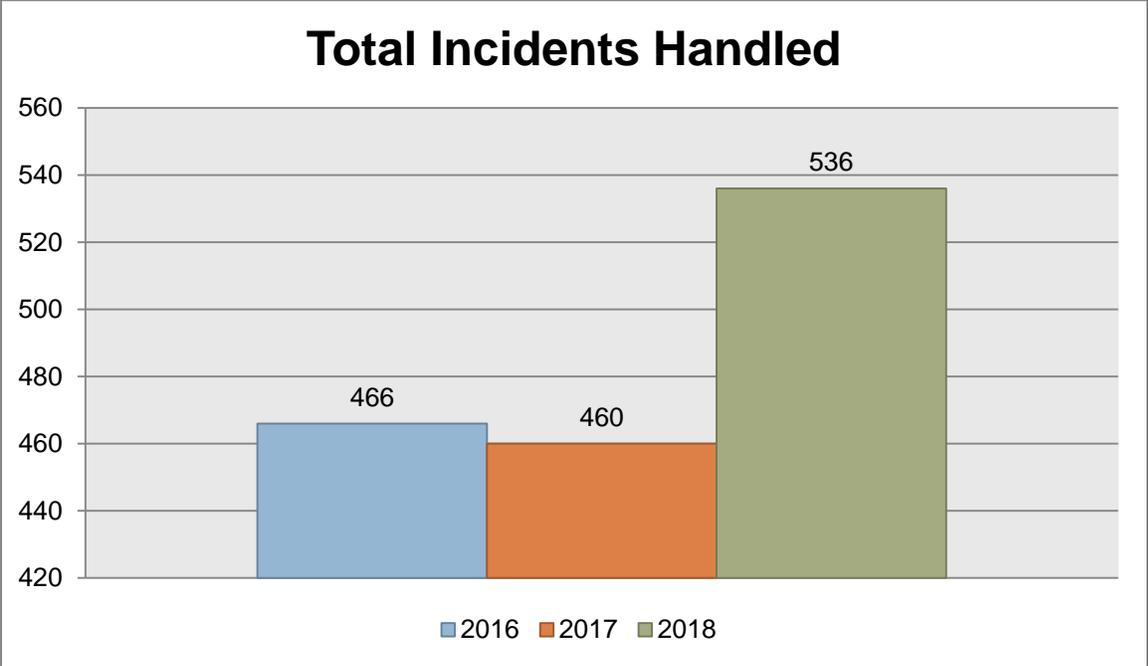


Total Traffic Stops:



87 traffic stops were conducted in April 2018. **68** warnings issued and **19** citations issued for speed, stop sign violation, no proof of insurance/no insurance, and driving after revocation and No MN Drivers license.

Total Incidents Handled:





**BOLTON
& MENK**

Real People. Real Solutions.

12224 Nicollet Avenue
Burnsville, MN 55337-1649

Ph: (952) 890-0509
Fax: (952) 890-8065
Bolton-Menk.com

MEMORANDUM

Date: April 11, 2018
To: Mayor Crawford and Members of the City Council of Elko New Market
Tom Terry, City Administrator
From: Rich Revering, PE – City Engineer
Subject: CSAH 2 Pedestrian Crosswalk at Church Street
Elko New Market
Project No.: T15.100719

BACKGROUND

Council is being asked for direction on the design refinement and placement of the potential realignment of crosswalk markings and reconstruction of pedestrian ramps at Church St. and CSAH 2.

DISCUSSION

The City Engineer was asked to examine options to address concerns raised about this crosswalk by the City's Downtown Improvement Committee. In response, the engineer met with the committee to discuss safety principles associated with crosswalks and gain a better understanding of the concerns. Only two members were available to attend this first meeting, so the safety concerns weren't fully discussed.

A second meeting was held with interested members to do a site visit of the location. Based on these meetings, the City Engineer understood the concerns were two-fold – safety and appearance. The concerns and Engineer's suggested modifications to address them are related in the following sections:

Safety

The safety concern was that pedestrians on the pedestrian ramp waiting to cross CSAH 2 at Church Street from south to north had limited visibility to the west and that motorists approaching from that direction had limited visibility of waiting pedestrians. This is due to the geometry of the curb radius, building, and landscape retaining wall at that location. Unless pedestrians step to the edge of the ramp or into the street, sightlines are at least partially obscured. This is illustrated on the attached figure.

The existing ped ramp on the south side of CSAH 2 can be seen as a dark rectangle behind the curb and in line with the existing crosswalk marking. The dark rectangle is the tactile warning system (small raised bumps) placed to warn visually impaired persons they are approaching or leaving a crosswalk. Most persons do not stand on the bumps because of the uneven footing or because it feels perilously close to the street. Standing just behind the bumps on the ped ramp places a person on a slope (it's ramped from the pavement to the sidewalk grade) and slightly behind the adjacent retaining wall and building corner.

A dot was placed on the attached illustration that shows where persons waiting to use the crosswalk would likely stand. A line consisting of long dashed indicates the available sight line between the

Date: April 11th, 2018

pedestrian and approaching vehicles, accounting for looking just past the wall/building corner. The pedestrian and approaching car would not see each other until they're approximately 300 feet apart. This distance is highly dependent upon the pedestrian's position. Stepping out further can make a big difference; however, feedback is that many people are not comfortable doing this. It may also not make a big difference to the motorist as the mass of the building and landscape wall and the shadows cast by them may not make the pedestrian readily apparent. At 30 mph, the 300 feet of site distance provides 6.8 seconds of reaction time for a motorist to notice a person waiting, decide if the pedestrian is crossing, apply brakes, and come to a full stop before reaching the crosswalk.

Feedback about motorist behavior was that most drivers were very good about stopping for pedestrians when they see them.

A solution to increase sight distance and reaction time is shown on the illustration. It involves relocating the pedestrian ramp several feet west of the existing location and remarking the crosswalk. Much of the existing curb and sidewalk in the area would need to be removed and replaced to accommodate the new ramps. A different style of ramp is also suggested. Instead of a single slope towards the street to make up grade difference between the pavement and sidewalk, the walk would ramp up each way from the ped ramp. This provides a flatter place for pedestrians to wait. The new location places the pedestrian further out from the building corner while still being behind the curb. The short dashes from the new ped position looking to the west illustrate the new, much longer sight line.

Relocation of the currently single south-end ramp would make crossing Church Street awkward when approaching the new location. Accordingly, a second ramp at the easterly end of the westerly curb radius is suggested to facilitate that movement. The existing easterly ramp (at the foot of the big wall) is also awkwardly placed for crossing Church Street. The illustration shows one option for relocating that ramp as well, although moving it as far as shown may not be the best solution.

The final ramp locations and pavement removal needed to make grades acceptable would be done during final design and would require a detailed survey of the affected area.

One other concern was raised. This relates to the difficulty of seeing traffic approaching from the east when waiting on the north-side ramp due to vehicles parked in the stall adjacent to and on the east side of the bump-out. This could be addressed by signing that stall as "No Parking" or perhaps signing the stall as time-limited to discourage longer term parking. Time-limited parking may have the effect of keeping that stall open for much of the time pedestrians might be using the crosswalk. Staff is divided on the effectiveness and fairness of a time limited approach.

Appearance

Some members of the Improvement Committee expressed an interest in using decorative pavement markings (including an idea for a 3-D illusion marking) for the crosswalk to add character or even branding differentiation to the downtown. The City Engineer's Office does not support these approaches. The primary concern for the crosswalk system is safety. The existing and recommended markings are consistent with the Minnesota Manual on Uniform Traffic Control Devices. It is not recommended the City pursue any deviation from the practices described in that document for approval by Scott County or for use on City streets.

For appearance reasons and in further support of safety, extra maintenance of the markings to keep them looking crisp and new is supported, as well as choosing more durable, but costly, marking techniques.

Date: April 11th, 2018

Any changes to the pedestrian crossing system at this location would need to be approved by Scott County. Staff feels the County would likely require the City to bear the cost of any modifications. The estimated project cost for the improvements in the attached sketch is approximately \$32,000.00.

The Downtown Improvement Committee at its April 2, 2018 meeting voted to recommend the City Engineer's approach to the City Council for further design/study and implementation at the soonest opportunity. The committee recognized the roundabout project would be an opportunity based on the scale and type of work being done, but expressed concern over waiting two years to implement.

RECOMMENDATION

Direct the Engineering Department to review this approach with Scott County, and if approvable, conduct the needed survey and design to update the cost estimate and recommend an implementation schedule.

End of Memo



601 Main Street
Elko New Market, MN 55054
phone: 952-461-2777 fax: 952-461-2782

MEMORANDUM

TO: CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
SUBJECT: COMMUNITY DEVELOPMENT UPDATES
DATE: APRIL 5, 2018

Background / History

The purpose of this memo is to provide updates regarding miscellaneous projects and activities being worked on by Community Development staff. Below is a summary of projects that are currently being worked on, inquiries received, and miscellaneous information:

New Market Bank Addition / Elko New Market Commerce Center – This multi-tenant retail facility started construction in October of 2017. In addition to the building permit for the shell of the building, the City has issued building permits for interior finishes for the New Market Bank (east end of the building), a restaurant at the west end of the building, and a hair salon in the middle unit. There are five total units in phase I and the building can be doubled in size.

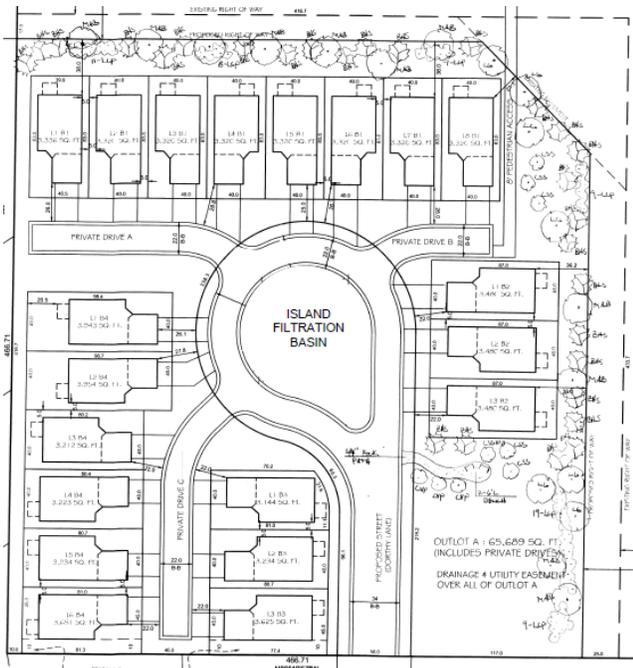


Barsness 1st Addn – The City received an application for Development Stage PUD approval and Preliminary Plat approval of Barsness 1st Addition. The proposed commercial development contains a gas station, car wash, convenience store, office and retail. The application received was determined to be incomplete and will be scheduled for the City's Planning Commission meeting on April 24th, 2018 if the remaining items are submitted by April 6th. The owner representative / developer is Warren Barsness.



Aaron Khai Le Property – City staff continues to have discussions with the property owner who is interested in developing this residential property. A concept development plan has been prepared for this 35 acre property located at the northwest quadrant of James Parkway and Dakota Avenue. The owner has indicated he will be making a revision to the current concept development plan, and then attending a meeting of the City’s Development Review Team and Planning Commission meeting before petitioning annexation of the property. The property is adjacent to the City limits and will require annexation from New Market Township to the City prior to development.

Pete’s Hill Park – In early April, 2018 City staff corresponded with the property owner representative for this potential residential development project containing 46 potential single family residential lots and located immediately south of Pete’s Hill Park. He indicated that there may be a party interested in developing the property and that is currently under evaluation. He also directed City staff to continue marketing the property by sharing their concept engineering plans with interested developers. The project requires annexation of property from New Market Township.



Christmas Pines – The City received the application for final plat approval of Christmas Pines on February 28th. This is a residential detached townhome subdivision containing 20 lots that received preliminary plat approval in summer of 2017. City staff has been reviewing the final construction plans and drafting the final development contract. The project is currently scheduled for approval by the City Council on April 26, 2018. Construction of the streets within the development can be completed quickly and it is anticipated that lots will be ready for home construction and building permit in early summer.

New Market Bank – Work on the interior and exterior of the New Market Bank continues to progress. The bank is hoping to officially open in this new location on Monday, May 7th with a grand opening event to follow later in the month or the following month.

Building Permits – The City officially issued the building permits for the interior finishes for a restaurant and a hair salon for the Elko New Market Retail Center in March. No new single family home permits were issued in March, 2018.

Ordinance Updates – Staff, the City’s Planning Commission and Council have been working on City Code amendments pertaining to the allowance of certain commercial vehicles in residential zoning districts, changes to the definition of Residential Programs in the City’s zoning code, and regulations pertaining to small cellular wireless facilities. Introduced to the Planning Commission on March 24th was a discussion regarding reducing the minimum lot size requirements for residential development. The discussion will be ongoing throughout the summer of 2018.

Roundabout Project – Staff participated over the past month in meetings between various property owners and Bolton and Menk, the City’s engineering firm, to discuss the CR 2 & 91 roundabout project. A workshop was also held with downtown business owners on March 27th to learn about the project and identify priorities of downtown business owners. A public open house was held on March 6th, and the City Council heard a report regarding the project on March 27th and provided direction to staff regarding priorities to be included and considered during the design process.



**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
March 27, 2018
7:00 PM**

1. CALL TO ORDER

Chairman Thompson called the meeting of the Elko New Market Planning Commission to order at 7:00 p.m.

Commission members present: Thompson, Kruckman, Smith and Vetter

Members absent and excused: Hartzler and ex-officio member Anderson

Staff Present: Community Development Specialist Christianson and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

Chairman Thompson led the Planning Commission in the Pledge of Allegiance.

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Smith to approve the agenda as presented.

Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Smith and seconded by Kruckman to approve the minutes of the March 6, 2018 Planning Commission meeting with one correction. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

7. PUBLIC HEARINGS

A. Rezoning and Preliminary Plat Approval of Boulder Heights 7th Addition, Bjorn Vogen, applicant

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated March 27, 2018 related to the request. Christianson

explained that RAV Holdings owns two outlots within the Boulder Pointe 6th Addition plat, and has now made application to the City to develop the properties. The request is to amend the currently approved Planned Unit Development, and for preliminary and final plat approval of Boulder Pointe 7th Addition.

Christianson explained that the original PUD for the area was approved by the City of Elko in 2000 and subsequently amended several times to accommodate a number of housing products. The Boulder Pointe 6th Addition plat and PUD were approved in 2009 and was comprised of 37 detached townhome units, 15 of which were platted in the development's initial phase. The twenty-two remaining townhouse units were to be platted as part of a future phase. The current owner, RAV Holdings, is now proposing to plat these future phases, with some modifications from what was originally proposed and approved in 2009.

The current request is for approval of eleven single-family home lots, and eight detached townhome lots that would be added to the Boulder Pointe 6th Addition homeowners association. Christianson noted that the current request contains three fewer lots than the originally approved layout.

Christianson displayed photographs of neighboring properties, and provided an overview of the following items:

- Conformance with 2030 Comprehensive Plan
- Currently approved setbacks and proposed setbacks
- Currently approved and proposed building design requirements
- Currently approved landscape plan and proposed landscaping requirements
- Existing utility stubs and the recommendation to mark any unused utility stubs
- Existing stormwater pond and recommendation to convey the stormwater pond to the City in an outlot
- Proposed lots fronting on Oxford Lane which is a public street
- Proposed lots fronting on St. Andrews Drive which is a private street

Following the presentation of the request by Christianson, Chairman Thompson opened the public hearing at 7:18 p.m.

- Commissioner Smith asked how wide the proposed lots are. Christianson stated that the lots vary in width.
- Commissioner Smith asked which lots would be affected by the stormwater pond being dedicated to the City.
- Chairman Thompson expressed support of the proposed landscaping requirements, and allowing a variety of trees rather than requiring specific tree species.
- Bob Crawford questioned removing the northerly outlot from the association, and whether that would cause negative impacts to the association. He stated his opinion that by removing the eleven units from the association it would make the association untenable.
- Smith expressed that he is not opposed to removing the northerly lots from the association.

- Commissioner Vetter expressed her opinion that the current development is more appealing than the previously approved plan.

Having heard the preceding testimony, it was moved by Thompson, seconded by Kruckman to close the public hearing at 7:33 p.m. Following presentation of the information by Christianson and received public testimony, it was moved by Vetter, seconded by Smith, to recommend approval of the request to amend the Planned Unit Development and the request for preliminary plat approval of Boulder Pointe 7th Addition containing nineteen lots on 4.8 acres, as proposed by RAV Holdings for the following reasons:

- 1) The proposed development meets the intent of the Comprehensive Plan.
- 2) The proposed PUD amendment and plat are consistent with the original PUD approved for the Boulder Pointe development.

And noting that the lots shall be subject to the requirements of the R-3 Medium Density Residential Zoning District except as follows:

Boulder Heights 7th Addition Minimum Lot Requirements			
	R-3 District Requirements	Approved for Boulder Pointe 7th Addn PUD Lots 1 – 11 Block 1	Approved for Boulder Pointe 7th Addn PUD Lots 1 – 9 Block 2
Minimum Lot Area	Base lot - 15,000 sq ft Unit lot – 7,500 sq ft	As depicted on approved plans	As depicted on approved plans
Front Yard Setback	25'	25'	20'
Side Yard Setback	10'	5' on one side & 10' on the opposite side	5' on one side & 10' on the opposite site
Side Yard / Corner Setback	25'	25'	20'
Minimum Distance Between Homes	NA	15'	15'
Rear Yard Structure Setback	20'	20'	20
Rear Yard Abutting Street Structure Setback	25'	25'	20'
Rear Yard Deck Setback	20'	20'	20'
Lot Width / Base Lot	100'	As depicted on approved plans	As depicted on approved plans
Stormwater Pond Structure Setback	35'	25'	35'

And noting the following improved subdivision design elements:

- 1) Exterior Finishes:
 - a. Low or no maintenance trim shall be required on windows and doors on the front elevation of the home.

- b. A minimum front façade of 20% brick or stone or equivalent substitute (excluding windows, doors and garage doors) shall be required. Vinyl siding shall not be permitted on the front facing building façade. Acceptable building materials on the front facing façade include stucco, fiber cement siding, engineered wood siding (i.e. LP Smartside), stone (natural or artificial) and brick. Building plans must demonstrate architectural themes and features such as, but not limited to, varied textures, window boxes, shutters, architectural trim.
- 2) All homes or units with space below grade shall be constructed with a drain tile system and sump pump or other equivalent suitable means of controlling groundwater seepage. The sump pumps shall discharge in accordance with City-provided construction details to a drain tile system, if available.
- 3) Each home shall be required to have landscape plantings around the front of the home and in the front yard. Each home shall plant a minimum of three shrubs, ten 6” potted plants, and two trees in the front yard. Trees shall be a minimum of 2 ½ ” diameter deciduous trees or minimum 6’ high coniferous trees. Allowable tree species shall be as allowed in the City Code. All landscaping shall comply with applicable landscaping requirements of the City Code.

And with the following conditions:

- 1) PUD and Preliminary plat approval is granted in accordance with the following drawings prepared by Jacobson Engineers & Surveyors and dated March 2, 2018: Topographic Survey, Preliminary Plat, Final Plat, Grading, Drainage & Utility Plan, all on file with the City of Elko New Market Community Development Department, except that building setback requirements shall be as shown in the table of “Boulder Heights 7th Addition Minimum Lot Requirements”.
- 2) Approval is subject to conditions and recommendations contained in the City Engineer’s memo dated March 2, 2018.
- 3) Approval is subject to the recommendations of the City Attorney.
- 4) The developer must enter into a development contract with the City of Elko New Market at the time of final plat approval.
- 5) Proposed Block 2 will be required to be part of a homeowners association that addresses, at a minimum, road maintenance obligations for the St. Andrews Drive and Pinehurst Drive. The revised Declaration shall be subject to review and approval by City Attorney.
- 6) The drawings must be revised to show 10’ wide perimeter easements on Lots 1 and 11, Block 1 and Lot 1 Block 2.
- 7) The sanitary sewer and water service line serving proposed Lot 7 Block 1 should have a direct route from the right-of-way into the lot. If the service lines cross another lot in any fashion, an easement will be needed across that portion of the adjacent lot covering the route of the sewer and water lines.
- 8) Unused sanitary sewer and water stubs must be clearly identified in the field.
- 9) The construction plans must be revised to include a rear-yard drain tile system and tile connection stubs that can be used for sump pump connections.
- 10) The construction plans should be revised to show the normal and high water level of the existing stormwater pond.
- 11) The plans must be revised to show the stormwater pond located within an outlot, to be dedicated to the City.

And noting that:

- 1) A park dedication fee will be required in lieu of the park land dedication requirements of the City Code / Subdivision Ordinance.

8. GENERAL BUSINESS

B. Discussion Regarding Residential Minimum Lot Size Requirements

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated March 27, 2018 related to the topic. Christianson stated that she is introducing the topic of possibly reducing the City's residential minimum lot size requirements to the Planning Commission to determine if there is interest in researching the topic further. She stated that the City's current minimum residential lot size is 12,000 square feet and minimum lot width is 85'. She stated that during her time at the City, all residential developers that she has interacted with have indicated that the market is not demanding 85' wide lots. They are generally looking to 70' to 75' wide lots. She stated that lot size requirement relates to the cost of development and ultimately the affordability of housing.

Christianson noted that research of thirteen other communities was conducted and Elko New Market has larger minimum requirements than the majority of Cities researched. She indicated that she is looking for feedback from the Planning Commission on the matter. She read aloud a statement from Commissioner Hartzler who was unable to attend the meeting. The following comments were received:

- Commissioner Hartzler emailed comments (read aloud by Christianson): As I've stated before, I'm against changing lot sizes. If the developers want smaller lots, that's what the PUD is for, and it gives us additional control of those developments. Once the minimum lot size is decreased, it will never be put back. I don't consider this a hindrance to development in the community. SAC and WAC are probably the biggest deterrents.
- Chairman Thompson stated that he believes smaller, smarter development is better. He stated that the PUD is getting over-used, and creates more red tape for developers to administer the PUD.
- Commissioner Kruckman stated that the houses are getting bigger and questioned why minimum lot size requirements should get smaller.
- Commissioner Smith stated that he agrees that lots are getting smaller and square footage of houses are staying the same. He suggested that the City may see more growth in the area if the City is more flexible with the lot sizes.
- Commissioner Vetter inquired about the cost difference between allowing narrower lots versus wider lots.
- City Engineer Rich Revering stated that the cost difference can make the difference in a project being viable vs. not viable. He stated that there is also a long-term financial impact to the City to have more density (more houses) paying for the cost of maintaining the infrastructure. He stated his belief that it is a more efficient use of

the infrastructure and the land. He stated that the Elko New Market area has a lot of wetlands which makes it even more challenging to develop in Elko New Market.

- Chairman Thompson stated that reducing lot sizes helps with sprawl.
- Commissioner Kruckman stated that she would not want to live on a smaller lot.
- Mayor Crawford stated the market is going to smaller lots, and the millennials want smaller lots.
- Khai Le stated that if smaller lots are allowed, developers can reduce the price of lots to attract buyers to Elko New Market.

The Commission discussed the progression of the housing market and lot sizes over the last hundred years, noting that there have been societal shifts.

Following discussion on the matter, the Planning Commission recommended that a tour of various neighborhoods containing varying lot widths be conducted during the summer months, and that additional research be conducted on the matter.

9. MISCELLANEOUS

A. City Staff / Consultant Business Updates and Reports

Community Development Specialist Christianson provided updates on the following City projects:

- Dakota Acres (Syndicated Properties property)
- Christmas Pines

B. Planning Commission Questions and Comments

There were no Planning Commission questions.

10. ADJOURNMENT

A motion was made by Smith and seconded by Kruckman to adjourn the meeting at 8:08 p.m. Vote for: Thompson, Kruckman, Smith and Vetter. Against: None. Abstained: None. Motion carried: (4-0).

Submitted by:



Renee Christianson
Community Development Specialist

**ELKO NEW MARKET PARKS COMMISSION
TUESDAY, MARCH 20, 2018
REGULAR MEETING MINUTES**

PRESENT:

Present at Roll Call were Commissioner Emily Dornseif; Commissioner Dennis Melgaard; Commissioner Miller; and Chair Mike Sutton. Also present was Assistant City Administrator Mark Nagel and Mayor Bob Crawford.

CALL TO ORDER:

The meeting was called to order at 4:03 PM in Conference Room A at Elko New Market City Hall, 601 Main Street.

APPROVE AGENDA:

Mr. Nagel said there were no additional items to the March Parks Meeting Agenda. Upon motion by Commissioner Miller, seconded by Commissioner Melgaard, the March Meeting Agenda was unanimously approved by the Parks Commission.

CITIZEN COMMENTS:

There were no citizen comments made at the March 2018 Parks Commission Meeting.

APPROVAL OF MINUTES OF FEBRUARY 13, 2018 PARKS COMMISSION MEETING:

Upon motion by Chair Sutton, seconded by Commissioner Dornseif, the Commission unanimously approved the Parks Commission Minutes for the February 13, 2018 meeting by voice vote.

PETITIONS, REQUESTS, AND COMMUNICATIONS:

Mayor Crawford reminded the Parks commission that it would be good to hold an additional ribbon cutting for the contribution that the Shakopee Mdewakanton Sioux Community made for the construction of the Pete's Hill "Lookout" Project. Consensus of the Parks Commission was to schedule one when the weather was better and asked Mr. Nagel to add an item for discussion at the April 10th Parks Commission Meeting.

UPDATES:

Mr. Nagel reviewed the February 28, 2018 ENM Parks Commission Update, which contained 20 items, with the Commissioners. He noted that the Fence Request from the Elko Express would be discussed at the March 22nd City Council Meeting and that he had no further word from the New Prague Soccer Club on the use of the Wagner Park fields for Fall of 2018.

Chair Sutton reported that the next event for the CCEC would be the Egg Hunt on Saturday, March 24th at 10 AM at EagleView Elementary School. Mr. Nagel added that signups so far were approaching 75, which are higher than in previous years.

Mr. Nagel reviewed the 2018 financials through the month of February with Commissioners. He said that current expenditures were at 13.4% of the total budget, which is "on target" with the 14% estimate for budgeted expenditures.

OLD/NEW BUSINESS:

Mr. Nagel said that the recent Emerald Ash Borer Report by S & S Tree Service contained good news – NO signs of the Emerald Ash Borer were present in any ash trees on public property in the City. The report also identified ash trees that should be saved and those that could be taken down. He said that the company noted that saving the 17 ash trees that they recommended be saved would cost around \$3,000. He said it included 2 years of application of treatment, plus a guarantee of suitable replacement trees should the treatment not work. He said that the Parks Commission would need to go the City Council for funding should the decision be made to move forward. Mr. Nagel presented an email to Commissioners from the company that attempted to answer the questions on the bid asked by Parks Commissioners at the January Meeting. After much discussion, the Parks

Commission directed Mr. Nagel to ask the vendor to provide more information on the number of treatments that would need to be done over a 10-year period and the size of replacement trees for the March Meeting. In conversations with the company, Mr. Nagel confirmed that the treatment would need to be done every 2 years, so the cost would be \$15,000 over the 10-year duration. His recommendation was to wait on a decision on the treatment program until the Ash Borer was found in Elk New Market. Upon motion by Commissioner Miller, seconded by commissioner Dornseif, the Parks Commission unanimously approved a motion to table consideration of the Ash Borer treatments for the 17 trees until the disease was found near or in the incorporated boundaries of the City.

Mr. Nagel provided the following updates on programs/projects in progress: (1) the 10th Anniversary Exhibit had been installed in ENM Library and invited Commissioners to stop by and see it; (2) the final attendance figure for all 4 “February Family Fun” events was 270 with highest one being the last one, the RAD Zoo with 88 attendees; (3) he would be meeting with the New Market Baseball Association on Thursday, March 22nd to discuss the 2018 baseball/softball program; and (4) he would be meeting with the New Prague Community Ed reps on the recreational soccer league set to begin on July 31st. Overall, he said, it is shaping up to be another busy Summer! No further action was taken on this item.

Mr. Nagel said the Final Draft of the Rowena Pond Park RePurposing Plan, including the phasing and costs, were presented to City Council on January 25th. He told the Council that the preliminary estimate for the project was around \$225,000, not including contingency, and would be done in 3 phases beginning this year. At their February 8th Meeting, the City Council approved the RePurposing Plan with one minor revision – a dirt infield, instead of a grass infield. Mr. Nagel said that the Parks Commission could now move forward with the implementing the Plan by approving the \$6,800 proposal for Midwest Playscapes to move the playground equipment to make room for the T-Ball ballfield. He said that the City will supply the dumpsters for the project, plus put new engineered wood fiber around the equipment. He noted that the project would start in mid-May. Upon motion by Commissioner Dornseif, seconded by Chair Sutton, the Board unanimously approved the contract with Midwest Playscapes, Inc for an amount not to exceed \$6,800 to move and reinstall the playground equipment at Rowena Pond Park.

Mr. Nagel said that, once again, the Elko Express and the Parks Commission had been successful in applying to hold a Twins Clinic. Unfortunately, the only date available for the Twins Clinic was Saturday, May 26th – Memorial Day Weekend.

As a result, the Twins would like confirmation that we intend to participate. If approved, then I'll let them know and have a form date and more info at the April Meeting. On motion by Commissioner Miller, seconded by Commissioner Melgaard, the Parks Commission unanimously approved participation in the 2018 Twins Clinic on Saturday, May 26, 2018.

Mr. Nagel presented the Bill List to the Commissioners – Mad Science of Minnesota for the Winter Program for \$325 and Schlomka's Portable Restrooms for February 2018 for \$260. Upon motion by Commissioner Melgaard, seconded by Chair Sutton, the Parks Commission unanimously approved the Bill List as presented.

OTHER BUSINESS:

There were no additional business items to come before the Parks Commission at the March 20th meeting.

NEXT MEETING:

The next meeting of the ENM Parks Commission was set for Tuesday, April 10, 2018 at 4:00 PM in Conference Room A of Elko New Market City Hall

PARK COMMISSIONER COMMENTS:

There were no comments provided at the March Parks Commission Meeting by Parks Commissioners.

ADJOURNMENT:

There being no further business to come before the Parks Commission, upon motion by Commissioner Miller, seconded by Commissioner Dornseif, the meeting was adjourned by voice vote at 5:11 PM.

Respectfully Submitted,

Mark Nagel, Assistant City Administrator

ENM Parks Commission Update

March 30, 2018

1. The City Council approved a budget of \$145,246.00 for the Parks Department for 2017. With 2017 audit beginning in the first week of April, and all 2017 bills now paid, the Parks Commission will finish 2017 well below budget. I hope to have final results in the May Update.
2. The Rowena Pond Park RePurposing Master Plan is now underway! With the approval of relocating the playground equipment by the Commission on March 20th, I am now working on an implementation schedule with Midwest Playscapes for the work.
3. It is also time to refresh the engineered wood fiber for all of the City playgrounds, so I'm currently working on obtaining price quotes for consideration by the Commission at the April 10th meeting.
4. I have purchased the posts for the 2 Little Free Libraries to be installed in City parks – one near the digital sign board in front of City Hall and one in Wagner Park. I will now purchase a third Little Free Library for Little Windrose Park to go along with the installation of the one near the digital sign and the one at Wagner Park this Spring. It appears that the work will be done by an Eagle Scout candidate, Tyler Hanson, who may also do the garden around the digital sign.
5. Hand dryers have been purchased for the Wagner Park Shelter to replace the towels. Not only is it a cheaper solution, but it will be “greener”, too. Public Works has installed the hand dryers and will remove the towel holders and soap dispensers when they get time.
6. I'm also purchasing an additional 4 chairs to replace the damaged ones from last Summer. The next step is get them all cleaned off and ready for another busy summer!
7. The permanent display for the ENM Library has been constructed and delivered to the Library and it is now up! Take a look when you get a chance...they did a nice job with it!
8. The Winter Programming at the Library was a big success!! We drew 270 people for the 4 events, including 88 for the RAD Zoo on the last event on February 22nd! Work has already begun on Summer programming...Dazzling Dave, the Yo-Yo Master, has already been “booked” to make the rounds to neighborhood parties on National Night Out!

9. I met with Brett Wegner, President of the New Prague Soccer Club, on Friday, December 22nd regarding the need for additional soccer fields for their program. While the Club is looking to develop a soccer complex with City assistance, I suggested that Wagner Park could be used from mid-August to mid-October for their program...a much cheaper solution. For your information, this does not conflict with our youth programming with New Prague Community Ed, since the Club is for kids 10 and up who want to play on traveling teams. Nearly 30% of the kids playing in the Club are from Elko New Market. Mr. Wegner said he would be back to us after a Board meeting in late February, but I have not heard from him as of March 30th.
10. I continue to work on the Elko Baseball Team request for a fence that would surround Old Elko City Hall Park. The City Council approved the concept of movable gates that will only be closed during ballgames. The City Attorney is working on an Encroachment Agreement, which legally addresses the design, installation and maintenance of the fence.
11. The streetlight request for Pete's Hill was approved on the December 7th City Council Meeting. As recommended by the Parks Commission, the light will be paid for out the City's Contingency line-item and the monthly utility cost would be taken from the Park's Budget. I have now been in touch with MVEC on the installation and it will take place in late-April, assuming the ground is thawed by then!
12. After the Parks Commission's December 12, 2017 approval, the revisions to the Wagner Park Shelter Rental Agreement were made and it is now in use. The new rental fees of \$150 for residents and \$200 for non-residents were approved at the January 11th City Council Meeting. We are seeing more registrations for Summer, so the new rates have not had an effect on rentals.
13. The first installment for the SkatePark equipment was made in January - \$22,181.33. The equipment is now being manufactured and is still set for a 1st week of May, 2018 installation.
14. The City...and the Parks Commission...have a new park! Boulder Heights, Outlot A, was officially transferred to the City for park purposes on 12/27/17. It is expected that the trails surrounding the wetland area will be constructed this Summer. As the time gets closer, we'll talk more about a name for the park, a possible schedule for improvements, and expected Park Dedication fees from the subdivision to build it.

15. Also on the Agenda for the April meeting will be the dedication of Pete's Hill "Lookout", as we discussed at the March meeting. I'll have some ideas on dates and the event itself.
16. A resident, Michelle Moschkau, will be at the April meeting to discuss her request for a bench along the CSAH 91 bike/hike trail for resting and watching the annual migration of trumpeter swans that stop on the pond.
17. The Twins Clinic will be in town on Saturday, May 26th at Fredrickson Field! The times will be 10 AM to 11:30 AM for 6 to 9 year old boys and girls and 11:30 AM to 1 PM for 10 to 13 year old boys and girls. More information will be presented at the April Parks Commission Meeting.
18. A reminder that the next Parks Commission Meeting will be on Tuesday, April 10, 2018 at 4:00 PM at ENM City Hall.