

**CITY OF ELKO NEW MARKET
CITY COUNCIL AGENDA
ELKO NEW MARKET CITY HALL
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
THURSDAY, SEPTEMBER 12, 2019**

**BUSINESS MEETING
7:00 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 August 8, 2019 Minutes of the City Council Meeting
- b. Approve August 22, 2019 Minutes of the City Council Meeting
- c. Approve Payment of Claims and Electronic Transfer of Funds
- d. Approve Agreement For Legal Services Between The City Of Elko New Market And Campbell Knutson
- e. Adopt Ordinance No. 200 Amending Renewal Applications for a Beverage License
- f. Authorize Payment to R & F Properties, LLC for Easement Related to CSAH 2 & 91 Roundabout Project
- g. Adopt Resolution No. 19-52 Approving Extension of the Deadline for Filing the Final Plat for Dakota Acres 1st Addition
- h. Approve Special Assessment Agreements with Platinum Pioneers, LLC and Michael and Sara Mahoney
 - i. Adopt Resolution No. 19-54 Special Assessments – Platinum Pioneers LLC
 - ii. Adopt Resolution No 19-55 Special Assessments – Michael & Sara Mahoney
- i) Adopt Resolution 19-53 Amending the City of Elko New Market Website Policy

7. Public Hearings

8. General Business

- a. Snowmobiles and Special Use Vehicles
 - i. Adopt Ordinance No. 201 Amending Title 7, Chapter 3 of Elko New Market City Code Concerning Snowmobiles and Special Use Vehicles
 - ii. Adopt Summary Ordinance No. 202 Amending Title 7, Chapter 3 of Elko New Market City Code Concerning Snowmobiles and Special Use Vehicles
 - iii. Adopt Ordinance No 203 Amending City of Elko New Market Fee Schedule Ordinance No 193, Special Use Vehicles
- b. Refinancing of Market Village
 - i. Resolution 19-56 Approving The Pledge Of The General Obligation Of The City Of Elko New Market, Minnesota To Reimburse Scott County, Minnesota For The Payment Of The Governmental Development Refunding Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2019B, To Be Issued By The Scott County Community Development Agency; And Authorizing The Execution And Delivery Of Documents In Connection Therewith
- c. Elko New Market Police Department Pre-Design Report

9. Reports

- a. Administration
- b. Public Works
 - i. Monthly Report - August 2019
- c. Police Department
 - i. Monthly Report – August 2019
- d. Fire Department
- e. Engineering
- f. Community Development
 - i. Community Development Updates
 - ii. Draft Planning Commission Minutes of the August 27, 2019 Meeting
 - iii. Code Enforcement Report
- g. Parks Department
 - i. Monthly Parks & Recreation Update – August 2019
 - ii. Draft Parks & Recreation Commission Minutes of August 6, 2019 Meeting
- h. Community & Civic Events Committee (CCEC)
 - i. Draft Community & Civic Events Committee Minutes of August 20, 2019 Meeting
- i. Other Committee and Board Reports
 - i. Scott County Association for Leadership and Efficiency (SCALE)
 - Executive Committee
 - Service Delivery Committee
 - Unified Transit Plan Steering Committee
 - ii. Minnesota Valley Transit Authority (MVTA)
 - iii. I35 Solutions Alliance
 - iv. Chamber of Commerce

10. Discussion by Council

11. Adjournment

1. CALL TO ORDER

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

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

Members Absent: None

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

2. PLEDGE OF ALLEGIANCE

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

3. ADOPT/APPROVE AGENDA

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

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

5. PUBLIC COMMENT

None

6. CONSENT AGENDA

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

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

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

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Review of ATV/Golf Cart Regulations

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

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

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



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

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

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

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

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

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

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

Mayor Julius thanked the audience for their feedback.

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

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

9. REPORTS

a) ADMINISTRATION

None

b) PUBLIC WORKS

Written July 2019 monthly report included in Council Packet.

c) POLICE DEPARTMENT

Written July 2019 monthly report included in Council Packet.

d) FIRE DEPARTMENT

None

e) ENGINEERING

City Engineer Revering reviewed City projects.

f) COMMUNITY DEVELOPMENT

Written monthly report included in Council Packet

g) PARKS DEPARTMENT

Written Parks Commission Update and Minutes included in Council Packet.

h) Community & Civic Events Committee (CCEC)

None

i) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

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

ii. MVTA
None

iii. I35 SOLUTIONS ALLIANCE
None

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

10. DISCUSSION BY COUNCIL

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

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

11. ADJOURNMENT

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

Respectfully submitted by:

Thomas Terry, City Administrator

1. CALL TO ORDER

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

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

Members Absent: Councilmember Berg

Also Present: City Administrator Terry, Police Chief Juell, City Attorney Poehler, Community Development Specialist Christianson, and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

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

3. ADOPT/APPROVE AGENDA

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

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

5. PUBLIC COMMENT

County Commissioner Tom Wolf updated the City Council on County projects.

Mr. Tim Sadusky, 2675 Woodcrest Court, provided an update on behalf of the Chamber of Commerce.

6. CONSENT AGENDA

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

- a. Approve Payment of Claims and Electronic Transfer of Funds
- b. Authorize Architectural Services Agreement Amendment for Police Department Renovation
- c. Authorize Administrative Reductions in Development Securities

APIF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

Pete's Hill Development

Community Development Specialist Christianson requested the City Council consider the adoption of Ordinance No. 199, Rezoning property from UR, Urban Reserve to PUD, Planned Unit Development in conjunction with the Pete's Hill Plat and adopt Resolution 19-50, approving wetland permit along with adopting Resolution 19-51, approval of the Preliminary and Final Plat for Pete's Hill and approval of development contract and adopting special assessments

for development costs. Mr. Steven Soltau and John Wichmann were at the meeting to answer questions. The Council agreed to allow a driveway to be constructed off of Beard as long as there is a turn around. The Council discussed adding a graded trail to the plan and tree preservation. **MOTION** by Councilmember Timmerman, second Councilmember Seepersaud, to adopt Ordinance No. 199 Rezoning Property from UR, Urban Reserve to PUD, Planned Unit Development District in Conjunction with the Pete's Hill Plat and to adopt Resolution 19-50 Approving Wetland Permit and to adopt Resolution 19-51 Approval of the Preliminary and Final Plat for Pete's Hill, Approval of Development Contract, amended to include referencing language for the turn around for the driveway on the lot off of Beard Avenue and the requirement for installing tile under the driveways that do not have a sump pump designation and Adopting Special Assessments for Development Costs. **APIF, MOTION CARRIED**

9. REPORTS

a) ADMINISTRATION

Councilmember Timmerman noted she received a really nice personal thank you from Jim Muelken in regard to Administrator Terry's help at the food shelf.

b) PUBLIC WORKS

Written report included in Council Packet.

c) POLICE DEPARTMENT

Written report included in Council Packet.

d) FIRE DEPARTMENT

None

e) ENGINEERING

None

f) COMMUNITY DEVELOPMENT

None

g) PARKS DEPARTMENT

Written Parks Commission Update and Minutes included in Council Packet.

h) COMMUNITY & CIVIC EVENTS COMMITTEE (CCEC)

Councilmember Seepersaud indicated the meeting was two days ago and discussion ensued around the Halloween party.

i) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

Mayor Julius indicated he was not at the last meeting. Councilmember Timmerman updated the Council on the SCALE meeting.

ii. MVTA

None.

iii. I35 SOLUTIONS ALLIANCE
None

iv. CHAMBER OF COMMERCE
None

10. DISCUSSION BY COUNCIL

Councilmember Schwichtenberg asked if the Chlan Hydrology study has been submitted today. Administrator Terry indicated there was no report received. Administrator Terry stated Mr. Chlan attended the Planning Commission meeting last month and at that time he indicated that it would be submitted either the Friday or Monday after the meeting and staff has not received it yet.

Mayor Julius noted the Community Picnic is Saturday and he may be out of town and wondered who would be at the event. Councilmembers Timmerman indicated she would attend. Councilmember Schwichtenberg indicated he would be out of town and Councilmember Seepersaud noted she would try to be there for a couple of hours.

11. ADJOURNMENT

MOTION by Councilmember Timmerman, second by Councilmember Seepersaud, to adjourn the meeting at 8:10 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Thomas Terry, City Administrator



STAFF MEMORANDUM

SUBJECT:	Presentation of Elko New Market Claims and Electronic Transfer of Funds
MEETING DATE:	September 12, 2019
PREPARED BY:	Stephanie Fredrickson, Administrative Assistant
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 City Council meeting the Administrative Assistant presents for approval the Elko New Market Claims and Electronic Transfer of Funds.

BUDGET IMPACT:

Budgeted

Attachments:

- Check Summary Register

Check Summary Register©*September 12, 2019**

Name	Check Date	Check Amt	
AUTOPAYS			
Paid Chk# 006271EPERA	8/22/2019	\$9,204.85	Vendor Liability
Paid Chk# 006272EMN DEPT OF REVENUE	8/22/2019	\$2,062.63	Vendor Liability
Paid Chk# 006273EINTERNAL REVENUE SERVICE	8/22/2019	\$10,247.27	Vendor Liability
Paid Chk# 006274EMN VALLEY ELECTRIC COMPANY	8/22/2019	\$134.00	268X Xerxes Water Tower, Elko
Paid Chk# 006275EHEALTH EQUITY, INC.	8/22/2019	\$806.92	HSA PR16- Craig Bell
Paid Chk# 006276EMINNESOTA ENERGY RESOURCES	9/13/2019	\$48.32	26518 France Avenue
Paid Chk# 006277EMINNESOTA ENERGY RESOURCES	9/13/2019	\$19.33	26518 France Avenue
Paid Chk# 006278EXCEL ENERGY	9/23/2019	\$291.77	Storage
Paid Chk# 006279EXCEL ENERGY	9/23/2019	\$164.46	Lift Station / 10010 Ptarmigan
Paid Chk# 006280EXCEL ENERGY	9/24/2019	\$3,060.23	25499 Natchez Ave - Water Trea
Paid Chk# 006281EXCEL ENERGY	9/23/2019	\$1,140.68	Wellhouse - 26460 France Ave
Paid Chk# 006282EXCEL ENERGY	9/20/2019	\$1,294.16	26536 France Ave
Paid Chk# 006283EMN VALLEY ELECTRIC COMPANY	9/9/2019	\$10.74	City of Elko Park, Elko
Paid Chk# 006284EXCEL ENERGY	9/20/2019	\$793.95	Library - 100 J Roberts Way
Paid Chk# 006285EMN VALLEY ELECTRIC COMPANY	9/22/2019	\$1,387.25	Streetlights, Elko
Paid Chk# 006286EMN VALLEY ELECTRIC COMPANY	9/9/2019	\$69.28	Glenborough Dr & Chowen
Paid Chk# 006287EMN VALLEY ELECTRIC COMPANY	9/22/2019	\$34.77	27059 Beard Ave Lift Pump
Paid Chk# 006288EMINNESOTA ENERGY RESOURCES	9/17/2019	\$20.10	408 Carter Street
Paid Chk# 006289EMINNESOTA ENERGY RESOURCES	9/17/2019	\$19.33	359 James Parkway
Paid Chk# 006290EMINNESOTA ENERGY RESOURCES	9/17/2019	\$48.32	110 J Roberts Way - Library
Paid Chk# 006291EMINNESOTA ENERGY RESOURCES	9/13/2019	\$20.88	26518 France Avenue
Paid Chk# 006292EMINNESOTA ENERGY RESOURCES	9/13/2019	\$51.13	PW Facility - Gas Utilities
Paid Chk# 006293EMINNESOTA ENERGY RESOURCES	9/12/2019	\$49.02	25499 Natchez Ave - WTP
Paid Chk# 006294EXCEL ENERGY	9/3/2019	\$4,945.08	601 Main Street
Paid Chk# 006295EPSN	9/5/2019	\$1,476.06	Webstore/Credit Card Processin
Paid Chk# 006296EPERA	9/6/2019	\$8,998.97	Vendor Liability
Paid Chk# 006297EMN DEPT OF REVENUE	9/6/2019	\$2,158.16	Vendor Liability
Paid Chk# 006298EINTERNAL REVENUE SERVICE	9/6/2019	\$10,068.55	Vendor Liability
Paid Chk# 006299DELTA DENTAL OF MINNESOTA	9/6/2019	\$1,466.20	Delta Dental- Aug
Paid Chk# 006300ESUN LIFE FINANCIAL	9/6/2019	\$1,594.05	Life Insurance
Paid Chk# 006301EHEALTH PARTNERS	9/6/2019	\$22,008.58	MEDICAL INS
Paid Chk# 006302EHEALTH EQUITY, INC.	9/6/2019	\$44.25	HSA Monthly Fees- Aug
Paid Chk# 006303EHEALTH EQUITY, INC.	9/6/2019	\$806.92	HSA PR16- Craig Bell
TOTAL		\$84,546.21	

PREPAIDS

Paid Chk# 040091 PAYROLL	8/22/2019	\$69.26	
Paid Chk# 040092 PAYROLL	8/22/2019	\$429.25	
Paid Chk# 040093 PAYROLL	8/22/2019	\$46.17	
Paid Chk# 040094 PAYROLL	8/22/2019	\$46.17	
Paid Chk# 040095 PAYROLL	8/22/2019	\$69.26	
Paid Chk# 040096 ETERNITY HOMES, LLC	8/23/2019	\$5,100.00	Erosion Control Escrow - 1430
Paid Chk# 040097 APPLE FORD LINCOLN	8/29/2019	\$24,767.00	Pmt 2 350 Super Cab
Paid Chk# 040098 MN DEPT OF HEALTH	9/5/2019	\$32.00	Water Training- Jason T
TOTAL		\$30,559.11	

CHECK REGISTER

Paid Chk# 040099 ACCUTAC ARMS	9/12/2019	\$300.00	AR Upper 311
Paid Chk# 040100 ADAMS, STEPHANIE L.	9/12/2019	\$30.00	Face Painting - Additional Time
Paid Chk# 040101 ANCOM COMMUNICATIONS, INC.	9/12/2019	\$98.00	PD - Radio Battery
Paid Chk# 040102 ANDERSON ROCK & LIME, INC.	9/12/2019	\$3,215.03	PW - Streets
Paid Chk# 040103 BOLTON & MENK	9/12/2019	\$94,373.05	T17.118670 - Sylvester Meadows
Paid Chk# 040104 BTR OF MINNESOTA LLC	9/12/2019	\$1,017.09	PW - Fleet Maint & Equip
Paid Chk# 040105 CEMSTONE PRODUCTS COMPANY	9/12/2019	\$696.55	PW - Small Tools
Paid Chk# 040106 CINTAS CORPORATION NO. 2	9/12/2019	\$90.09	PW OPERATING SUPPLIES
Paid Chk# 040107 CULLIGAN BOTTLED WATER	9/12/2019	\$51.21	Bottled Water
Paid Chk# 040108 ENVIROTECH SERVICES INC.	9/12/2019	\$4,146.12	PW - Dust Control
Paid Chk# 040109 FASTENAL COMPANY	9/12/2019	\$125.27	PW - Operating Supplies
Paid Chk# 040110 FIRST AMERICAN TITLE INS CO.	9/12/2019	\$5,100.00	B100-18 Escrow - 1337 Overlook
Paid Chk# 040111 FORCE AMERICA DISTRIBUTING LLC	9/12/2019	\$87.62	PW - Fleet Maint & Equip
Paid Chk# 040112 GREAT LAKES MANAGEMENT	9/12/2019	\$225.00	Library - Quarterly Mgmt Fee Q
Paid Chk# 040113 HAWKINS, INC.	9/12/2019	\$1,936.82	PW - Water Chemicals
Paid Chk# 040114 IDENTISYS	9/12/2019	\$174.60	PD ID Badges
Paid Chk# 040115 INNOVATIVE OFFICE SOLUTIONS LL	9/12/2019	\$56.62	Office Supplies

Check Summary Register©*September 12, 2019**

	Name	Check Date	Check Amt		
Paid Chk#	040116	KCHK AM/FM	9/12/2019	\$255.00	Fire Rescue Days Ad
Paid Chk#	040117	KELLEY FUELS, INC.	9/12/2019	\$1,570.89	PW - Fuel
Paid Chk#	040118	KODRU-MOONEY	9/12/2019	\$178.00	PW - Water Repairs
Paid Chk#	040119	LEO A DALY	9/12/2019	\$185.25	PD Station Pre-Design
Paid Chk#	040120	MARKET VILLAGE SR RESIDENCE	9/12/2019	\$319.40	A-1 Landscaping July 2019 - In
Paid Chk#	040121	MENARDS - DUNDAS	9/12/2019	\$640.90	Building Maintenance
Paid Chk#	040122	MID-COUNTY FABRICATING, INC.	9/12/2019	\$5,380.00	PW - Fleet (Vac Truck Repairs)
Paid Chk#	040123	MIDLAND EQUIPMENT CO.	9/12/2019	\$164.50	Fleet Maint & Equip
Paid Chk#	040124	MINNESOTA/WISCONSIN	9/12/2019	\$1,799.00	Parks Wood Fiber
Paid Chk#	040125	MN CHIEFS OF POLICE ASSN	9/12/2019	\$675.00	CLEO & Command Academy
Paid Chk#	040126	MN CRITTER GETTERS, INC.	9/12/2019	\$1,174.00	Monthly Animal Control
Paid Chk#	040127	MINNESOTA TELEPHONE NETWORKS	9/12/2019	\$198.92	Telephone Button Inserts
Paid Chk#	040128	MUNICIPAL INSPECTIONS, INC.	9/12/2019	\$15,151.15	Solar Panel Project
Paid Chk#	040129	MVTL LABORATORIES	9/12/2019	\$95.00	PW - Water Testing
Paid Chk#	040130	NAPA AUTO PARTS	9/12/2019	\$1,431.97	PW - Fleet Maint & Equip
Paid Chk#	040131	NIEBUR TRACTOR & EQUIP, INC.	9/12/2019	\$314.48	PW - Fleet Maint & Equip
Paid Chk#	040132	NORTHLAND PEST CONTROL	9/12/2019	\$21.25	Pest Control - Library
Paid Chk#	040133	NOVACARE REHABILITATION	9/12/2019	\$240.00	Pre-Employ Testing - Derek Cav
Paid Chk#	040134	PREMIER TITLE INSURANCE AGENCY	9/12/2019	\$5,100.00	B114-18 Escrow - 9786 Overlook
Paid Chk#	040135	PRODIGY DISC	9/12/2019	\$5,670.00	Disc Golf Course Equip
Paid Chk#	040136	QUILL CORPORATION	9/12/2019	\$194.95	Operating Supplies
Paid Chk#	040137	R & F PROPERTIES LLC	9/12/2019	\$5,000.00	Roundabout Easement
Paid Chk#	040138	SCHAEFFER MFG. CO.	9/12/2019	\$1,243.55	PW - Fleet Maint & Equip
Paid Chk#	040139	SCHLOMKAS PORTABLE	9/12/2019	\$710.00	Portable Restrooms
Paid Chk#	040140	SHRED RIGHT	9/12/2019	\$15.00	Shredding
Paid Chk#	040141	STREICHER'S INC	9/12/2019	\$159.94	PD - Uniforms
Paid Chk#	040142	SUEL PRINTING COMPANY	9/12/2019	\$816.00	Pete's Hill Legal Notice
Paid Chk#	040143	MIKE SUTTON	9/12/2019	\$595.61	Food for Community Picnic
Paid Chk#	040144	SymbolArts, LLC	9/12/2019	\$60.00	Badge Recondition/Fix
Paid Chk#	040145	TIMESAVER OFF SITE SECRETARIAL	9/12/2019	\$395.00	City Council Minutes
Paid Chk#	040146	TIM'S SMALL ENGINE SERVICE	9/12/2019	\$44.48	PW - Fleet Maint & Equip
Paid Chk#	040147	USA INFLATABLES	9/12/2019	\$740.76	Bounce Houses for Community Pi
Paid Chk#	040148	SPLIT ROCK MANAGEMENT INC	9/12/2019	\$845.00	WAGNER PARK
Paid Chk#	040149	VERIZON WIRELESS	9/12/2019	\$962.85	Cell Phones
Paid Chk#	040150	WERNER IMPLEMENT CO., INC.	9/12/2019	\$64.90	PW - Fleet Main & Equip
TOTAL				\$164,135.82	

AUTOPAYS

Paid Chk#	502710E	Bi-Weekly ACH	8/22/2019	\$36,815.46
Paid Chk#	502733E	Bi-Weekly ACH	9/5/2019	\$33,958.27
TOTAL				\$70,773.73



STAFF MEMORANDUM

SUBJECT:	City Attorney Services
MEETING DATE:	September 12, 2019
PREPARED BY:	Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Approve Agreement For Legal Services Between The City Of Elko New Market And Campbell Knutson

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 City's Fiscal Policy regarding consultants requires that at least every three years, the City will evaluate the performance and cost of professional services received and determine if the City will renew a service agreement with the consultant or seek written proposals from service providers. In addition, the Council has directed that the City will seek proposals for core consulting services (Engineering, Legal, etc.) at least every nine years, regardless. The periodic review of consultants is also in keeping the City's Community Oriented Local Government (COG) philosophy component. Specifically, Performance Measurement which provides for evaluating progress and establishing accountability for improving public services.

The City Council directed Staff to initiate a Request for Proposals (RFP) process for legal services, which yielded three responses from a total of solicitations to nine qualified firms meeting the characteristics identified by Council. The Selection Committee, established by the City Council, reviewed the proposals and made a recommendation to the City Council to continue its relationship with the firm of Campbell, Knutson at the July 25, 2019 Council Meeting. Further, the City Council directed the City Administrator to negotiate a Services Agreement with Campbell, Knutson for Civil Legal Services to be presented to the City Council for consideration.

DISCUSSION

The City Council is being asked to approve the attached Agreement for Civil Legal Services with Campbell, Knutson. City staff has negotiated the attached Agreement based on the proposal. The attached negotiated Agreement includes all of the Civil Legal Services specified in the RFP; confirmation that Andrea McDowell Poehler will remain the Lead Civil Counsel of the proposed 3 year Agreement; no rate increase in fees for 2019 with an inflationary increase for the calendar years 2020, 2021 and 2022. The increase provided by the City to non-union employees for those years is used as the index for the increase. Previous contracts provided for fee increases in 2007 (3%), 2008 (2.9%), 2014 (5.6%) and 2018 (3.3%) at an average of 1.2% per year. The agreement also provides for a mutual thirty day termination clause without cause.

ACTION

The City Council is being asked to approve the Agreement for Civil Legal Services with Campbell, Knutson and Authorize the Mayor and City Clerk/Administrator to sign the attached Agreement.

ATTACHMENT

- Agreement for Civil Legal Services Between the City of Elko New Market and Campbell, Knutson

**AGREEMENT FOR LEGAL SERVICES
BETWEEN THE CITY OF ELKO NEW MARKET AND
CAMPBELL KNUTSON
*Professional Association***

THIS AGREEMENT, effective September 12, 2019, is by and between the **CITY OF ELKO NEW MARKET**, a Minnesota municipal corporation ("City"), and **CAMPBELL KNUTSON, *Professional Association***, a Minnesota corporation ("Attorney").

NOW, THEREFORE, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

1. SERVICES AND RELATIONSHIP.

A. The Attorney shall furnish and perform general civil municipal legal services for the City. These services shall include:

- 1) The City will request the Attorney to act on civil matters on an ongoing and "as needed" basis.
- 2) The types of services required may include, but may not be limited to, some or all of the following:
 - a) Attendance at City Council meetings and other City board, commission, or committee meetings as requested by the City Council or City Administrator.
 - b) Drafting of ordinances, resolutions, and correspondence as requested.
 - c) Review of council and planning commission agenda items and minutes as requested.
 - d) Meetings and/or telephone conversations discussing and advising Mayor, Councilmembers, City Clerk, and designated individuals on general legal matters.
 - e) Review of municipal contracts, including contracts for public improvements, joint powers agreements, construction, purchase of equipment, and the like.

f) Representation of the City in the acquisition of properties for public improvements, easements, parks, and the like.

g) Representation of the City in condemnation proceedings for public improvement projects, etc.

h) Representation of the City in matters related to the enforcement of City building, housing, and zoning codes.

i) Representation of the City in employment related issues, labor negotiations, arbitration, administrative hearings, and in litigation involving same.

j) Representation and advice with respect to municipal employment matters, including but not limited to: PERA, labor agreements, personnel policy, FLSA, veteran's preference, unemployment compensation, and worker's compensation.

k) Research and submission of legal options on municipal or other legal matters requested by City Council or City Clerk.

l) Providing a legal briefing as requested to the City Staff and Council regarding new or proposed legislation affecting municipal operations and activities.

m) Providing periodic written updates on new state or federal legislation or judicial holding impacting upon the City, and suggested action or changes in operations or procedures to assure compliance.

n) Defend the City in all litigation, except in those cases where insurance companies are required to exclusively provide defense, including but not limited to: (i) human rights claims; (ii) zoning and land use regulation matters; (iii) permits and administrative actions; and (iv) labor and employment matters.

o) Review bonds and insurance requirements required by or for contracts or activities.

p) Respond to City Staff inquiries and return telephone calls within the same day of inquiry.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

C. Andrea McDowell Poehler will act as lead civil counsel for each City and be

designated as City Attorney. Ms. Poehler’s designation as City Attorney means that she will attend council meetings as requested and be the main contact and legal representative for each City. She will consult with and refer the City officials to other attorneys within the firm when appropriate.

D. This Agreement does not preclude the City from seeking legal counsel from another firm, if it finds it necessary to do so.

2. TERM.

A. The Attorney shall serve at the pleasure of the City Council, and this Agreement may be terminated without cause by action of the City Council.

B. The Attorney may terminate this Agreement at any time, provided that the Attorney shall give the City thirty (30) days written notice before the termination becomes effective.

3. PAYMENT.

A. *General Civil Municipal:*

2019

Lead Attorneys \$155/per hour

Legal Assistants/Law Clerks \$83/per hour

The foregoing fees will increase commensurate with the increase provided by the City to non-union employees for the calendar years 2020, 2021 and 2022 beginning on January 1st of each year.

B. *Pass-through, Litigation, and Real Estate Rates:* The customary hourly pass-through rate of the particular attorney performing the work, currently ranging from \$200.00 to \$400 per hour and legal assistants/law clerks at \$125 per hour, for legal services that are to be passed through to third parties according to the City's policies, or financed as part of a specific project or fund, or which constitute active representation of the City in agency or legislative proceedings, grievance or interest arbitration, pre-litigation, litigation and appellate matters. Legal

services are billed according to the actual time incurred, with a minimum increment of two-tenths of an hour.

C. *Meetings*: All meetings will be billed at the hourly rates set forth in Sections 3.A and 3.B, as applicable.

D. *Minimum Billing Increment*: The minimum billing increment for all services is 2/10ths of an hour.

E. *Costs*. Out-of-pocket costs without mark-up. Costs include:

- Westlaw or Lexis
- recording fees and recorded document searches
- postage of 50¢ or more
- photocopies at 20¢ per page
- color copies at 40¢ per page
- litigation expenses (court filing fees, expert witnesses, acquisitions, subpoenas, etc.)

F. *Payments*: Payments for legal services provided the City shall be made in the manner provided by law. The City will normally pay for services within thirty (30) days of receipt of a statement for services rendered.

4. INSURANCE. The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

5. MISCELLANEOUS.

A. *Governing Law*. This Agreement shall be governed by the laws of the State of Minnesota.

B. *Assignment*. The Attorney may not assign or refer any of the legal services to be performed hereunder without the written consent of the City Council of the City for which the work will be performed.

C. *Effective Date*. This Agreement shall become effective upon its execution by the Cities and the Attorney. This Agreement shall not be modified or amended without the

approval in writing of the City.

Dated: _____, 2019.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

AND _____
Thomas Terry, City Clerk

Dated: _____, 2019.

CAMPBELL KNUTSON
Professional Association

BY: _____
Andrea McDowell Poehler
President



STAFF MEMORANDUM

SUBJECT:	Amending Alcoholic Beverages Ordinance
MEETING DATE:	September 12, 2019
PREPARED BY:	Lynda Jirak, Deputy Clerk
REQUESTED ACTION:	Adopt Ordinance No. 200 Amending Renewal Applications for a Beverage License

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 has come to the attention of Staff while reviewing the Ordinance on Alcoholic Beverages, that renewal applications for on-sale licenses for a restaurant require a certified public accountant statement showing total sales, food sales, liquor sales and percentage of total sales for the previous year.

DISCUSSION:

Staff reviewed this ordinance requirement and found that historically, the City was only allowed a certain number of liquor licenses to be issued to liquor establishments based on the City's population. Therefore, restaurants were not include under that limit, but would be required to show that the primary source of income was for food sales and not liquor sales. The requirement for only allowing a certain number of liquor licenses issued by the City based on population is no longer in existence. Therefore, the requirement for restaurants to provide information on source of income to the City is no longer necessary. The City Attorney has prepared an amendment to the ordinance to remove this requirement and recommends approval.

4-2-5: APPLICATION FOR LICENSE:

- A. Completion Of Application; Waivers: A license applicant shall complete the applicable application form provided by the city clerk. The city clerk may waive completion of any part of the form that is inappropriate or unnecessary.
- B. Signatures Required; False Information Prohibited: If the application is by an individual, it shall be signed and sworn to by such person; if by a corporation, by an officer thereof; if by a partnership, by one of the partners; if by an incorporated association, by the operating officer or managing officer thereof. If the applicant is a partnership, the application, license, and insurance policy shall be made and issued in the name of all partners. It shall be unlawful to make any false statement in an application.
- C. Renewal Applications:
1. Applications for the renewal of an existing license shall be made at least forty five (45) days prior to the date of expiration of the license, and shall state that everything in the prior application remains true and correct except as otherwise indicated.
 2. ~~Renewal applications for an on-sale license for a restaurant shall include a certified public accountant statement showing total sales, food sales, liquor sales, and percentage of total sales for the previous year. (New Market 2004 Code § 3-2-5)~~

Attachments:

- Draft Ordinance No. 200 regarding Renewal Applications for Alcoholic Beverages.

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

ORDINANCE NO. 200

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE
TITLE 4, CHAPTER 2 CONCERNING LIQUOR LICENSE
APPLICATIONS**

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

SECTION 1. Section 4-2-5(C) of the Elko New Market City Code is hereby amended to read as follows:

C. Renewal Applications: Applications for the renewal of an existing license shall be made at least forty five (45) days prior to the date of expiration of the license, and shall state that everything in the prior application remains true and correct except as otherwise indicated.

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

ADOPTED this 12th day of September, 2019 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

By: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk



STAFF MEMORANDUM

SUBJECT:	Acquisition of Easement Related to CSAH 2 & 91 Roundabout Project - R & F Properties, LLC
MEETING DATE:	September 12, 2019
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Authorize Payment to R & F Properties, LLC for Easement Related to CSAH 2 & 91 Roundabout Project

- 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 February of 2019, the City Council approved a Joint Powers Agreement (JPA) with Scott County regarding the CSAH 2 & 91 roundabout project. The JPA designated the City of Elko New Market as the lead agency to acquire right-of-way for the project and also identified the City as being responsible for the cost of any needed acquisitions. Following approval of the JPA, the City of Elko New Market entered into a Professional Services Agreement with SRF Consulting, allowing SRF to act as the City's right-of-way agent for the project.

Bolton & Menk has identified a need for a temporary construction easement containing 14,849 square feet / .34 acres needed from the R & F Properties parcel. The easement is necessary to accommodate construction of a multi-purpose trail along the east side of CSAH 91. The City Attorney's Office has prepared the necessary easement documents which convey the temporary construction easement to Scott County.

The property owner has signed the easement and agreed to a lump sum compensation of \$5,000. Although the \$5,000 compensation is more than the appraised value of the temporary easement, it would cost the City substantially more to proceed with condemnation of the property. Staff is therefore recommending that the City Council approve the lump sum payment of \$5,000 for the temporary construction easement.

SRF has worked with the property owner representative to ensure that the easement acquisition process complies with the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as well as all State and Federal guidelines, and is recommending that the City Council approve the Memorandum of Agreement and Payment Authorization with R & F Properties, LLC.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has prepared the necessary easement documents, has reviewed the information from SRF Consulting, and has no objection the City Council approving the Memorandum of Agreement and Payment Authorization with R & F Properties.

REQUESTED COUNCIL ACTION:

The City Council is being asked to approve the Memorandum of Agreement between R & F Properties, LLC and the City of Elko New Market, and to approve the Payment Authorization in the amount of \$5,000.

Attachments:

SRF correspondence which includes:

- Memorandum of Agreement
- Payment Authorization



April 25, 2019

R&F Properties, LLC
Attn: Tom Ryan
PO Box 246
26480 France Avenue
Elko, MN 55020

SRF No. 12460.0290

SUBJECT: OFFER TO ACQUIRE
CSAH 2 AND CSAH 91 ROUNDABOUT PROJECT
PROPERTY ADDRESS: 26350 FRANCE AVENUE
PARCEL NO.: B

Dear Mr. Ryan:

As you may be aware, The City of Elko New Market will be constructing a roundabout at the intersections of Scott County Highways 2 and 91. This letter constitutes the City's formal offer for the acquisition of the necessary land rights. The City of Elko New Market hereby offers all parties who may have an interest in the real estate to be acquired the sum of **\$800.00**, which has been determined to be just compensation for such property and rights based upon the fair market value of the property. Attached to this letter is a *Value Calculation* setting out the basis for this determination.

This offer is made pursuant to the Market Value Appraisal procedures provided for under Minnesota law. The City of Elko New Market previously, or with this offer, has provided you with a copy of "*Acquisition Information for Property Owners*" brochure.

You will have a reasonable length of time to consider the offer. To aid in your decision you may wish to secure your own appraisal. Minnesota law provides reimbursement in an amount not to exceed \$1,500.00 for the actual costs of an appraisal of property acquired by direct purchase.

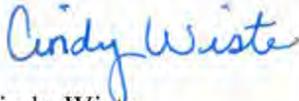
If you accept the offer, the parcel will be acquired by direct purchase and you will be paid upon satisfactory evidence of marketable title. In the worst-case scenario that a mutually acceptable agreement cannot be arrived at in a timely manner, the property may be acquired in an eminent domain proceeding.

Your signature on this OFFER TO PURCHASE is only for the verification that such an offer has been made to you and verification that the "*Acquisition Information for Property Owners*" brochure has been received by you. Your signature below does not prejudice your right to have the final amount determined through eminent domain proceedings in the event you do not accept the offer.

On behalf of The City of Elko New Market, we wish to thank you for your cooperation and assistance and we look forward to working with you toward a mutually satisfactory completion of the acquisition process.

Sincerely,

SRF CONSULTING GROUP, INC.



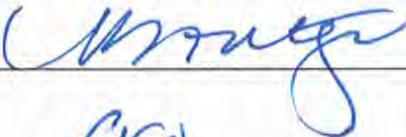
Cindy Wiste
Senior Associate

Attachments

ACKNOWLEDGMENT OF RECEIPT OF OFFER

I CERTIFY THAT on 20 day of August, 2019, this *Offer to Purchase* and *Value Calculation* was received by me from the above Right of Way Specialist; I also acknowledge the receipt of a brochure explaining the land acquisition process and the Owner's rights, privileges and obligations.

Owner(s)

By: 

Its: 



SRF No. 12460.0290

VALUE CALCULATION

THE CITY OF ELKO NEW MARKET
CSAH 2 AND CSAH 91 ROUNDABOUT PROJECT

Parcel No.: B
Fee Owners: R& F Properties, LLC

Legal Description of property to be acquired:

See Attached Exhibit A

ACQUISITION INFORMATION

Temporary Easement: 14,849 square feet

VALUATION

Temporary Easement of 2,100 SF @ \$2.00/sf = \$700.00

Temporary Easement of 12,749 SF @ \$0.022957/sf = \$100.00

TOTAL (rounded) = \$ 800.00



Appraisal Receipt and Disclosure

Project Name: CSAH 2 and CSAH 91 Roundabout Project

County: Carver

Property Address: 26350 France Avenue

Parcel No: B

Owner(s): R&F Properties, LLC

Minnesota law requires that governmental agencies acquiring property for public highways and other purposes provide the affected property owner with a formal offer to purchase the necessary rights, a description of the basis for the valuation used by the Agency and a copy of the Agency's appraisal(s) of just compensation. Accordingly, enclosed is a copy of the appraisal(s) for the above property prepared by DKJ Appraisal, LLC, dated March 19, 2019.

Minnesota law also provides that the owner of the affected property may acquire his/her own independent appraisal for the proposed acquisition and that the governmental agency must reimburse for reasonable costs of the appraisal fee incurred by the owner up to a maximum of \$1,500 for single family and two-family residential property and minimum damage acquisition, and up to a maximum of \$5,000 for other types of property. In order to be entitled to reimbursement, the owner must comply with the following:

1. The owner's appraisal must be prepared by a qualified appraiser who is licensed under Minnesota appraisal licensing laws.
2. Payment for the appraisal will be reimbursed within 30 days after receiving a copy of the appraisal and the paid receipt from the appraiser. (Upon agreement between the acquiring authority and the owner, the acquiring authority may pay the reimbursement directly to the appraiser.)

If you choose to obtain your own appraisal, we would request that the appraiser be instructed to provide you with two copies of his/her appraisal report.

Please feel free to contact the undersigned agent with any questions you might have. Thank you for your cooperation.

Appraisal received this 20 day of August, 2019

Owner(s):
R&F Properties, LLC

SRF Consulting Group Inc.

By: [Signature]

Contact: Cindy Wiste
Address: One Carlson Pkwy N., Suite 150
Minneapolis, MN 55447

Its: [Signature]

Phone: 763-249-6740



MEMORANDUM OF AGREEMENT

CSAH 2 AND CSAH 91 ROUNDABOUT PROJECT

Parcel No: B
Fee Owners: R&F Properties, LLC

On this 20 day of August, 2019, R&F Properties, LLC, a Minnesota limited liability company, Owners of the above described parcel of property located in County of Carver, State of Minnesota, did execute and deliver a conveyance to the aforesaid real estate to the City of Elko New Market.

This agreement is now made and entered as a Memorandum of all the terms, and the only terms, agreed upon in connection with the above transaction. It is hereby acknowledged and agreed upon between the parties that:

1. The Owners have been furnished with the approved estimate of just compensation for the property acquired and a summary statement of the basis for the estimate. The Owners understand that the acquired property is for use in connection with the construction of the CSAH 2 and CSAH 91 Roundabout Project.
2. The Owners understand and acknowledge that SRF's representatives have no direct, indirect, present or contemplated future personal interest in the property or in any benefits from the acquisition of the property.
3. That in full compensation for the conveyance of said property, the City of Elko New Market shall pay the Owners the sum of \$ 5,000.00 for land and damages. Owners understand that payment by the City of Elko New Market must await approval of title and processing of a voucher.
4. Additionally:

It is understood and agreed that the entire agreement of the parties is contained in this Memorandum of Agreement and that this Agreement supersedes all oral agreements and negotiations between the parties.

Owner(s)
R&F Properties, LLC

City of Elko New Market

By: [Signature]

By: _____

Its: [Signature]

Its: _____



SRF No.: 12460.0290

PAYMENT AUTHORIZATION
The City Elko New Market
CSAH 2 AND CSAH 91 ROUNDABOUT PROJECT

Parcel: B
Owner(s): R&F Properties, LLC
Mortgagee: None

Amount of Payment: \$ _____

Payable/Mail to: Tom Ryan
PO Box 246
Elko MN 55000

Approved by Owner(s)
R&F Properties, LLC

By: [Signature]
Its: CEO

Date: 8/20/19

Owner(s) Social Security No./TIN:

Approved by SRF Consulting Group, Inc.

Cindy Wiste
Cindy Wiste

Date: 8-27-19

Comments: _____

TEMPORARY CONSTRUCTION EASEMENT

Scott County Project 02-16
Parcel B

FOR VALUABLE CONSIDERATION, R&F PROPERTIES, LLC, a limited liability company organized and existing under the laws of the State of Minnesota, (“Grantor”), whether one or more, hereby grants and conveys unto the County of Scott, its contractors, permittees, successors and assigns, (“Grantee”), a temporary easement(s) for construction purposes for work space, construction operations and to grade and construct slopes both cuts and fills associated with construction or reconstruction of a public highway, together with all other rights necessary and convenient for the enjoyment and use of same, over, under and across the real property situated in Scott County, State of Minnesota as described, as follows:

A temporary easement for construction purposes over, under and across the east 10.00 feet of the most westerly 25.00 feet, as measured at right angles, of Lot 1, Block 2, ELKO MARKET PLACE, according to the recorded plat thereof, Scott County, Minnesota, lying north of the easterly extension of the centerline of Thomas Drive, as delineated and dedicated in KELLY GLEN, according to the recorded plat thereof, said Scott County, Minnesota.

AND

Together with a temporary easement for construction purposes over, under and across the east 15.00 of the most westerly 40.00 feet, as measured at right angles, of Lot 1, Block 2, ELKO MARKET PLACE, lying north of the centerline of Thomas Drive, as delineated and dedicated in KELLY GLEN, according to the recorded plat thereof, said Scott County, Minnesota; and lying south of the north line of the south 1,579 feet of the most westerly 40.00 feet, as measured at right angles, of said Lot 1.

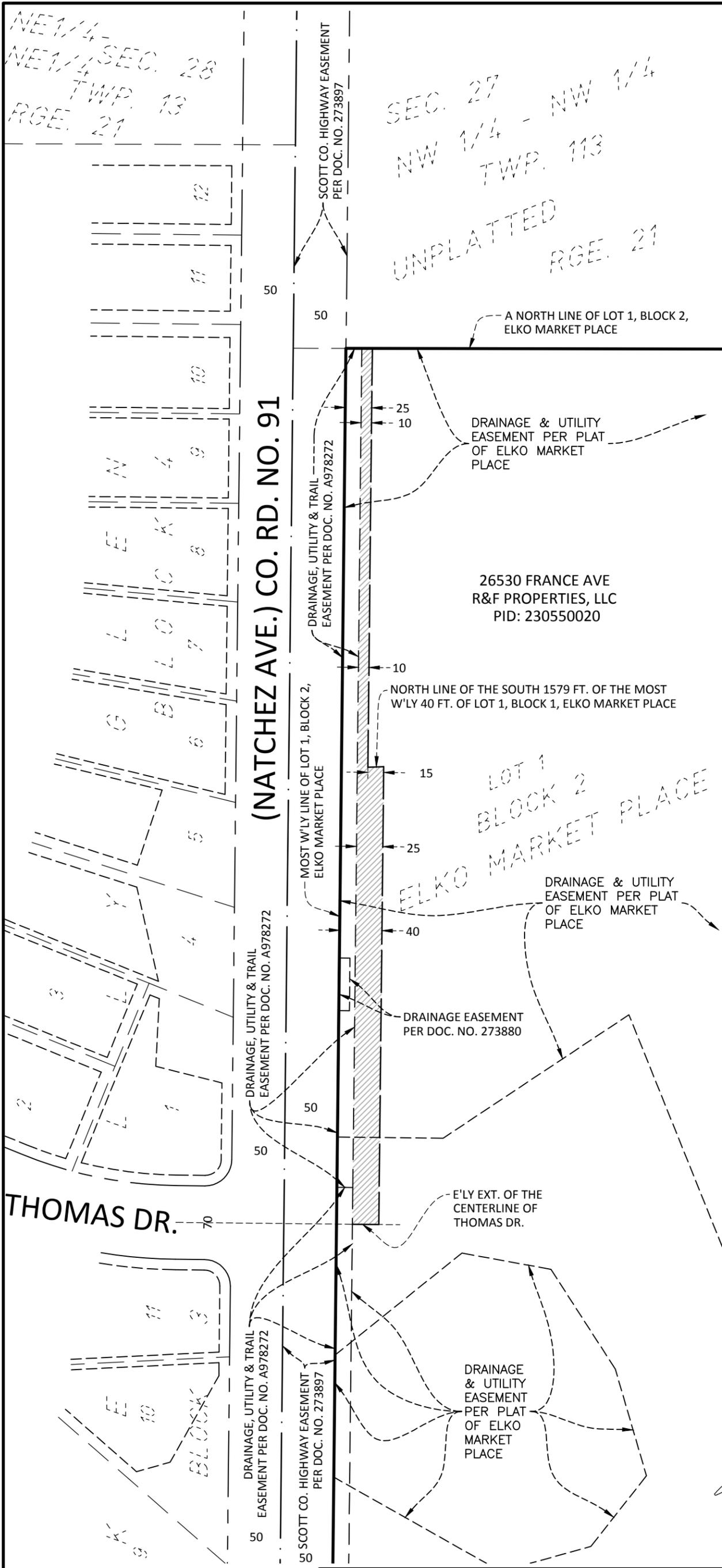
Abstract Property

(PIN 230550020)

Said temporary easement shall commence on March 1, 2020 and shall terminate on August 31, 2021.

Grantor hereby agrees that all earthen material, other material, trees and vegetation excavated, removed or taken by Grantee from within said temporary easement shall become the property of Grantee. Upon turf establishment with a grass vegetative cover on disturbed areas per plans and specifications determined by Grantee, Grantor does hereby release Grantee from any claims or damages resulting from the construction of said slopes associated with the road project and all work in connection therewith.

This agreement is binding upon the heirs, successors, executors, administrators and assigns of the parties hereto.



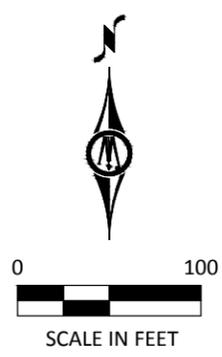
PROPOSED EASEMENT DESCRIPTION

A temporary easement for construction purposes over, under and across the east 10.00 feet of the most westerly 25.00 feet, as measured at right angles, of Lot 1, Block 2, ELKO MARKET PLACE, according to the recorded plat thereof, Scott County, Minnesota, lying north of the easterly extension of the centerline of Thomas Drive, as delineated and dedicated in KELLY GLEN, according to the recorded plat thereof, said Scott County, Minnesota.

AND

Together with a temporary easement for construction purposes over, under and across the east 15.00 of the most westerly 40.00 feet, as measured at right angles, of Lot 1, Block 2, ELKO MARKET PLACE, lying north of the centerline of Thomas Drive, as delineated and dedicated in KELLY GLEN, according to the recorded plat thereof, said Scott County, Minnesota; and lying south of the north line of the south 1,579 feet of the most westerly 40.00 feet, as measured at right angles, of said Lot 1.

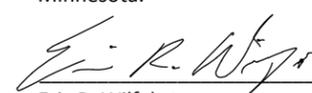
Said temporary easements shall expire on _____.



 PROPOSED TEMPORARY CONSTRUCTION EASEMENT (AREA: 14,849 SQ. FT.)

SURVEYOR'S CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.


Eric R. Wilfahrt
License Number 46166

2/19/2019
Date

<p>EASEMENT EXHIBIT 26350 FRANCE AVE, ELKO NEW MARKET, MN 55020</p>		<p>PART OF: LOT 1, BLOCK 2 ELKO MARKET PLACE</p>
<p> BOLTON & MENK</p> <p>12224 NICOLLET AVENUE BURNSVILLE, MINNESOTA 55337 (952) 890-0509</p>		<p>FOR: CITY OF ELKO NEW MARKET</p>



STAFF MEMORANDUM

SUBJECT:	Extension of Deadline for Filing the Final Plat for Dakota Acres 1 st Addition
MEETING DATE:	September 12, 2019
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Adopt Resolution No. 19-52 Approving Extension of the Dealine for Filing the Final Plat for Dakota Acres 1 st Addition

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 September 27, 2018 the City Council adopted Resolution 18-50 Granting Approval of the Preliminary and Final Plat and Development Contract for Dakota Acres 1st Addition. The development consists of 28 townhome units on 2.71 acres. Section 12-8-5 (C) of the City Code states:

“The developer shall record the plat within ninety (90) days after the date of approval. Otherwise the approval of the final plat shall be considered void, unless the developer requests an extension, in writing, and receives approval from the City Council. The subdivider shall, immediately upon recording, furnish the city clerk with a print and reproducible tracing of the final plat showing evidence of the recording. No building permits shall be issued for construction of any structure on any lot in said plat until the city has received evidence of the plat being recorded by the county.”

On April 11, 2019 the City Council approved Resolution #19-16 granting the developer an extension to the plat filing period, allowing until August 1, 2019. The developer and his attorney have been working on resolving a title issue pertaining to a legal description on the property which has taken longer than expected. The plat has not been filed, and the developer is now requesting an extension until December 31, 2019.

DISCUSSION:

City fees and ordinances pertaining to approval of the development have not changed since the original approvals in September of 2018. Staff has no concerns with extension of the original approvals as adopted in Resolution #18-50.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has reviewed draft Resolution #19-52 Approving the Extension of the Deadline for Filing the Final Plat for Dakota Acres 1st Addition, and is recommending approval its adoption.

BUDGET IMPACT:

There is currently no budget impact for this item, other than the cost of City staff time. An escrow is in place to cover the cost of consultant expenses.

REQUESTED ACTION:

Motion to:

- Adopt Resolution No. 19-52 Extending the Approval of Preliminary and Final Plat and Development Contract for Dakota Acres 1st Addition.

Attachments:

September 27, 2018 City Council Memorandum
Resolution No.18-50
Resolution No.19-16



STAFF MEMORANDUM

SUBJECT:	Dakota Acres 1st Addition PUD, Preliminary & Final Plat
MEETING DATE:	September 27, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Adopt Ordinance No. 176 Rezoning Property to Planned Unit Development District Zoning for Dakota Acres 1 st Addition Adopt Resolution No. 18-50 Approving the Preliminary and Final Plat and Development Contract for Dakota Acres 1 st Addition

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

Syndicated Properties purchased a 2.17 acre property that had previously been approved for construction of townhome units. Syndicated has submitted an application to the City for rezoning and plat approval associated with a new townhome development that they would now like to construct on the property. The new plat is Dakota Acres 1st Addition, which is a continuation of the existing townhome development to the north.

DISCUSSION:

Planning Commission Recommendation Based on information provided to the Planning Commission, the recommendations of City Staff, public comment received and discussion at the June 26th meeting, the Planning Commission has unanimously recommended approval of the request to rezone the property to Planned Unit Development and the request for preliminary plat approval of Dakota Acres 1st Addition containing 28 lots on 2.17 acres, as proposed by Syndicated Properties for the following reasons:

- 1) The proposed development of 28 units on 2.71 acres meets the intent of the Comprehensive Plan Residential Mixed Use land use density objectives, being 12.9 units per acre.
- 2) The property had previously been approved for townhome development and the proposed development is very similar, in terms of site layout and land use, as the previously approved development.
- 3) The proposed development is compatible with the adjacent land uses.

And noting that the lots shall be subject to the requirements of the R-4 High Density Residential Zoning District except as follows:

	R4 District Requirements	Approved for Dakota Acres 1st Addition
Permitted Uses	Multiple Family Dwellings Containing more than 8 units	Multiple Family Dwellings containing less than 8 units, as depicted on plans dated 6/21/18
Front setback to curb of private street	30'	3' for single unit building 20' for all 4-unit and 7-unit buildings
Setback between buildings	20'	10' to 55' (25' average) as depicted on plans dated 6/21/18
Setback to periphery property lines	30'	5' along west side, as depicted on plans dated 6/21/18
Setback to major collector street	50'	30'
Easements	10' along perimeter and 5' along interior lot lines	Not required along western property line or interior lot lines
Building Design/Exterior Finish 11-25D-8	Minimum 25% of all building facades shall have an exterior of brick, stucco or	Stone on front and sides of buildings, as depicted on proposed building elevations dated 11/19/17.
Garage Stall Area & Width	Attached garage of minimum 540 sq ft & minimum width of 20'	Attached garages of 418 sq ft minimum & 19' minimum width

And noting the following improved subdivision design elements:

- 1) The proposed open space and recreation areas designated for the project residents will exceed the minimum area required by City Code.
- 2) The landscaping plan exceeds the minimum requirements of City Code by providing more than the minimum required number of trees, and also provides for an aesthetically pleasing variety of trees and plantings throughout the site.

And with the following conditions:

- 1) PUD and Preliminary plat approval is granted in accordance with the following drawings: Preliminary Plat drawing prepared by Stantec and dated 6/20/18, Preliminary Grading & Construction plans containing 7 sheets prepared by Larsen Engineering and dated 6/21/18, Landscaping plan prepared by RHA Architects and dated 8/15/16, Building elevations and sample floor plans prepared by RHA Architects and dated 11/19/17 (7-unit, 4-unit and 1-unit buildings).
- 2) The civil plans must address comments of City staff as depicted on the drawing dated 6/21/18 and the landscape plan must be corrected to address comments of City staff as depicted on drawing dated 6/20/18, both on file with the Elko New Market Community Development office.
- 3) Syndicated Properties must enter into a Developer's Agreement with the City of Elko New Market at the time of final plat approval.
- 4) The proposed development must be added to the Dakota Acres Townhome Association, or a new Townhome Association must be formed. If a new association is formed, it must work out an agreement for access through the two existing private drives (Oriole and Cardinal Streets) with the Dakota Acres Townhome Association.
- 5) The applicant must comply with the recommendations of the City Engineer, Public Works Director and City Attorney.
- 6) A park dedication fee in lieu of land dedication is being required.
- 7) An in-ground irrigation system is required.
- 8) Additional access to James Parkway and Dakota Avenue will not be permitted.
- 9) Drainage and utility easements must be provided for the sanitary sewer and water mains running through the site.
- 10) Ground level patios must be provided for all townhome units. Patios shall not exceed 8' x 8' in size and may not encroach into adjacent properties, except that they may encroach into the common area outlot subject to the same being permitted by the homeowners association. Privacy fences constructed of wood, vinyl or brick and of consistent design shall be provided between rear yard patio areas prior to issuance of a certificate of occupancy. 3 and 4 season porch additions may not be added to the townhome units.
- 11) Developer shall work with the Elko New Market Postmaster to find an acceptable location within the development for mailbox banks. Mailboxes shall be moved off of James Parkway.
- 12) Townhome buildings shall contain not less than three earthtone colors. Adjacent townhome buildings on the same side of the street shall not be of identical color.
- 13) A lighting plan meeting the requirements of City Code must be submitted for review by City staff. The lighting plan shall utilize the Domus style fixture or visually equivalent.
- 14) Garbage receptacles shall be stored within garages or fully screened from view.

- 15) The developer shall be responsible for the removal of the Oriole Street access (to James Parkway) and restoration of area, as approved by the City Engineer.

And noting that:

- 1) The conditions contained in the Dakota Acres Development Contracts, recorded in the Office of the Scott County Recorder as Documents #736584 and #771917 are released upon rezoning of the property to PUD and no longer apply.

Staff Recommendation. Following the recommendations of the Planning Commission on June 26, 2018, the applicant submitted revised construction plans which address the primary conditions recommended by the Planning Commission and staff. Any remaining conditions have been incorporated into the attached Ordinance and Development Contract. Below is a summary of items contained in the development contract:

- Park fee of \$56,000
- Stormwater trunk fee of \$7,612.10
- Sanitary sewer trunk fee of \$113,568.00
- Water trunk fee of \$101,220.00
- Street light fee of \$1,458.24
- Security required in the amount of \$470,761.59 to guarantee construction of a private streets, water, sanitary sewer and stormsewer

The City Engineer and Planner have completed a review of the current application and are recommending approval of the request.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has reviewed the Planning Commission recommendation, Draft Ordinance #176 Rezoning the property to PUD Zoning, Resolution #18-50 Approving the Preliminary and Final Plat of Dakota Acres 1st Addition, and the Development Contract, and has recommended approval of the documents as presented.

BUDGET IMPACT:

There is currently no budget impact for this item, other than the cost of City staff time. An escrow is in place to cover the cost of consultant expenses.

REQUESTED ACTION:

Motion to:

- Approve Ordinance No. 176 Rezoning the Property to PUD Zoning
- Adopt Resolution No. 18-50 Approving the Preliminary and Final Plat and Development Contract for Dakota Acres 1st Addition.

Attachments:

(Draft) Ordinance No.176

(Draft) Resolution No.18-50

(Draft) Development Contract for Dakota Acres 1st Addition

Approved Plans, Dakota Acres 1st Addition dated September 4, 2018

Planning Commission Staff Report dated June 26, 2018

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

RESOLUTION NO. 18-50

**RESOLUTION
GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT AND
DEVELOPMENT CONTRACT FOR
DAKOTA ACRES 1ST ADDITION**

WHEREAS, Syndicated Properties LLC, a Minnesota limited liability company (“Developer”) is the fee owner of real property in the County of Scott legally described as follows:

Outlot C, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, except that part lying westerly of the east line of Outlot D, said Dakota Acres and its southerly extension.

AND

That part of Outlot B, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota, described as follows: Commencing at the most northerly corner of said Outlot B; thence South 00 degrees 24 minutes 49 seconds East, assumed bearing, along a west line of said Outlot B, a distance of 245.75 feet to a southwest corner of said Outlot B; thence north 89 degrees 35 minutes 11 seconds East, along a south line of said Outlot B, a distance of 6.02 feet to the point of beginning; thence North 00 degrees 24 minutes 46 seconds West, a distance of 31.56 feet; thence North 89 degrees 35 minutes 11 seconds East, a distance of 45.00 feet; thence South 00 degrees 24 minutes 49 seconds East, a distance of 31.56 feet to said south line of Outlot B; thence South 89 degrees 35 minutes 11 seconds West, along said south line of Outlot B, a distance of 45.00 feet to the point of beginning.

AND

The south 20.50 feet of Lot 1, Block 2, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota and that part of Outlot B, said Dakota Acres, described as follows: Beginning at the southeast corner of said Lot 1; thence South 00 degrees 23 minutes 54 seconds West, along the southerly extension of the east line of said Lot 1, a distance of 9175 feet; thence South 31 degrees 53 minutes 32 seconds West, a distance of 892 feet to a southwest corner of said Outlot B; thence North 89 degrees 36 minutes 06 seconds West, along a south line of said Outlot B, a distance of 40.34 feet; thence North 00 degrees 23 minutes 54 seconds West, a distance of 17.36 feet to the southwest corner of said Lot 1; thence South 89 degrees 36 minutes 06 seconds East, along the south line of said Lot 1, a distance of 45.00 feet to the point of beginning. (“Property”).

WHEREAS, Developer is requesting preliminary and final plat approval of Dakota Acres 1st Addition consisting of twenty-eight lots and one outlot on 2.17 gross acres, which is located on the above real estate; and,

WHEREAS, the Elko New Market Planning Commission held a public hearing on June 26, 2018, preceded by the required notice;

WHEREAS, the Planning Commission unanimously recommended approval of the application for preliminary plat subject to adopted conditions and findings; and,

WHEREAS, the City Engineer and City Planner have recommended approval of the Development Contract, Preliminary and Final Plat for Dakota Acres 1st Addition, under the conditions provided herein; and

WHEREAS, City Council has reviewed the Development Contract and Preliminary and Final Plat for Dakota Acres 1st Addition; and finds:

- 1) The proposed development of 28 units on 2.71 acres meets the intent of the Comprehensive Plan Residential Mixed Use land use density objectives, being 12.9 units per acre.
- 2) The proposed plat complies with requirements of City Code Title 12, Subdivision Regulations.
- 3) The property had previously been approved for townhome development and the proposed development is very similar, in terms of site layout and land use, as the previously approved development.
- 4) The proposed development is compatible with the adjacent land uses.

NOW, THEREFORE, BE IT RESOLVED that the Preliminary Plat for Dakota Acres 1st Addition is approved subject to the following conditions:

- 1) Implementation of the recommendations listed in the June 26, 2018 planning report.
- 2) And with the following conditions:
 - a. PUD and Preliminary plat approval is granted in accordance with the following drawings: Preliminary Plat drawing prepared by Stantec and dated 6/20/18, Preliminary Grading & Construction plans containing 7 sheets prepared by Larsen Engineering and dated 6/21/18, Landscaping plan prepared by RHA Architects and dated 8/15/16, Building elevations and sample floor plans prepared by RHA Architects and dated 11/19/17 (7-unit, 4-unit and 1-unit buildings).
 - b. The civil plans must address comments of City staff as depicted on the drawing dated 6/21/18 and the landscape plan must be corrected to address comments of City staff as depicted on drawing dated 6/20/18, both on file with the Elko New Market Community Development office.
 - c. Syndicated Properties must enter into a Developer's Agreement with the City of Elko New Market at the time of final plat approval.
 - d. The proposed development must be added to the Dakota Acres Townhome Association, or a new Townhome Association must be formed. If a new association is formed, it must work out an agreement for access through the two existing private drives (Oriole and Cardinal Streets) with the Dakota Acres Townhome Association.
 - e. The applicant must comply with the recommendations of the City Engineer, Public Works Director and City Attorney.
 - f. A park dedication fee in lieu of land dedication is being required.
 - g. An in-ground irrigation system is required.
 - h. Additional access to James Parkway and Dakota Avenue will not be permitted.
 - i. Drainage and utility easements must be provided for the sanitary sewer and water main lines running through the site.
 - j. Ground level patios must be provided for all townhome units. Patios shall not exceed 8' x 8' in size and may not encroach into adjacent properties, except that they may encroach into the common area outlot subject to the same being permitted by the homeowners association. Privacy fences constructed of wood, vinyl or brick and of consistent design shall be provided between rear yard patio areas prior to issuance of a certificate of occupancy. 3 and 4 season porch additions may not be added to the townhome units.

- k. Developer shall work with the Elko New Market Postmaster to find an acceptable location within the development for mailbox banks. Mailboxes shall be moved off of James Parkway.
- l. Townhome buildings shall contain not less than three earthtone colors. Adjacent townhome buildings on the same side of the street shall not be of identical color.
- m. A lighting plan meeting the requirements of City Code must be submitted for review by City staff. The lighting plan shall utilize the Domus style fixture or visually equivalent.
- n. Garbage receptacles shall be stored within garages or fully screened from view.
- o. The developer shall be responsible for the removal of the Oriole Street access (to James Parkway) and restoration of area, as approved by the City Engineer.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Dakota Acres 1st Addition final plat and Development Contract are hereby approved, subject to the Developer's execution of the development contract, payment of all required fees and providing the security required under the terms of the Development Contract.

PASSED, ADOPTED AND APPROVED this 27th day of September, 2018.

CITY OF ELKO NEW MARKET


Robert Crawford, Mayor

ATTEST:


Sandra Green, Deputy City Clerk

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

RESOLUTION NO. 19-16

**RESOLUTION OF THE ELKO NEW MARKET CITY COUNCIL
APPROVING EXTENSION OF THE DEADLINE FOR FILING THE FINAL PLAT FOR DAKOTA
ACRES 1ST ADDITION**

WHEREAS, on September 27, 2018, the City of Elko New Market passed Resolution No. 18-50 Approving the Preliminary and Final Plat and Development Contract for Dakota Acres 1st Addition pursuant to the application by Syndicated Properties, LLC (“Developer”);

WHEREAS, Section 12-8-5(C) of the Elko New Market City Code requires a final plat to be recorded within 90 days after the date of approval, unless an extension is approved by the City Council;

WHEREAS, the Developer has requested an extension until August 1, 2019 to record the final plat;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elko New Market that an extension to record the final plat for Dakota Acres 1st Addition is hereby granted until August 1, 2019.

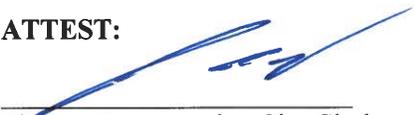
PASSED, ADOPTED AND APPROVED this 11th day of April, 2019.

CITY OF ELKO NEW MARKET



Joe Julius, Mayor

ATTEST:



Thomas Terry, Acting City Clerk

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

RESOLUTION NO. 19-52

**RESOLUTION OF THE ELKO NEW MARKET CITY COUNCIL
APPROVING EXTENSION OF THE DEADLINE FOR FILING THE FINAL PLAT FOR DAKOTA
ACRES 1ST ADDITION**

WHEREAS, on September 27, 2018, the City of Elko New Market passed Resolution No. 18-50 Approving the Preliminary and Final Plat and Development Contract for Dakota Acres 1st Addition pursuant to the application by Syndicated Properties, LLC (“Developer”);

WHEREAS, Section 12-8-5(C) of the Elko New Market City Code requires a final plat to be recorded within 90 days after the date of approval, unless an extension is approved by the City Council;

WHEREAS, on April 11, 2019 the City of Elko New Market passed Resolution No. 19-16 Approving and Extension of the Deadline for Filing the Final Plat For Dakota Acres to August 1, 2019;

WHEREAS, the Developer has now requested an extension until December 31, 2019 to record the final plat;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elko New Market that an extension to record the final plat for Dakota Acres 1st Addition is hereby granted until December 31, 2019.

PASSED, ADOPTED AND APPROVED this 12th day of September, 2019.

CITY OF ELKO NEW MARKET

Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk



STAFF MEMORANDUM

SUBJECT:	Approve Special Assessments for 2019 Pavement Project - Related to On-Street Parking Area on Elko Main Street
MEETING DATE:	September 12, 2019
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Approve Resolution #19-54 Approving Special Assessment Agreement with Platinum Pioneers, LLC and Approve Resolution #19-55 Approving Special Assessment Agreement with Michael and Sara Mahoney

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 Council has authorized the 2019 Pavement Rehabilitation project which includes a mill and overlay of several City streets. Included in the project is the paving of Elko Main Street from France Avenue to Chowen Avenue. This section of roadway abuts two existing commercial properties which currently have perpendicular on-street parking located within the City street right-of-way. Recognizing that this additional on-street parking area primarily provides benefit to the adjacent commercial properties, City staff worked with the adjacent property owners to determine an equitable method to assess the cost of resurfacing the on-street parking area.

Platinum Pioneers, LLC (Robert Ripley) owns the property at 9646 Main Street, known as Bullseye Saloon. Mr. Ripley has signed a Special Assessment Agreement, requesting that the parking stalls benefitting his business be resurfaced, with a cost of \$4,750 being assessed to his property, to be paid over a ten year period with an interest rate of 3%.

Michael and Sarah Mahoney own the property at 960 Main Street, known as Captain Blacks. Mahoney's have signed a Special Assessment Agreement, requesting that the parking stalls benefitting their business be resurfaced, with a cost of \$4,750 being assessed to their property, to be paid over a ten year period with an interest rate of 3%.

CITY ATTORNEY RECOMMENDATION:

The City Attorney has prepared the Special Assessment Agreements and corresponding resolutions, and has no objection to the City Council approving the Agreements.

REQUESTED COUNCIL ACTION:

The City Council is being asked to approve Resolution #19-54 Approving Special Assessment Agreement with Platinum Pioneers, LLC and to approve Resolution #19-55 Approving Special Assessment Agreement with Michael and Sara Mahoney.

Attachments:

Resolution #19-54

Platinum Pioneers Special Assessment Agreement

Resolution #19-55

Mahoney Special Assessment Agreement

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

RESOLUTION NO. 19-54

**RESOLUTION APPROVING AND ADOPTING A PUBLIC IMPROVEMENT
AND SPECIAL ASSESSMENT AGREEMENT
AND ASSESSMENTS**

WHEREAS, Platinum Pioneers, LLC, a Minnesota limited liability company (“Owner”) has requested that the Elko New Market City Council specially assess a portion of the costs for perpendicular parking within Main Street to be included in the 2019 Pavement Rehabilitation Project (“Parking Improvements”) to Owner’s property legally described in Exhibit A attached hereto (“Subject Property”);

WHEREAS, the City has received the signed Special Assessment Agreement, attached hereto as Exhibit B (“Special Assessment Agreement”) waiving all applicable assessment procedural requirements and requesting to be assessed for the costs identified for the Parking Improvements;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
ELKO NEW MARKET, MINNESOTA:**

1. The Special Assessment Agreement is hereby accepted and approved.
2. The Assessment in the amount of \$4,750.00 is hereby adopted and shall constitute a special assessment against the Subject Property and hereby made part of this Resolution by reference and that the Subject Property included is hereby found to be benefited in the amount of the assessment levied against it.
3. Such assessment shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable in 2020 and shall bear the interest rate of 3.0% per annum from the date of adoption of this assessment Resolution. To the first installment shall be added interest on the entire assessment from the date of this Resolution until December 31, 2019.
4. The Owners, at any time prior to certification of the assessment to the County Auditor, may pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City, except that no interest shall be charged if the entire assessment is paid[prior to November 15, 2019; and such owners may at any time thereafter, pay the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year. The owners may also at any time prior to

November 15, of any year, pay the remaining unpaid principal balance with interest accrued to December 31 of the year in which such prepayment is made.

5. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County.

PASSED AND DULY ADOPTED by the Elko New Market City Council this 12th day of September, 2019.

Joe Julius, Mayor

ATTEST:

Thomas Terry, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lots 13, 14 and 15, Block 2, Original Townsite of Elko, Scott County, Minnesota,
according to the recorded plat thereof.

EXHIBIT B

[attach assessment agreement]

**PUBLIC IMPROVEMENT
AND
SPECIAL ASSESSMENT AGREEMENT**

AGREEMENT made this 8 day of August, 2019, by and between the **CITY OF ELKO NEW MARKET**, a Minnesota municipal corporation (“City”) and **PLATINUM PIONEERS, LLC**, a Minnesota limited liability company (“Property Owner”).

RECITALS

A. Property Owner is the fee owners of property located in the City of Elko New Market with a property address of 9646 Main Street, Elko New Market, Minnesota 55020, legally described on Exhibit “A” attached hereto and incorporated herein (the “Subject Property”);

B. The Property Owner has requested that the City construct perpendicular parking within Main Street to be included in the 2019 Pavement Rehabilitation Project (“Parking Improvements”) and assess a portion of the costs to the Subject Property.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS THE PARTIES AGREE AS FOLLOWS:

1. PUBLIC IMPROVEMENTS. The City will construct the Parking Improvements that specially benefit the Subject Property.

2. SPECIAL ASSESSMENT. The City will assess the principal amount of \$4,750.00 against the Subject Property for the Parking Improvements. The special assessment shall be deemed adopted on the date this Agreement has been signed by all parties. The assessment shall be spread without deferment over a ten (10) year period in equal annual installments, together with interest of three percent (3%) per year on the unpaid balance. The first installment shall be payable with taxes paid in 2020.

No interest shall be charged if the entire assessment is paid by the Property Owners by November 15, 2019. At any time thereafter, the Property Owner may pay the City of Elko New Market the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the succeeding year. The right to partially prepay the assessment is not available.

3. WAIVER. Property Owner, its successors and assigns, waives any and all procedural and substantive objections to the Parking Improvements and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. Property Owner waives any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

4. **BINDING EFFECT; RECORDING.** This Agreement shall be binding upon Property Owner and Property Owner's successors and assigns. This Agreement shall run with the land and may be recorded against the title to the Subject Property.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

AND: _____
Thomas Terry, City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Joe Julius and by Thomas Terry, respectively the Mayor and City Clerk of the City of Elko New Market, a Minnesota municipal corporation, on behalf of the corporation pursuant to the authority granted by its City Council.

Notary Public

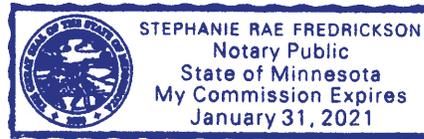
**PROPERTY OWNER:
PLATINUM PIONEERS, LLC**

BY: 
Robert Ripley, Chief Manager

STATE OF MINNESOTA)
)ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this 3rd day of September, 2019, by Robert Ripley, the Chief Manager of Platinum Pioneers, LLC, a Minnesota limited liability company, on behalf of the limited liability company


Notary Public



THIS INSTRUMENT WAS DRAFTED BY:
Campbell Knutson, Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
AMP/smt

EXHIBIT A

Lots 13, 14 and 15, Block 2, Original Townsite of Elko, Scott County, Minnesota,
according to the recorded plat thereof.

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

RESOLUTION NO. 19-55

**RESOLUTION APPROVING AND ADOPTING A PUBLIC IMPROVEMENT
AND SPECIAL ASSESSMENT AGREEMENT
AND ASSESSMENTS**

WHEREAS, Michael P. Mahoney and Sara B. Mahoney, husband and wife (“Owners”) have requested that the Elko New Market City Council specially assess a portion of the costs for perpendicular parking within Main Street to be included in the 2019 Pavement Rehabilitation Project (“Parking Improvements”) to Owners’ property legally described in Exhibit A attached hereto (“Subject Property”);

WHEREAS, the City has received the signed Special Assessment Agreement, attached hereto as Exhibit B (“Special Assessment Agreement”) waiving all applicable assessment procedural requirements and requesting to be assessed for the costs identified for the Parking Improvements;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
ELKO NEW MARKET, MINNESOTA:**

1. The Special Assessment Agreement is hereby accepted and approved.
2. The Assessment in the amount of \$4,750.00 is hereby adopted and shall constitute a special assessment against the Subject Property and hereby made part of this Resolution by reference and that the Subject Property included is hereby found to be benefited in the amount of the assessment levied against it.
3. Such assessment shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable in 2020 and shall bear the interest rate of 3.0% per annum from the date of adoption of this assessment Resolution. To the first installment shall be added interest on the entire assessment from the date of this Resolution until December 31, 2019.
4. The Owners, at any time prior to certification of the assessment to the County Auditor, may pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City, except that no interest shall be charged if the entire assessment is paid[prior to November 15, 2019; and such owners may at any time thereafter, pay the City the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year. The owners may also at any time prior to

November 15, of any year, pay the remaining unpaid principal balance with interest accrued to December 31 of the year in which such prepayment is made.

5. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the County.

PASSED AND DULY ADOPTED by the Elko New Market City Council this 12th day of September, 2019.

Joe Julius, Mayor

ATTEST:

Thomas Terry, City Administrator

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lots 16, 17 and 18, Block 2, Original Townsite of Elko, Scott County, Minnesota, according to the recorded plat thereof, together with that part of Chowen Avenue accruing thereto.

EXHIBIT B

[attach assessment agreement]

**PUBLIC IMPROVEMENT
AND
SPECIAL ASSESSMENT AGREEMENT**

AGREEMENT made this 29 day of August, 2019, by and between the **CITY OF ELKO NEW MARKET**, a Minnesota municipal corporation (“City”) and **MICHAEL P. MAHONEY** and **SARA B. MAHONEY**, husband and wife, (“Property Owners”).

RECITALS

A. Property Owners are the fee owners of property located in the City of Elko New Market with a property address of 9660 Main Street; Elko New Market, Minnesota 55020, legally described on Exhibit “A” attached hereto and incorporated herein (the “Subject Property”);

B. The Property Owners have requested that the City construct perpendicular parking within Main Street to be included in the 2019 Pavement Rehabilitation Project (“Parking Improvements”) and assess a portion of the costs to the Subject Property.

NOW, THEREFORE, IN CONSIDERATION OF THEIR MUTUAL COVENANTS THE PARTIES AGREE AS FOLLOWS:

1. PUBLIC IMPROVEMENTS. The City will construct the Parking Improvements that specially benefit the Subject Property.

2. SPECIAL ASSESSMENT. The City will assess the principal amount of \$4,750.00 against the Subject Property for the Parking Improvements. The special assessment shall be deemed adopted on the date this Agreement has been signed by all parties. The assessment shall be spread without deferment over a ten (10) year period in equal annual installments, together with interest of three percent (3%) per year on the unpaid balance. The first installment shall be payable with taxes paid in 2020.

No interest shall be charged if the entire assessment is paid by the Property Owners by November 15, 2019. At any time thereafter, the Property Owner may pay the City of Elko New Market the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the succeeding year. The right to partially prepay the assessment is not available.

3. WAIVER. Property Owners, their successors and assigns, waive any and all procedural and substantive objections to the Parking Improvements and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the Subject Property. Property Owners waive any appeal rights otherwise available pursuant to Minn. Stat. § 429.081.

4. BINDING EFFECT; RECORDING. This Agreement shall be binding upon Property Owners and Property Owners' successors and assigns. This Agreement shall run with the land and may be recorded against the title to the Subject Property.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

AND: _____
Thomas Terry, City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Joe Julius and by Thomas Terry, respectively the Mayor and City Clerk of the City of Elko New Market, a Minnesota municipal corporation, on behalf of the corporation pursuant to the authority granted by its City Council.

Notary Public

PROPERTY OWNERS:

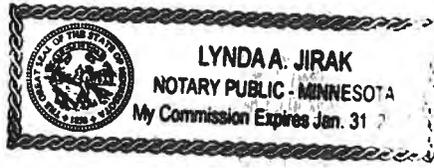
Michael P. Mahoney
Michael P. Mahoney

Sara B. Mahoney
Sara B. Mahoney

STATE OF MINNESOTA)
)ss.
COUNTY OF SCOTT)

The foregoing instrument was acknowledged before me this 6th day of September, 2019, by Michael P. Mahoney and Sara B. Mahoney, husband and wife.

Lynda A. Jirak
Notary Public



THIS INSTRUMENT WAS DRAFTED BY:
Campbell Knutson, Professional Association
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, Minnesota 55121
AMP/smt

EXHIBIT A

Lots 16, 17 and 18, Block 2, Original Townsite of Elko, Scott County, Minnesota,
according to the recorded plat thereof and that part of vacated Chowen Avenue accruing thereto.



STAFF MEMORANDUM

SUBJECT:	City of Elko New Market Website Policy
MEETING DATE:	September 12, 2019
PREPARED BY:	Stephanie Fredrickson, Administrative Assistant
REQUESTED ACTION:	Adopt Resolution 19-53 Amending the City of Elko New Market Website Policy

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

Due to recent legality issues relating to the American Disabilities Act (ADA) Accessibility on municipal websites, the League of Minnesota Cities (LMC) has recommended that all cities adopt an Accessibility policy. The City of Elko New Market website policy was last reviewed in 2011 and currently does not contain an Accessibility section in the policy.

DISCUSSION

The LMC recommended Accessibility policy has been added to the City of Elko New Market website policy for approval by City Council.

The updated Elko New Market website policy has been reviewed by the City Attorney and deemed acceptable for approval by City Council.

The only additional modification was the removal of the "Site Tips" section. The site tip in the policy is related to printing sections of the website. Printing options vary depending on the browser being used to access a website, so this site tip is outdated.

BUDGET IMPACT:

None

Attachments:

- Updated Website Policy

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

RESOLUTION NO.19-53

**RESOLUTION AMENDING THE CITY OF ELKO NEW MARKET WEBSITE
POLICY**

WHEREAS, the City desires to amend its website policy to include an accessibility policy as provided in Exhibit A attached hereto (“Accessibility Policy”);

WHEREAS, the City desires to remove “Site Tips” from its website policy;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ELKO NEW MARKET, MINNESOTA, the City of Elko New Market website policy is hereby amended to add the Accessibility Policy and remove Site Tips.

PASSED AND DULY ADOPTED by the Elko New Market City Council this 12th day of September, 2019.

Joe Julius, Mayor

ATTEST:

Thomas Terry, City Clerk

EXHIBIT A

Accessibility Policy

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website interferes with your ability to access information, please contact us.

To enable us to respond in a manner most helpful to you, please indicate:

- The nature of your accessibility problem;
- The preferred format in which to receive the material;
- The web address of the requested material; and
- Your contact information.

Users who need accessibility assistance can also contact us by phone through the telecommunications relay service.

Please contact the City Offices at (952)461-2777 or e-mail the City Clerk at info@ci.enm.mn.us.

The City of Elko New Market is in the process of assessing the accessibility of our website and electronically available documents to establish a plan to comply with and follow best practices set forth in website accessibility standards under Section 508 of the Workforce Rehabilitation Act as well as WCAG 2.0 A and AA.

CITY OF ELKO NEW MARKET WEB SITE POLICY

MISSION

LOCAL GOVERNMENT INFORMATION

As the official site for the City of Elko New Market, our mission is to offer municipal government information not available through other local web sites. We aim to provide our visitors with information about Elko New Market's government, the services it provides, the regulations it enforces, and the laws or projects it proposes. This site's purpose is to provide information from the City of Elko New Market; it is not intended to be a public forum or community news site.

POLICIES

ACCESSIBILITY POLICY

If you use assistive technology (such as a Braille reader, a screen reader, or TTY) and the format of any material on this website interferes with your ability to access information, please contact us.

To enable us to respond in a manner most helpful to you, please indicate:

- The nature of your accessibility problem;
- The preferred format in which to receive the material;
- The web address of the requested material; and
- Your contact information.

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Please contact the City Offices at (952)461-2777 or e-mail the City Clerk at info@ci.enm.mn.us.

The City of Elko New Market is in the process of assessing the accessibility of our website and electronically available documents to establish a plan to comply with and follow best practices set forth in website accessibility standards under Section 508 of the Workforce Rehabilitation Act as well as WCAG 2.0 A and AA.

ADVERTISING POLICY

This web site does not solicit or accept advertising.

CONTENT POLICY

In keeping with our mission, postings are not accepted from commercial enterprises, religious entities, individuals, or other non-government entities. This site does not accept postings from political candidates, political parties or organizations seeking to support or defeat any candidate for elective office, or any site advocating a position on a particular issue. The interests of these entities are served by their own web sites and local newspaper sites.

LINK POLICY

The links provided in this web site are intended to support the municipal government mission of this web site. Our web site offers links – when directly related to information presented within this site to other government and quasi-government entities as well as local utilities necessary for Elko New Market residents. Links may also be provided to non-profit agencies or organizations that receive funds from the City of Elko New Market, provide a service directed by the City of Elko New Market, or are in an active partnership with the City of Elko New Market.

In keeping with our government purpose, this site does not offer links to commercial enterprises, religious entities, organizations that do not meet the above criteria, or individual or personal web sites. It is our belief that the private sector and/or personal web sites can support their interests.

To ensure a fair and impartial election process and avoid the endorsement of political content, this site does not link to candidate web sites, any political party or organization seeking to support or defeat any candidate for elective office, or any site advocating a position on a particular issue. It is our belief that the private sector and/or personal web sites can support their interests.

The City of Elko New Market may, at any time, remove a link, should it be found to contain defamatory, offensive, inaccurate or illegal material.

The City website may link to:

- City codifier
- Governmental, quasi-governmental, and educational institutions servicing Elko New Market
- Utility companies servicing Elko New Market
- Legal newspaper for the City of Elko New Market
- Non-Profit organizations that contract with the City, sponsor City activities or programs, participate in City activities or programs, or which are in active partnership with the City
- Non-profit organizations to which the City regularly refers members of the public for services and/or support
- Consultant's websites

The City website will not link to:

- Candidate's site or sites advocating a position with City or other ballot issues
- Commercial sites
- Individual homes pages
- National sites
- Religious entities

- Other sites that do not meet the above criteria

All requests for links from the City of Elko New Market website are subject to review and approval by the City Administrator. Appeals of the City Administrator's decision may be made in writing to the Elko New Market City Council, 601 Main Street, P.O. Box 99, Elko New Market, MN 55020 or email the City at info@ci.enm.mn.us

LINK DISCLAIMER

The links provided by the City of Elko New Market website are intended to provide a wide range of information to the public. The City of Elko New Market is not liable for the defamatory, offensive, or illegal conduct of other users, links, or third parties and the risk of injury from the forgoing rests entirely with the user. The provision of links from the City of Elko New Market on the World Wide Web to other sites does not constitute an endorsement of those links by the City of Elko New Market.

TRADEMARK

All art, banners, buttons and graphics are original and are a trademark of the City of Elko New Market. Duplication of art, banners and buttons is prohibited. For information or use permission, contact info@ci.enm.mn.us

Reuse or republishing of the text in this web site is allowed. If republishing materials from this web site, this web site should be credited as the source and the utmost care should be taken to ensure accuracy.

WEB POLICY DISCLAIMER

The City of Elko New Market reserves the right to change this statement at any time by posting revisions here.

PRIVACY & SECURITY

SECURITY

For security purposes and to ensure that this service remains available to all users, our web site uses software programs to monitor and measure network traffic as well as identify illegal or unauthorized use (attempts to upload or change information or otherwise cause damage). Attempts to obtain unauthorized access or cause intentional damage or disruption may result in prosecution.

The City of Elko New Market is not responsible for the security policies of other web sites linked to this site.

PRIVACY & PERSONAL INFORMATION

The City of Elko New Market web site does not store personal information about you or your visit to our site unless you voluntarily provide us with this information when sending us an email inquiry or registering for a program offered. (We must retain that information in order to enroll you in the activity

you requested or reply to your e-mail; we use this information to carry out our duties in the same way we would with written communications)

We do not sell, rent or lease this personal information to third parties. However, we may share this information with the person or organization relevant to your inquiry or request for service.

Like most Internet sites, our site records your visit in a log file. This log file does not contain any personal information. The log file is stored and used only to track general information concerning site visitors. This information may include the total number of visitors, most requested pages and whether errors occurred during your visit. This information is used to improve our web site and your future visits.

Any on-line surveys in this web site are anonymous. These surveys are used only to improve this web site and better serve our community. Although demographic information is sometimes collected, we do not ask for any personal identifying information.

Some of our application, order, feedback and course registration forms ask for contact information (name, e-mail address, phone number, etc.) demographic information (gender, address, etc.) and financial information (credit card or social security numbers.) This information is used to process payments or job applications, answer a question or respond to a request.

The City of Elko New Market is not responsible for the privacy policies of other web sites linked to this site.

E-MAIL PRIVACY

Due to the technology, e-mail users should have no privacy expectations regarding the transmission of e-mail messages. The City of Elko New Market is not responsible for inadvertent errors in sending or receiving e-mail messages or the capture of e-mail messages during transmission.

DATA PRACTICES ACT

The Minnesota Government Data Practices Act (Minnesota Statue, Chapter 13) classifies data and provides the legal basis for determining how data and information are managed and distributed by government entities such as the City of Elko New Market. The Data Practices Act prescribes that data is public – available to anyone who requests it – unless classified otherwise. Public data is available to anyone who requests it. Private data is available only to the data subject, person(s) authorized by the data subject, and City staff whose job requires access to the data.

For information about the Minnesota Government Data Practices Act, click on <http://www.revisor.leg.state.mn.us/stats/13>.

CONTENT & DESIGN

CONTENT DISCLAIMER

The content in this web site is intended for the general public. Efforts are made to ensure that the information presented is complete and accurate. As laws or policies change, our site will be updated.

Updates, additions or corrections may have been made to a web page since the last time you viewed it. Nonetheless, mistakes and technical problems can and do happen. Therefore, you are advised to confirm information such as meeting times, event date, etc. If you believe there is an error in this site, please contact info@ci.enm.mn.us.

The City of Elko New Market is not responsible for errors made by other entities when republishing material from this site.



STAFF MEMORANDUM

SUBJECT:	Snowmobiles and Special Use Vehicles
MEETING DATE:	September 12, 2019
PREPARED BY:	Haley Sevening, Community Development/Administrative Intern
REQUESTED ACTION:	Discuss Draft Ordinance Amendments Concerning Snowmobiles and Special Use Vehicles

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:

Under Minnesota State Statute, special vehicles such as golf carts, all-terrain vehicles (ATVs), and utility task vehicles (UTVs) are NOT allowed to operate on city streets unless local jurisdictions adopt an ordinance permitting the use of these special vehicles.

Currently, the Elko New Market Snowmobile and ATV Ordinance (City Code section 7-3) only allows snowmobiles and ATVs to be driven on city streets for the purpose of going to or returning from an area of permissible operation outside the City limits. It does not allow the use of these special vehicles for general transportation purposes.

Additional regulations under the City's current ordinance are as follows:

- Prohibits operation: on sidewalks, in parks, when driving at an unreasonable speed for conditions, in a careless manner, in a noisy manner that creates a public nuisance, on private property without permission, without lights when required, under the influence of intoxicants, and within 100 feet of pedestrians or others when it would cause a dangerous situation.
- Sets a minimum age limit for operation at age 14 with possession of a safety certificate or 14-18 years old with a Safety Certificate or Driver's license with a snowmobile endorsement.
- Mandates the vehicle pull over for police when signaled, follow all other state laws and regulations, and makes a violation of the City ordinance a Misdemeanor crime.

It should be noted that the current ordinance does not include golf carts or UTVs. These types of special vehicles are not permitted under the current ordinance and thus may not be operated on city streets.

As previously mentioned, cities may adopt local ordinances permitting the operation of special vehicles. This is a local decision, so if a city does not specifically permit the use of these vehicles by adoption of a local ordinance, they may not operate on city streets. State law includes some vehicle-specific requirements that must be in each city ordinance, should a city choose to adopt local controls. Specifically, the local ordinance must include, but may not be limited to:

- Require all golf carts to display a slow-moving vehicle emblem.
- Limit the operation of golf carts, UTVs, and ATVs on designated roadways to between sunrise and sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights.
- Require special vehicles to have rear-view mirrors.
- Require evidence of insurance complying with state law.
- Regulate only what the state law allows a city to regulate.
- Provide the same procedural protections as the state law when prosecuting offenses covered by an ordinance.

DISCUSSION:

On August 8, 2019, the Council began discussions regarding the regulation of snowmobiles, ATVs, UTVs, and golf carts. Specifically, the Council directed Staff to draft an ordinance amendment that would allow the use of special vehicles for general transportation purposes. A

draft ordinance to be considered by the Council is attached. Amendments to be considered in the ordinance include:

- The inclusion of other types of special vehicles (i.e. UTVs and golf carts)
- Requiring a permit for special vehicle use within the City limits
- Allowing the use of special vehicles on the trails along County Road 2 and 91
- Age restrictions, which would require a valid learner's permit or driver's license to drive special vehicles on streets within the City limits, unless operating for purposes of going to or returning from places of permissible operation outside the City limits

While drafting the ordinance amendment, many questions came up regarding what could and could not be regulated under a local special vehicle ordinance. One major topic in question included age restrictions in regards to ATV use. Legal Counsel originally advised Staff that local ordinance must be consistent with age limits provided under Minnesota State Statute 84.9256 (Department of Natural Resources (DNR)), which allows persons between age 12 and 15 to operate an ATV on city streets when accompanied by a parent or legal guardian on a separate ATV.

Because one of the major amendments, as directed by the Council, was strict age requirements, Staff asked our City Attorney to do further research on the topic. Upon reviewing the multitude of statutes on special vehicles and discussing with colleagues, the City Attorney's recommendation is that the City has the authority to require permits and provide age limits/requirements for operators/passengers as the City determines to be appropriate pursuant to the permitting authority under Minnesota Statute 169.045. The DNR restrictions on age appear to be designed more for off road use that may involve minimal use of right-of-ways and does not trump the City's rights to require permits for operation on city streets in accordance with Minnesota Statute 169.045, which does not restrict the City on age limits. Further, the fact that even the League of Minnesota Cities memo on the topic fails to clearly address this issue suggests that the statutes do not provide sufficient clarity on the topic and there is room for interpretation.

Upon further research, the City Attorney has also advised Staff that a public hearing must be held to restrict the use of all-terrain vehicles in the public road right-of-way. Due to the ten day requirement for publishing a public hearing notice, a public hearing cannot be held until the October 10, 2019 Council meeting.

At this time, Staff is asking the Council to review and provide feedback on the attached draft ordinances. Following Council discussion, Staff will incorporate feedback and prepare a public hearing and materials for approval at the October 10, 2019 Council meeting.

BUDGET IMPACT:

The budget impact for this item to date is the cost of City staff time and City Attorney review time. Future budget implications will include the cost to revise the City Code.

Attachments:

- Draft Ordinance No. 201 Regarding Snowmobiles and Special Use Vehicles
- Draft Summary Ordinance No. 202
- Draft Ordinance No. 203 Amending the 2019 Fee Schedule

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

ORDINANCE NO. 201

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 3
OF THE ELKO NEW MARKET CITY CODE
CONCERNING SNOWMOBILES AND SPECIAL USE VEHICLES**

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

SECTION 1. Title 7, Chapter 3 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

Chapter 3
SNOWMOBILES AND SPECIAL USE VEHICLES

7-3-1: PURPOSE:

7-3-2: APPLICATION AND SCOPE:

7-3-3: DEFINITIONS:

7-3-4: SNOWMOBILES

7-3-5: SPECIAL USE VEHICLES

7-3-6: EMERGENCIES:

7-3-7: OBEDIENCE TO POLICE:

7-3-8: LOCKED VEHICLES REQUIRED:

7-3-9: COMPLIANCE WITH OTHER LAWS; STATE REGULATIONS ADOPTED:

7-3-10: NO ASSUMPTION OF LIABILITY:

7-3-11: MISDEMEANOR VIOLATION:

7-3-1: PURPOSE:

The purpose of this chapter is to provide reasonable regulations for the use of snowmobiles and special use vehicles on public and private property in the city. This chapter is intended to protect life and property and to prevent public nuisances.

7-3-2: APPLICATION AND SCOPE:

A. Conflicts With State Law: If any provision in this chapter contradicts the regulations pertaining to snowmobiles, ATVs, UTVs or golf carts set forth in Minnesota statutes chapter 168 (motor vehicle registration), chapter 169 (traffic regulations), chapter 169A (driving while impaired), chapter 171 (driver license regulations) or chapter 84 (snowmobile and all-terrain vehicle registrations), the state regulations shall control.

B. Scope: This chapter shall apply to the control of traffic and the regulation of that certain class of vehicles falling within the definition of snowmobiles, ATVs, UTVs or golf carts as to matters set forth herein. All provisions of other ordinances not relating to matters herein stated apply as equally to snowmobiles, ATVs, UTVs or golf carts as to other vehicles. Nothing contained in this chapter shall be construed to change state law, and said laws shall remain in full force and effect.

7-3-3: DEFINITIONS:

For the purpose of this chapter, the terms defined in this section shall have the meanings stated:

ALL-TERRAIN VEHICLE OR ATV: A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

COMMISSIONER: The state commissioner of natural resources acting directly or through the commissioner's authorized agent.

GOLF CART: An electric or gas-powered vehicle not completely enclosed, generally having a small wheel base.

MINI-TRUCK: A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

NATURAL TERRAIN: Areas other than roadways or driveways (private or public), parking lots and other areas of which the surface has been intentionally modified for motor vehicle operation thereon.

OPERATE: To ride in or on and control the operation of a snowmobile or special use vehicle.

OPERATOR: Every person who operates or is in actual physical control of a snowmobile or special use vehicle.

OWNER: A person, other than a lienholder, having the property in or title to a snowmobile or special use vehicle and entitled to the use or possession thereof.

PERSON: Includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

ROADWAY: That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SHARED USE PATH: A multi-use trail or other path, physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or within an independent right-of-way, and typically used by pedestrians, bicyclists, skaters, and other nonmotorized users.

SIDEWALK: The portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line that is paved and intended for use by pedestrians.

SNOWMOBILE: A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

SPECIAL USE VEHICLE: An ATV, UTV or golf cart as defined under this title.

STREET OR HIGHWAY: The entire width between boundary lines or any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

UTILITY TASK VEHICLE OR UTV: A side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

7-3-4: SNOWMOBILES:

A. Operation Regulations:

1. **Prohibited Hours; Exceptions:** No person shall operate a snowmobile upon any public property, street, alley, lot, lake or stream within the city between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M.; provided, however, that if the snowmobile is being driven for the purpose of going in the most direct, practicable route possible from a point outside the city limits to the residence of the operator within the city limits, or from the residence of the operator inside the city limits in the most direct, practicable route to a specific destination outside the city limits, then, and for that purpose only, operation of a snowmobile between the aforesaid hours shall be lawful.

2. Operation On Banks Of Highways: Snowmobiles may be operated upon the ditch bottom or outside bank of trunk, county state aid and county highways where such highways are configured within the corporate limits.

3. Driving On Roadways: Driving On Roadways: It is unlawful to operate a snowmobile on the portion of any right of way of any public highway, street, road or alley used for motor vehicle travel except as otherwise provided in this Section. It is lawful to operate a snowmobile upon the most right hand lane of a municipal street or alley and may, in passing or making a left hand turn, operate on other lanes which are used for vehicle traffic in the same direction, only when going to or from a designated trail or nonhighway area of permissible operation outside the city limits to the operators place of residence or establishment within the city.

4. Direct Crossing:

a. A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

1. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way;
3. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
4. In crossing a divided street or highway, the crossing is made only at an intersection of the street or highway with another public street or highway.

b. If the crossing is made between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or in conditions of reduced visibility, the crossing may be made only if both front and rear lights are on.

5. Compliance With State Law: No snowmobile shall be operated within the city in violation of the requirements under Minnesota statutes section 84.87, subdivision 1.

B. Prohibited Operation:

1. On Sidewalks or Shared Use Path: No snowmobile shall be operated at any time whatsoever upon any sidewalk or shared use path within the corporate limits of the city.

2. In Parks: It shall be unlawful to operate a snowmobile in any city park unless authorized by the City as part of an event.
3. Occupants: The number of occupants on the snowmobile shall not exceed the design occupancy load. Each occupant must be seated in a seat designed for occupants.
4. Hurting Or Chasing Animals: It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.
5. Established Public Places: In addition to the regulations provided in this subsection, it is unlawful to operate a snowmobile on any public place where prohibited by order of the city council. The city council shall have the power, by resolution, to prohibit the operation whenever, in its discretion, the same would be likely to produce damage to property or endanger the safety or repose of other persons. The areas shall be appropriately signposted following the enactment of the city resolution, and the prohibition shall become effective upon the posting.

C. Unsafe Operation: It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

1. Speed: At a rate of speed greater than the posted limit or reasonable or proper under all surrounding circumstances.
2. Carelessness, Negligence: In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
3. Noisy Conditions: In such a manner so as to create loud, unnecessary and excessive noise or in any way which shall unduly disturb the peace and quiet of other persons in the city or in any manner which creates a public nuisance thereby.
4. Lights: Without a lighted headlight and taillight when required for safety.
5. Tree Nurseries: In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Private Property: On private property of another without specific permission of the owner or person in control of said property.
7. Under Influence Of Intoxicants: At any place while under the influence of "alcohol" or a "controlled substance", as those terms are defined in Minnesota statutes. Minnesota statutes section 169A.20, "driving while impaired", is incorporated herein by reference.

D. Equipment Requirements: It is unlawful for any person to operate a snowmobile to any place within the city unless it is equipped with the following:

1. Mufflers: Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation (no person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor);
2. Brakes: Brakes adequate to control movement of and to stop and hold the snowmobile under any condition of operation;
3. Safety Throttle: A safety or so called "dead man" throttle in operating condition;
4. Lights: When operated between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or at a time of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet (100') ahead during the hours of darkness and under normal atmospheric conditions; and the headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red taillamp having a minimum power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions; and
5. Reflective Material: Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of a snowmobile and at the highest practicable point of any towed object, as to reflect light at a ninety degree (90°) angle.

E. Age of Operator:

1. It is unlawful for any person under the age of fourteen (14) years to operate a snowmobile on streets and city parks or other public land or on the roadway surface of highways or to make the crossing of a trunk, county state aid or county highway as the operator of a snowmobile.
2. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile, as permitted under this chapter, only if he or she has, in his or her possession, a safety certificate issued by the commissioner of natural resources, driver's license that has a valid snowmobile qualification indicator, or an identification card that has a valid snowmobile qualification.
3. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

7-3-5: SPECIAL USE VEHICLES:

A. Permit Required: It is unlawful for any person to operate a special use vehicle on public streets in the city without first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a special use vehicle on designated public roadways and trails or portions thereof under the jurisdiction of the city. Operators must have proof of insurance in possession while operating a special use vehicle on designated streets and trails and shall produce such proof of insurance on demand of a police officer as specified in Minnesota statutes section 169.791.

1. Term of Permit: Except as otherwise provided herein, all permits issued shall be issued for a specified three (3) year term and must be renewed following their expiration. All permits issued during 2019, shall be issued for the remainder of 2019 and the three (3) year term beginning on January 1, 2020.
2. Permit Fee: All applications for a permit under this chapter shall be accompanied by the fee set forth in the city fee schedule, as it may be amended from time to time. The permit fee shall not be prorated.
3. Exemption: Authorized city staff may operate city owned special use vehicles without obtaining a permit within the city on city streets, sidewalks, share use paths, rights-of-way, and other public property when conducting city business.

B. Application for Permit: Application for a permit shall be made at least two (2) regular business days before the applicant desires to begin operating special use vehicles unless otherwise approved by the city clerk or their designee. Application for a permit shall be made on a form available from the office of the city clerk. All applications shall be signed by the applicant and include the following information:

1. The name, address and contact information of the applicant.
2. The make, model name, year and serial number of the special use vehicle(s).
3. Proof of insurance complying with Minnesota statutes section 65B.48.
4. All additional information deemed necessary by the city.

C. Permit Display: All permits shall be issued for a specific special use vehicle. A current city-issued permit tag/sticker shall be plainly visible from the front or driver's side of the special use vehicle.

D. Suspension or Revocation of Permit: The Police Chief may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minnesota statute chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the special use vehicle on the designated roadways. Appeal: The permit holder may appeal a permit suspension, revocation

or nonrenewal to the city council. The permit holder must file with the city clerk a notice of appeal within ten (10) days of a suspension, revocation or nonrenewal. The council shall consider the appeal at a regularly or specially scheduled council meeting on or after fifteen (15) days from service of the notice of appeal upon the city clerk by the permit holder. Hearing on the appeal shall be open to the public. At the conclusion of the hearing, or as soon as thereafter as practicable, the council may order:

1. The revocation, suspension or non-renewal of the permit.
2. The revocation, suspension or non-renewal by the Police Chief be lifted and the permit be returned to or re-issued to the permit holder.

E. Operation Regulations:

1. Prohibited Hours; Exceptions: No person shall operate a special use vehicle upon any public property, street, alley, lot, lake or stream within the city between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day; provided, however, that if the special use vehicle is being driven for the purpose of going in the most direct, practicable route possible from a point outside the city limits to the residence of the operator within the city limits, or from the residence of the operator inside the city limits in the most direct, practicable route to a specific destination outside the city limits, then, and for that purpose only, operation of a special use vehicle between the aforesaid hours shall be lawful.
2. Operation On Banks Of Highways: Special use vehicles may be operated upon the ditch bottom or outside bank of trunk, county state aid and county highways where such highways are configured within the corporate limits.
3. Driving On Roadways: It is lawful to drive a special use vehicle upon the most right hand portion of any public highway, street, road or alley used for motor vehicle travel.
4. Compliance With State Law: No special use vehicle shall be operated within the city in violation of the requirements under Minnesota statutes sections 84.92 Through 84.928.

F. Prohibited Operation:

1. On Sidewalks: No special use vehicle shall be operated at any time whatsoever upon any sidewalk within the corporate limits of the city.
2. On Shared Use Paths: No special use vehicle shall be operated at any time whatsoever upon any shared use path within the corporate limits of the city; except, along County Road 2 or County Road 91. All special use vehicles must yield to pedestrians when operating on a shared use path.

3. In Parks: It shall be unlawful to operate a special use vehicle in any city park unless authorized by the city as part of an event.
4. Occupants: The number of occupants on the special use vehicle shall not exceed the design occupancy load. Each occupant must be seated in a seat designed for occupants.
5. Hurting Or Chasing Animals: It is unlawful to intentionally drive, chase, run over or kill any animal with a special use vehicle.
6. Established Public Places: In addition to the regulations provided in this subsection, it is unlawful to operate a special use vehicle on any public place where prohibited by order of the city council. The city council shall have the power, by resolution, to prohibit the operation whenever, in its discretion, the same would be likely to produce damage to property or endanger the safety or repose of other persons. The areas shall be appropriately signposted following the enactment of the city resolution, and the prohibition shall become effective upon the posting.
7. Mini-Trucks: It shall be unlawful to operate a mini-truck upon any public sidewalk, shared use path, street or other public place within the corporate limits of the city.

G. Unsafe Operation: It shall be unlawful for any person to drive or operate any special use vehicle in the following unsafe or harassing ways:

1. Speed: At a rate of speed greater than the posted limit or reasonable or proper under all surrounding circumstances.
2. Carelessness, Negligence: In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
3. Noisy Conditions: In such a manner so as to create loud, unnecessary and excessive noise or in any way which shall unduly disturb the peace and quiet of other persons in the city or in any manner which creates a public nuisance thereby.
4. Lights: Without a lighted headlight and taillight when required for safety.
5. Tree Nurseries: In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Private Property: On private property of another without specific permission of the owner or person in control of said property.

7. Under Influence Of Intoxicants: At any place while under the influence of "alcohol" or a "controlled substance", as those terms are defined in Minnesota statutes. Minnesota statutes section 169A.20, "driving while impaired", is incorporated herein by reference.

H. Equipment Requirements:

1. ATVs and UTVs: It is unlawful for any person to operate an ATV or UTV to any place within the city unless it is equipped with the following:
 - a. Mufflers: Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation (no person shall use a muffler cutout, bypass, straight pipe or similar device on an ATV or UTV motor);
 - b. Brakes: Brakes adequate to control movement of and to stop and hold the ATV or UTV under any condition of operation;
 - c. Safety Throttle: A safety or so called "dead man" throttle in operating condition;
 - d. Lights: When operated between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or at a time of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet (100') ahead during the hours of darkness and under normal atmospheric conditions; and the headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming special use vehicle operator. It shall also be equipped with at least one red taillamp having a minimum power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions; and
 - e. Reflective Material: Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of an ATV or UTV and at the highest practicable point of any towed object, as to reflect light at a ninety degree (90°) angle.
2. Golf Carts: It is unlawful for any person to operate a golf cart to any place within the city unless it is equipped with the following:
 - a. Slow Moving Vehicle Emblem: Golf carts must display a slow moving vehicle emblem in accordance with Minnesota statutes section 169.522.

I. Age of Operator:

1. ATVs and UTVs:

- a. A person sixteen (16) years of age or older may operate an ATV or UTV, as permitted under this chapter, only if he or she has, in his or her possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota statutes section 84.925 and a valid driver's license.
- b. A person fifteen (15) years of age or older may operate an ATV or UTV, as permitted under this chapter, only if he or she is accompanied by a person eighteen (18) years of age or older and has, in his or her possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota statutes section 84.925 and a valid learner's permit.
- c. A person twelve (12) years of age or older, but less than fifteen (15) years of age may operate an ATV or UTV upon the most right hand lane of a municipal street or alley and may, in passing or making a left hand turn, operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a nonhighway area of permissible operation outside the city, by the most direct route, only if he or she is accompanied by a person eighteen (18) years of age or older and has, in his or her possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota statutes section 84.925.

2. Golf Carts:

- a. A person sixteen (16) years of age or older may operate a golf cart, as permitted under this chapter, only if he or she has, in his or her possession, a valid driver's license.
- b. A person fifteen (15) years of age or older may operate a golf cart, as permitted under this chapter, only if he or she is accompanied by a person eighteen (18) years of age or older and has, in his or her possession, a valid learner's permit.

3. It is unlawful for the owner of a special use vehicle to permit the special use vehicle to be operated contrary to the provisions of this section.

7-3-6: EMERGENCIES:

Notwithstanding any prohibitions in this chapter, a snowmobile or special use vehicle may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

7-3-7: OBEDIENCE TO POLICE:

It is unlawful for a snowmobile or special use vehicle operator, having received a visual or audible signal from any law enforcement officer to come to a stop, to operate a snowmobile or

special use vehicle in willful or wanton disregard of the signal, to interfere with or endanger the law enforcement officer or any other person or vehicle or to increase his or her speed or attempt to flee or elude the officer.

7-3-8: LOCKED VEHICLES REQUIRED:

It is unlawful for any person to leave a snowmobile or special use vehicle on a public place unless he or she shall lock the ignition, remove the key and take the same with him or her.

7-3-9: COMPLIANCE WITH OTHER LAWS; STATE REGULATIONS ADOPTED:

City ordinances relating to vehicular traffic shall apply to the operation of snowmobiles and special use vehicles upon streets and highways within the city; and Minnesota statutes sections 84.81 through 84.92 Minnesota statutes chapters 169 and 169A, and applicable rules and regulations promulgated thereunder by the state departments of natural resources and public safety are hereby adopted by reference except those provisions which by their nature have no application.

7-3-10: NO ASSUMPTION OF LIABILITY:

Nothing in this chapter shall be construed as an assumption of liability by the city for injuries to persons or property which may result from the operation of any snowmobile or special use vehicle by a permit holder or the failure by the Police Chief or city council to suspend or revoke a permit.

7-3-11: MISDEMEANOR VIOLATION:

Anyone who violates any provision of this chapter is guilty of misdemeanor and subject to punishment as provided by law. Any parent or legal guardian of a juvenile found in violation of this ordinance may be cited for the violation committed under this ordinance.

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

ADOPTED this ___ day of _____, 2019 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk

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

SUMMARY ORDINANCE NO. 202

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 3
OF THE ELKO NEW MARKET CITY CODE
CONCERNING SNOWMOBILES AND SPECIAL USE VEHICLES**

NOTICE IS HEREBY GIVEN that, on _____, 2019, Ordinance No. 201 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. 201, the following summary of the ordinance has been prepared for publication.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the Council amends City Code Title 7, Chapter 3, Snowmobiles and All-Terrain Vehicles, in its entirety to permit the operation of the following special use vehicles for general transportation purposes: all-terrain vehicles, utility task vehicles, and golf carts. A printed copy of the complete 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 ____ day of _____, 2019.

CITY OF ELKO NEW MARKET

By: _____
Joe Julius, Mayor

By: _____
Thomas Terry, Acting City Clerk

ORDINANCE NO. 203

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

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET FEE SCHEDULE,
ORDINANCE NO. 193, CONCERNING SPECIAL USE VEHICLES**

WHEREAS, the City's fee schedule for 2019 was set forth under City of Elko New Market Ordinance No. 183 and amended under City of Elko New Market Ordinance No. 193; and,

WHEREAS, the City has adopted Ordinance No. 201 Amending Title 7 of the Elko New Market City Code concerning snowmobiles and special use vehicles; and,

WHEREAS, the City desires to adopt a required fee for special use vehicle permits;

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

Section 1. City of Elko New Market Ordinance No. 193 is hereby amended to add the following fees under Miscellaneous Fees:

MISCELLANEOUS FEES

Special Use Vehicle Permit \$30

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

ADOPTED this ____ day of _____, 2019 by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, Acting City Clerk

Memo

To: Elko-New Market Mayor and City Council

From: Paul T. Steinman, Director

Date: September 12, 2019

Subject: Scott County CDA Refundings

Purpose:

The purpose of this memo is to ask the Council to consider a resolution pertaining to refunding the 2010A/B bonds issued by the Scott County CDA (SCCDA) for the purpose of constructing Market Village.

Summary:

The Market Village bonds were issued to fund construction of a 49-unit senior low/moderate income multi-family rental housing project in Elko-New Market by the SCCDA in 2010 as follows:

- 2010A, Taxable Build America Bonds, Scott County General Obligation, \$1,780,000
- 2010B, Taxable Recovery Zone Economic Development Bonds, Scott County General Obligation, \$4,445,000

The 2010AB bonds are paid through a combination of revenues of the rental housing project and special benefits tax of the SCCDA. The City's participation in the project is only through its General Obligation support of the bonds.

Currently the SCCDA is in the process of issuing bonds to finance a housing project in Jordan MN. Along with this new money issuance, the SCCDA is considering refunding the aforementioned bonds issued for Market Village for an estimated \$460,000 in net present value savings.

Refunded Issue	Refunded Bonds	Net Future Value Savings	Net Present Value Savings	Net Present Value %
2010A	\$1,300,000	\$ 71,163	\$ 64,101	4.528%
2010B	4,445,000	544,844	395,695	5.969%
Total	\$5,745,000	\$616,007	\$459,796	5.716%

The following is a short summary of the specific items being asked of the City Council in the resolution:

1. The City is approving the issuance of the refunding bonds by SCCDA.
2. The general obligation of the City is being pledged to reimburse the County. The City's general obligation pledge is limited to \$3M of principal if the County GO is drawn upon.
3. The Mayor and the City Administrator are being authorized to execute and deliver the Indenture (agreement between SCCDA, City, and the Trustee US Bank). The new Indenture will be substantially the same as the current Indenture with changes that do not affect the substance or materiality of the new Indenture.

I will attend the September 12 meeting to address any questions the Council may have at that time.

Attached:

- Resolution
- Draft Indenture
- Pre-sale Summary of the 2019AB Refunding Bonds

CITY OF ELKO NEW MARKET, MINNESOTA

RESOLUTION NO. 19-56

APPROVING THE PLEDGE OF THE GENERAL OBLIGATION OF THE CITY OF ELKO NEW MARKET, MINNESOTA TO REIMBURSE SCOTT COUNTY, MINNESOTA FOR THE PAYMENT OF THE GOVERNMENTAL DEVELOPMENT REFUNDING BONDS (SCOTT COUNTY, MINNESOTA UNLIMITED TAX GENERAL OBLIGATION), SERIES 2019B, TO BE ISSUED BY THE SCOTT COUNTY COMMUNITY DEVELOPMENT AGENCY; AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, pursuant to Minnesota Statutes, Sections 469.001 through 469.047, as amended, and Minnesota Statutes, Chapter 475, as amended (collectively, the “Act”), the Scott County Community Development Agency (the “Agency”) is authorized to undertake housing development projects and to acquire and construct multifamily rental housing for the purpose of providing housing for elderly persons and for persons and families of low and moderate income and to issue general obligation bonds to finance or refinance such qualified housing development projects; and

WHEREAS, on December 14, 2010, the Agency issued its (i) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010A (Taxable Build America Bonds – Direct Pay) (the “Series 2010A Bonds”), in the original aggregate principal amount of \$1,780,000; (ii) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010B (Taxable Recovery Zone Economic Development Bonds – Direct Pay) (the “Series 2010B Bonds”), in the original aggregate principal amount of \$4,445,000; and (iii) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010C (the “Series 2010C Bonds”), in the original aggregate principal amount of \$450,000; and

WHEREAS, the Agency applied the proceeds of the Series 2010A Bonds, the Series 2010B Bonds, and the Series 2010C Bonds (collectively, the “Series 2010 Bonds”) to finance the acquisition, construction, and equipping by the Agency of a 49-unit multifamily rental housing facility for low- and moderate-income seniors located in the City of Elko New Market, Minnesota (the “Project”); and

WHEREAS, following a duly noticed public hearing conducted by the Board of Commissioners of the Agency on October 12, 2010, the Agency approved a housing program for the Project in accordance with Section 469.0171 of the Act and adopted a resolution finding that the pledged revenues would equal or exceed one hundred ten percent (110%) of the principal and interest due on the Series 2010 Bonds for each year in accordance with Section 469.034, subdivision 2(a) of the Act; and

WHEREAS, in connection with the issuance of the Series 2010 Bonds, the Board of Commissioners of Scott County, Minnesota (the “County”) adopted a resolution, following a duly noticed public hearing conducted on October 26, 2010, approving the issuance of the Series 2010 Bonds by the Agency and pledging the full faith and credit of the County for the payment of debt service of the Series 2010 Bonds in accordance with Section 469.034, subdivision 2 of the Act; and

WHEREAS, in connection with the issuance of the Series 2010 Bonds, the City Council of the City of Elko New Market, Minnesota (the “City”) adopted a resolution, following a duly noticed public hearing conducted on October 14, 2010, approving the issuance of the Series 2010 Bonds by the Agency and pledging the full faith and credit of the City to reimburse the County for the County’s payment of debt service of the Series 2010 Bonds, subject to a limitation of \$3,000,000 in principal amount (the “Reimbursement Limit”), in accordance with Section 469.034, subdivision 2 of the Act, as then in effect; and

WHEREAS, the Series 2010A Bonds are currently outstanding in the principal amount of \$1,450,000, of which \$1,300,000 in principal amount is subject to redemption and prepayment on or after February 1, 2020, at a price of par plus accrued interest; and

WHEREAS, the Series 2010B Bonds are currently outstanding in the principal amount of \$4,445,000 and are subject to redemption and prepayment on or after February 1, 2020, at a price of par plus accrued interest; and

WHEREAS, the Series 2010C Bonds have been paid in full and are no longer outstanding; and

WHEREAS, the Agency is proposing to issue its Governmental Development Refunding Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2019B (the “Bonds”), in the maximum principal amount of \$7,000,000, pursuant to the Act, including Section 475.67, subdivision 3, in order to refinance the Project through the defeasance, redemption, and prepayment of the outstanding Series 2010A Bonds and Series 2010B Bonds (together, the “Refunded Bonds”) on February 1, 2020; and

WHEREAS, the City desires to extend its support to the Project by pledging its general obligation to reimburse the County for the County’s payment of debt service of the Bonds pursuant to Section 469.034 of the Act, subject to the Reimbursement Limit; and

WHEREAS, pursuant to Section 469.034, subdivision 2(f) of the Act, no further public hearings are required to be held by the County or the City when issuing refunding bonds under Section 469.034, subdivision 2 of the Act; and

WHEREAS, to consider the general obligation pledge of the City, the City Council of the City must approve the principal amount of the Bonds to be issued by the Agency in accordance with Section 469.034, subdivision 2(b) of the Act; and

WHEREAS, on September 3, 2019, the Board of Commissioners of the County adopted a resolution to support the Project by pledging the County’s general obligation to the Bonds pursuant to Section 469.034 of the Act for the purpose of providing and maintaining affordable rental housing for elderly persons in the City; and

WHEREAS, there has been presented before this City Council a form of a First Supplemental Indenture of Trust (the “Indenture”) proposed to be entered into between the Agency and U.S. Bank National Association (the “Trustee”), and to be consented to by the County and the City, which supplements the Indenture of Trust, dated as of December 1, 2010, between the Agency and the Trustee and consented to by the County and the City, relating to the Series 2010 Bonds;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elko New Market, Minnesota as follows:

1. The City hereby approves the issuance of the Bonds by the Agency. The general obligation of the City is hereby pledged, subject to the Reimbursement Limit, to reimburse the County for its payment of debt service of the Bonds in the maximum principal amount of \$7,000,000 to be issued by the Agency to (i) redeem and prepay the outstanding Refunded Bonds and thereby refinance the Project; (ii) to fund required reserves; and (iii) to pay costs of issuance of the Bonds; provided, however, that the County approves the issuance of the Bonds by the Agency and the pledge of its general obligation to the repayment of the Bonds. The Reimbursement Limit, plus the outstanding principal amount of bonds issued pursuant to Section 469.034, subdivision 2 of the Act to which the City's full faith and credit has been pledged does not exceed the greater of (a) one-half of one percent of the estimated market value of the City or (b) \$5,000,000.

2. The Mayor and the City Administrator, or their designees, are hereby authorized and directed to execute and deliver the Indenture in the name and on behalf of the City. The Indenture shall be substantially in the form on file with the City which is hereby approved, with such omissions and insertions as do not materially change the substance thereof, or as the Mayor and the City Administrator, in their discretion, shall determine, and the execution thereof by the Mayor and the City Administrator shall be conclusive evidence of such determination.

3. The pledge of the City's full faith and credit to reimburse the County for the payment of the Bonds is hereby approved, subject to the Reimbursement Limit and the terms of Section 469.034, subdivision 2 of the Act.

4. The Mayor and the City Administrator are authorized to take any other action and execute any documents and closing certificates deemed necessary to carry out the intentions of the resolution, including but not limited to a general certificate of the City.

5. This resolution shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of Elko New Market, Minnesota this 12th day of September, 2019.

Joe Julius, Mayor

Attest:

Thomas Terry, City Clerk

Scott County Community Development Agency, Minnesota Pre-Sale Summary for Issuance of Bonds

\$5,895,000¹ Governmental Development Refunding Bonds

(Scott County, Minnesota, Unlimited Tax General Obligation – Market Village Project), Series 2019B

The Agency Board and County Board of Commissioners have under consideration the issuance of the above referenced bonds (the "2019B Bonds") to finance the refunding of two outstanding bond issues of the Agency for which the County has pledged its general obligation. This document provides information relative to the proposed issuance.

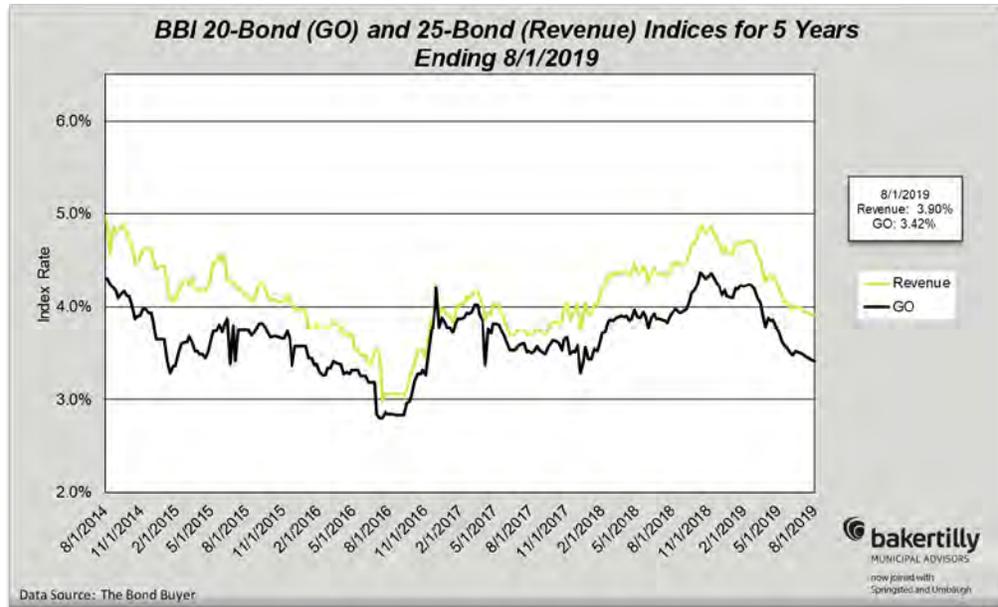
KEY EVENTS:	The following summary schedule includes the timing of some of the key events that will occur relative to the bond issuance.
August 13, 2019	Agency Board authorizes issuance of the 2019B Bonds and delegates authority to Pricing Committee
September 3, 2019	County Board considers continued use of its general obligation pledge to the 2019B Bonds
September 12, 2019	City of Elko New Market considers continued use of its general obligation pledge for up to \$3,000,000 of 2019B Bonds.
October 21, 2019, 10:00 a.m. October 21, 2019	Competitive proposals are received Pricing Committee considers award of the 2019B Bonds
December 12, 2019	Proceeds are received
February 1, 2020	Agency (Trustee) makes regularly scheduled payment on the Prior Bonds and 2019B Bond proceeds redeem all remaining Prior Bonds

RATING: An application will be made to S&P Global Ratings (S&P) for a rating on the 2019B Bonds. Because the general obligation pledge of Scott County (the "County") secures payment on the 2019B Bonds, the 2019B Bonds are expected to be rated at the same level as the County's general obligation debt. The County's general obligation debt is currently rated "AAA" by S&P.

¹ Preliminary. Subject to change.

THE MARKET:

Performance of the tax-exempt market is often measured by the Bond Buyer's Index ("BBI") which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds rated Aa2 by Moody's or AA by S&P (the BBI 20-Bond GO Index) and the 30th year for revenue bonds rated A1 by Moody's or A+ by S&P (the BBI 25-Bond Revenue Index). The following chart illustrates these two indices over the past five years.



POST ISSUANCE COMPLIANCE:

The issuance of the 2019B Bonds will result in post-issuance compliance responsibilities. The responsibilities are in two primary areas: (i) compliance with federal arbitrage requirements and (ii) compliance with secondary disclosure requirements.

Federal arbitrage requirements include a wide range of implications that have been taken into account as this issue has been structured. Post-issuance compliance responsibilities for this tax-exempt issue include both rebate and yield restriction provisions of the IRS Code. In general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. Under certain circumstances any "excess earnings" will need to be paid to the IRS to maintain the tax-exempt status of the 2019B Bonds. Any interest earnings on gross bond proceeds or debt service funds should not be spent until it has been determined based on actual facts that they are not "excess earnings" as defined by the IRS Code.

The arbitrage rules provide for spend-down exceptions for proceeds that are spent within either a 6-month, 18-month or, for certain construction issues, a 24-month period each in accordance with certain spending criteria. Proceeds that qualify for an exception will be exempt from rebate. These exceptions are based on actual expenditures and not based on reasonable expectations, and expenditures, including any investment proceeds will have to meet the spending criteria to qualify for the exclusion. The Agency expects to meet the 6-Month spending exception.

Regardless of whether the issue qualifies for an exemption from the rebate provisions,

yield restriction provisions will apply to 2019B Bond proceeds (including interest earnings thereon) unspent after three years, the debt service reserve fund and the debt service fund throughout the term of the 2019B Bonds. These moneys should be monitored until the 2019B Bonds are retired.

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the Agency to commit to providing the information needed to comply under a continuing disclosure agreement.

Baker Tilly Municipal Advisors currently provides both arbitrage and continuing disclosure services to the Agency and the County. Baker Tilly Municipal Advisors will work with the Agency and County staff to include the 2019B Bonds under the existing relevant Agreements for Municipal Advisor Services. (County responsibilities are limited to continuing disclosure for this issue.)

SUPPLEMENTAL INFORMATION AND BOND RECORD:

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Upon completion of the financing, a bond record will be provided that contains pertinent documents and final debt service calculations for the transaction.

PURPOSE:

Proceeds of the 2019B Bonds will be used to: (i) refund the February 1, 2021 through February 1, 2028 maturities of the Agency's Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010A (Taxable Build America Bonds – Direct Pay) (the "Series 2010A Bonds"), dated December 14, 2010 (the "2010A Bonds"), and (ii) refund the February 1, 2028 through February 1, 2045 maturities of the Agency's Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010B (Taxable Recovery Zone Economic Development Bonds – Direct Pay) (the "Series 2010B Bonds"), dated December 14,, 2010. Together, the maturities to be refunded are referred to herein as the "Refunded Maturities". The objective of this refunding transaction is to achieve debt service savings.

The 2010A Bonds and the 2010B Bonds (together, the "Prior Bonds") were originally issued to finance the acquisition, construction, and equipping by the Agency of a 49-unit multifamily rental housing facility for low- and moderate-income seniors located in the City of Elko New Market, Minnesota (the "Project").

AUTHORITY:

Statutory Authority: The 2019B Bonds are being issued pursuant to Minnesota Statutes, Section 475 and 469, an Indenture of Trust (the "Indenture") between the Agency and the Trustee, to be amended by a first supplement to the Indenture, and an approving resolution of the County (the "County Resolution").

SECURITY AND SOURCE OF PAYMENT:

The 2019B Bonds will be issued as additional bonds on parity with the Agency's Prior Bonds and will be equally and ratably secured by Housing Revenues and other receipts from the existing rental housing facility financed by the Prior Bonds (known as the Market Village Apartments), and will also be secured by a pledge of the full faith and credit of the County. The Prior Bonds benefit from the receipt by the Agency of a direct pay tax credit that is a percentage of the interest paid. Bond Counsel has affirmed that under the proposed structure, the receipt of the tax credit will continue unaltered through

and including the February 1, 2020 debt service payment. Under the Indenture, the credit is required to be paid to the Trustee and is available for payment of debt service on the Prior Bonds.

The 2019B Bonds are further secured by an annual pledge of the Agency's special benefits tax (which is a limited tax levied under Minnesota Statutes, Section 469.033, subd. 6) (currently pledged in an annual amount of \$85,000) and any proceeds from use and occupancy insurance and rental loss insurance. Each year's collection of Housing Revenues of the Market Village Apartments and the annual contribution by the Agency from its special benefits tax will be used to pay the August 1 interest payment due in the collection year and the February 1 principal and interest payment due in the following year.

In the event of shortfalls of projected revenues, the Trustee is required to provide notice to the County and request that the County make payment. While the Agency expects net revenues and its special benefits tax collections to continue to be sufficient to pay operating costs and principal of and interest on the 2019B Bonds, the County's general obligation pledge provides additional security and is expected to result in lower interest rates and increase the marketability of the 2019B Bonds over a transaction with only a project revenue pledge. The general obligation pledge of the City of Elko New Market, limited in amount to debt service on \$3,000,000 of bond principal, will continue to run to the benefit of the County in event a County contribution is required.

Pursuant to the Indenture, the Agency will covenant to maintain a debt service reserve fund that will be equal to the lesser of \$200,000 or the least of (i) 100 percent of the maximum annual debt service on the 2019B Bonds, (ii) 125 percent of the average annual debt service on the 2019B Bonds, and (iii) 10% of the original principal amount of the 2019B Bonds.

**STRUCTURING
SUMMARY:**

The refundings are being done as current refundings as permitted under federal law. As such, the redemption of the Refunded Maturities is required to occur within 90 days of the settlement of the 2019B Bonds. The Agency, through the Trustee, will continue to make payments on the Prior Bonds to and including the February 1, 2020 payment of principal and interest. On that date, proceeds of the 2019B Bonds will be used to redeem the Refunded Maturities.

On February 1, 2020, the call date of the Refunded Bonds, the Trustee will use funds deposited by the Agency to pay the scheduled principal and interest due on that date for the Prior Bonds and proceeds of the 2019B Bonds to redeem the remaining \$5,745,000 of principal on the Refunded Bonds. Beginning with the August 1, 2020 interest payment, the Agency, through the Trustee, will make debt service payments on the 2019B Bonds realizing the debt service savings.

In consultation with Agency staff, the 2019B Bonds have been structured to provide for approximately level annual savings over the combined term of the Prior Bonds.

Estimated net savings after all costs anticipated for the individual refunding transactions are shown below:

Refunded Issue	Refunded Bonds	Net Future Value Savings	Net Present Value Savings	Net Present Value %
2010A	\$1,300,000	\$ 71,163	\$ 64,101	4.528%
2010B	4,445,000	544,844	395,695	5.969%
Total	\$5,745,000	\$616,007	\$459,796	5.716%

Interest rates applied in the structuring of the 2019B Bonds are estimates based on current market conditions. Actual rates at the time of sale will vary.

SCHEDULES ATTACHED:

Schedules attached include: (i) a refunding summary, (ii) aggregate debt service comparison, (iii) aggregate debt service schedule, (iv) debt service comparison for each prior issue, and (v) debt service to maturity and to call for each prior issue.

RISKS/SPECIAL CONSIDERATIONS:

The outcome of this financing will rely on the market conditions at the time of the sale. Any projections included herein are estimates based on current market conditions.

The 2019B Bonds have been structured assuming current market provisions and a discount bid. There is no guaranty that the winning bidder will price this issue as illustrated and adjustments at the time of sale may result in a final par amount of the Bonds that is higher or lower than the amount shown in the attached schedules.

Refunding savings are estimates and will vary based on market conditions at the time of sale.

SALE TERMS AND MARKETING:

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue size and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale.

Prepayment Provisions: 2019B Bonds maturing on or after February 1, 2030 may be prepaid at a price of par plus accrued interest on or after February 1, 2029.

Extraordinary Redemption: The 2019B Bonds are subject to special redemption, in whole or in part, at a redemption price equal to the principal amount thereof plus accrued interest to the date in the event of damage or destruction or condemnation of the Market Village Apartments.

Bank Qualification: The Agency is issuing more than \$10 million in tax-exempt obligations in 2019; therefore, the 2019B Bonds are not designated as bank qualified.

Bidding Parameters: Interest rates applied in the structuring of the 2019B Bonds are based on current market conditions and assume a discount bid to compensate the underwriter.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and wholly-owned subsidiary of Baker Tilly Virchow Krause, LLP, an accounting firm. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2019 Baker Tilly Municipal Advisors, LLC

\$5,895,000 Scott County Community Development Agency, Minnesota
Government Development Refunding Bonds, Series 2019B
 (Scott County, MN, Unlimited Tax General Obligation)
 Issue Summary

Refunding Summary

Dated 12/12/2019 | Delivered 12/12/2019

	Current Ref of 2010A BABs	Current Ref of 2010B RZEDB	Issue Summary
Sources Of Funds			
Par Amount of Bonds.....	\$1,335,000.00	\$4,560,000.00	\$5,895,000.00
Cash Available for 2/1/2020 Debt Service.....	183,640.00	138,482.50	322,122.50
Total Sources.....	\$1,518,640.00	\$4,698,482.50	\$6,217,122.50
Uses Of Funds			
Deposit to Current Refunding Fund.....	1,300,000.00	4,445,000.00	5,745,000.00
Deposit to Debt Service Fund for 2/1/2020 Payment.....	183,640.00	138,482.50	322,122.50
Costs of Issuance.....	17,447.56	59,596.19	77,043.75
Total Underwriter's Discount (1.200%).....	16,020.00	54,720.00	70,740.00
Rounding Amount.....	1,532.44	683.81	2,216.25
Total Uses.....	\$1,518,640.00	\$4,698,482.50	\$6,217,122.50
Flow of Funds Detail			
Primary Purpose Fund Solution Method.....	Gross Funded	Gross Funded	Gross Funded
Total Cost of Investments.....	\$1,300,000.00	\$4,445,000.00	\$5,745,000.00
Total Draw s.....	\$1,300,000.00	\$4,445,000.00	\$5,745,000.00
Issues Refunded And Call Dates			
2010A Txbl Gov Dev Bonds (BABs) - (SCOTT CO GO).....	2/01/2020		
2010B Txbl Gov Dev Bds (RZEDB) - (SCOTT CO GO).....		2/01/2020	
PV Analysis Summary (Net to Net)			
Net PV Cashflow Savings @ 2.660%(Bond Yield).....	62,568.17	395,011.08	457,579.25
Contingency or Rounding Amount.....	1,532.44	683.81	2,216.25
Net Present Value Benefit.....	\$64,100.61	\$395,694.89	\$459,795.50
Net PV Benefit / \$5,745,000 Refunded Principal.....	4.931%	8.902%	8.003%
Net PV Benefit / \$5,895,000 Refunding Principal.....	4.802%	8.678%	7.800%
Average Annual Cash Flow Savings.....	26,914.11	17,683.69	19,626.63
Total New Net D/S.....	8,464,671.03	8,464,671.03	8,464,671.03
Total Prior D/S.....	9,078,461.68	9,078,461.68	9,078,461.68
Total Cashflow Savings.....	613,790.65	613,790.65	613,790.65
Bond Statistics			
Average Life.....	4.477 Years	16.976 Years	14.145 Years
Average Coupon.....	1.4398334%	2.7922430%	2.6953103%
Net Interest Cost (NIC).....	1.7078739%	2.8629309%	2.7801433%
Bond Yield for Arbitrage Purposes.....	2.6603820%	2.6603820%	2.6603820%
True Interest Cost (TIC).....	1.7199371%	2.8615107%	2.7665254%
All Inclusive Cost (AIC).....	2.0321471%	2.9620261%	2.8842299%

2019B Ref 2010A BABs & 20 | Issue Summary | 8/7/2019 | 12:58 PM

\$5,895,000 Scott County Community Development Agency, Minnesota
Government Development Refunding Bonds, Series 2019B
 (Scott County, MN, Unlimited Tax General Obligation)
 Issue Summary

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
02/01/2020	-	322,122.50	322,122.50	322,122.50	-
02/01/2021	324,059.53	-	324,059.53	356,421.38	32,361.85
02/01/2022	322,858.50	-	322,858.50	357,256.84	34,398.34
02/01/2023	325,435.00	-	325,435.00	357,689.28	32,254.28
02/01/2024	327,927.00	-	327,927.00	357,701.90	29,774.90
02/01/2025	335,333.50	-	335,333.50	362,335.02	27,001.52
02/01/2026	332,566.00	-	332,566.00	361,410.62	28,844.62
02/01/2027	334,593.50	-	334,593.50	365,073.14	30,479.64
02/01/2028	336,338.50	-	336,338.50	363,262.10	26,923.60
02/01/2029	337,791.00	-	337,791.00	361,561.78	23,770.78
02/01/2030	338,501.00	-	338,501.00	360,045.96	21,544.96
02/01/2031	338,776.00	-	338,776.00	358,371.22	19,595.22
02/01/2032	338,601.00	-	338,601.00	360,916.32	22,315.32
02/01/2033	333,078.50	-	333,078.50	353,114.66	20,036.16
02/01/2034	332,321.00	-	332,321.00	355,313.02	22,992.02
02/01/2035	331,201.00	-	331,201.00	351,893.00	20,692.00
02/01/2036	329,708.50	-	329,708.50	353,293.86	23,585.36
02/01/2037	332,958.50	-	332,958.50	354,336.40	21,377.90
02/01/2038	320,678.50	-	320,678.50	345,020.66	24,342.16
02/01/2039	318,411.00	-	318,411.00	340,479.52	22,068.52
02/01/2040	320,871.00	-	320,871.00	340,754.92	19,883.92
02/01/2041	312,906.00	-	312,906.00	335,663.34	22,757.34
02/01/2042	314,806.00	-	314,806.00	335,388.28	20,582.28
02/01/2043	306,266.00	-	306,266.00	329,327.26	23,061.26
02/01/2044	302,670.00	-	302,670.00	323,075.56	20,405.56
02/01/2045	293,892.00	-	293,892.00	316,633.14	22,741.14
Total	\$8,142,548.53	\$322,122.50	\$8,464,671.03	\$9,078,461.68	\$613,790.65

PV Analysis Summary (Net to Net)

Net FV Cashflow Savings.....	613,790.65
Gross PV Debt Service Savings.....	2,149,579.23
Effects of changes in Expenses.....	(1,691,999.98)
Net PV Cashflow Savings @ 2.660%(Bond Yield).....	457,579.25
Contingency or Rounding Amount.....	2,216.25
Net Future Value Benefit.....	\$616,006.90
Net Present Value Benefit.....	\$459,795.50
Net PV Benefit / \$4,066,592.54 PV Refunded Interest.....	11.307%
Net PV Benefit / \$8,044,579.23 PV Refunded Debt Service.....	5.716%
Net PV Benefit / \$5,745,000 Refunded Principal.....	8.003%
Net PV Benefit / \$5,895,000 Refunding Principal.....	7.800%

Refunding Bond Information

Refunding Dated Date.....	12/12/2019
Refunding Delivery Date.....	12/12/2019

*Net D/S Excludes: DSR

2019B Ref 2010A BABs & 20 | Issue Summary | 8/7/2019 | 12:58 PM

\$5,895,000 Scott County Community Development Agency, Minnesota
Government Development Refunding Bonds, Series 2019B
 (Scott County, MN, Unlimited Tax General Obligation)
 Issue Summary

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
02/01/2020	-	-	-	-
02/01/2021	165,000.00	1.300%	159,059.53	324,059.53
02/01/2022	185,000.00	1.310%	137,858.50	322,858.50
02/01/2023	190,000.00	1.320%	135,435.00	325,435.00
02/01/2024	195,000.00	1.330%	132,927.00	327,927.00
02/01/2025	205,000.00	1.350%	130,333.50	335,333.50
02/01/2026	205,000.00	1.450%	127,566.00	332,566.00
02/01/2027	210,000.00	1.550%	124,593.50	334,593.50
02/01/2028	215,000.00	1.650%	121,338.50	336,338.50
02/01/2029	220,000.00	1.950%	117,791.00	337,791.00
02/01/2030	225,000.00	2.100%	113,501.00	338,501.00
02/01/2031	230,000.00	2.250%	108,776.00	338,776.00
02/01/2032	235,000.00	2.350%	103,601.00	338,601.00
02/01/2033	235,000.00	2.450%	98,078.50	333,078.50
02/01/2034	240,000.00	2.550%	92,321.00	332,321.00
02/01/2035	245,000.00	2.650%	86,201.00	331,201.00
02/01/2036	250,000.00	2.700%	79,708.50	329,708.50
02/01/2037	260,000.00	2.800%	72,958.50	332,958.50
02/01/2038	255,000.00	2.850%	65,678.50	320,678.50
02/01/2039	260,000.00	2.900%	58,411.00	318,411.00
02/01/2040	270,000.00	2.950%	50,871.00	320,871.00
02/01/2041	270,000.00	3.000%	42,906.00	312,906.00
02/01/2042	280,000.00	3.050%	34,806.00	314,806.00
02/01/2043	280,000.00	3.070%	26,266.00	306,266.00
02/01/2044	285,000.00	3.080%	17,670.00	302,670.00
02/01/2045	285,000.00	3.120%	8,892.00	293,892.00
Total	\$5,895,000.00	-	\$2,247,548.53	\$8,142,548.53

Yield Statistics

Bond Year Dollars.....	\$83,387.38
Average Life.....	14.145 Years
Average Coupon.....	2.6953103%
Net Interest Cost (NIC).....	2.7801433%
True Interest Cost (TIC).....	2.7665254%
Bond Yield for Arbitrage Purposes.....	2.6603820%
All Inclusive Cost (AIC).....	2.8842299%

IRS Form 8038

Net Interest Cost.....	2.6953103%
Weighted Average Maturity.....	14.145 Years

\$1,335,000 Scott County Community Development Agency, Minnesota
Government Development Refunding Bonds, Series 2019B
 (Scott County, MN, Unlimited Tax General Obligation)
 Current Ref of 2010A BABs

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
02/01/2020	-	183,640.00	183,640.00	183,640.00	-
02/01/2021	186,135.64	-	186,135.64	196,363.30	10,227.66
02/01/2022	186,458.50	-	186,458.50	197,198.76	10,740.26
02/01/2023	189,231.50	-	189,231.50	197,631.20	8,399.70
02/01/2024	191,921.50	-	191,921.50	197,643.82	5,722.32
02/01/2025	194,527.50	-	194,527.50	202,276.94	7,749.44
02/01/2026	192,030.00	-	192,030.00	201,352.54	9,322.54
02/01/2027	194,347.50	-	194,347.50	205,015.06	10,667.56
02/01/2028	86,402.50	-	86,402.50	93,204.02	6,801.52
Total	\$1,421,054.64	\$183,640.00	\$1,604,694.64	\$1,674,325.64	\$69,631.00

PV Analysis Summary (Net to Net)

Net FV Cashflow Savings.....	69,631.00
Gross PV Debt Service Savings.....	148,347.85
Effects of changes in Expenses.....	(85,779.68)
 Net PV Cashflow Savings @ 2.660%(Bond Yield).....	 62,568.17
 Contingency or Rounding Amount.....	 1,532.44
Net Future Value Benefit.....	\$71,163.44
Net Present Value Benefit.....	\$64,100.61
 Net PV Benefit / \$261,284.66 PV Refunded Interest.....	 24.533%
Net PV Benefit / \$1,415,718.35 PV Refunded Debt Service.....	4.528%
Net PV Benefit / \$1,300,000 Refunded Principal.....	4.931%
Net PV Benefit / \$1,335,000 Refunding Principal.....	4.802%

Refunding Bond Information

Refunding Dated Date.....	12/12/2019
Refunding Delivery Date.....	12/12/2019

***Net D/S Excludes: DSR**

\$4,560,000 Scott County Community Development Agency, Minnesota
Government Development Refunding Bonds, Series 2019B
 (Scott County, MN, Unlimited Tax General Obligation)
 Current Ref of 2010B RZEDB

Debt Service Comparison

Date	Total P+I	Existing D/S	Net New D/S	Old Net D/S	Savings
02/01/2020	-	138,482.50	138,482.50	138,482.50	-
02/01/2021	137,923.89	-	137,923.89	160,058.08	22,134.19
02/01/2022	136,400.00	-	136,400.00	160,058.08	23,658.08
02/01/2023	136,203.50	-	136,203.50	160,058.08	23,854.58
02/01/2024	136,005.50	-	136,005.50	160,058.08	24,052.58
02/01/2025	140,806.00	-	140,806.00	160,058.08	19,252.08
02/01/2026	140,536.00	-	140,536.00	160,058.08	19,522.08
02/01/2027	140,246.00	-	140,246.00	160,058.08	19,812.08
02/01/2028	249,936.00	-	249,936.00	270,058.08	20,122.08
02/01/2029	337,791.00	-	337,791.00	361,561.78	23,770.78
02/01/2030	338,501.00	-	338,501.00	360,045.96	21,544.96
02/01/2031	338,776.00	-	338,776.00	358,371.22	19,595.22
02/01/2032	338,601.00	-	338,601.00	360,916.32	22,315.32
02/01/2033	333,078.50	-	333,078.50	353,114.66	20,036.16
02/01/2034	332,321.00	-	332,321.00	355,313.02	22,992.02
02/01/2035	331,201.00	-	331,201.00	351,893.00	20,692.00
02/01/2036	329,708.50	-	329,708.50	353,293.86	23,585.36
02/01/2037	332,958.50	-	332,958.50	354,336.40	21,377.90
02/01/2038	320,678.50	-	320,678.50	345,020.66	24,342.16
02/01/2039	318,411.00	-	318,411.00	340,479.52	22,068.52
02/01/2040	320,871.00	-	320,871.00	340,754.92	19,883.92
02/01/2041	312,906.00	-	312,906.00	335,663.34	22,757.34
02/01/2042	314,806.00	-	314,806.00	335,388.28	20,582.28
02/01/2043	306,266.00	-	306,266.00	329,327.26	23,061.26
02/01/2044	302,670.00	-	302,670.00	323,075.56	20,405.56
02/01/2045	293,892.00	-	293,892.00	316,633.14	22,741.14
Total	\$6,721,493.89	\$138,482.50	\$6,859,976.39	\$7,404,136.04	\$544,159.65

PV Analysis Summary (Net to Net)

Net FV Cashflow Savings.....	544,159.65
Gross PV Debt Service Savings.....	2,001,231.39
Effects of changes in Expenses.....	(1,606,220.31)
 Net PV Cashflow Savings @ 2.660%(Bond Yield).....	 395,011.08
 Contingency or Rounding Amount.....	 683.81
Net Future Value Benefit.....	\$544,843.46
Net Present Value Benefit.....	\$395,694.89
 Net PV Benefit / \$3,805,307.88 PV Refunded Interest.....	 10.398%
Net PV Benefit / \$6,628,860.88 PV Refunded Debt Service.....	5.969%
Net PV Benefit / \$4,445,000 Refunded Principal.....	8.902%
Net PV Benefit / \$4,560,000 Refunding Principal.....	8.678%

Refunding Bond Information

Refunding Dated Date.....	12/12/2019
Refunding Delivery Date.....	12/12/2019

*Net D/S Excludes: DSR

2019B Ref 2010A BABs & 20 | Current Ref of 2010B RZED | 8/7/2019 | 12:58 PM

\$1,780,000

Scott County Community Development Agency, Minnesota
Governmental Development Bonds (Scott County - Unlimited Tax GO), Series 2010A
(Taxable Build America Bonds - Direct Pay)

Debt Service To Maturity And To Call

Date	Refunded Bonds	D/S To Call	Principal	Coupon	Interest	Refunded D/S
12/12/2019	-	-	-	-	-	-
02/01/2020	1,300,000.00	1,300,000.00	-	3.800%	-	-
08/01/2020	-	-	-	-	30,790.00	30,790.00
02/01/2021	-	-	155,000.00	4.000%	30,790.00	185,790.00
08/01/2021	-	-	-	-	27,690.00	27,690.00
02/01/2022	-	-	160,000.00	4.250%	27,690.00	187,690.00
08/01/2022	-	-	-	-	24,290.00	24,290.00
02/01/2023	-	-	165,000.00	4.500%	24,290.00	189,290.00
08/01/2023	-	-	-	-	20,577.50	20,577.50
02/01/2024	-	-	170,000.00	4.700%	20,577.50	190,577.50
08/01/2024	-	-	-	-	16,582.50	16,582.50
02/01/2025	-	-	180,000.00	4.900%	16,582.50	196,582.50
08/01/2025	-	-	-	-	12,172.50	12,172.50
02/01/2026	-	-	185,000.00	5.100%	12,172.50	197,172.50
08/01/2026	-	-	-	-	7,455.00	7,455.00
02/01/2027	-	-	195,000.00	5.200%	7,455.00	202,455.00
08/01/2027	-	-	-	-	2,385.00	2,385.00
02/01/2028	-	-	90,000.00	5.300%	2,385.00	92,385.00
Total	\$1,300,000.00	\$1,300,000.00	\$1,300,000.00	-	\$283,885.00	\$1,583,885.00

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation.....	12/12/2019
Average Life.....	4.555 Years
Average Coupon.....	4.7937802%
Weighted Average Maturity (Par Basis).....	4.555 Years
Weighted Average Maturity (Original Price Basis).....	4.555 Years

Refunding Bond Information

Refunding Dated Date.....	12/12/2019
Refunding Delivery Date.....	12/12/2019

\$4,445,000

Scott County Community Development Agency, Minnesota
 Governmental Development Bonds (Scott County -Unlimited Tax GO), Series 2010B
 (Taxable Recovery Zone Economic Development Bonds)

Debt Service To Maturity And To Call

Date	Refunded Bonds	D/S To Call	Principal	Coupon	Interest	Refunded D/S
12/12/2019	-	-	-	-	-	-
02/01/2020	4,445,000.00	4,445,000.00	-	-	-	-
08/01/2020	-	-	-	-	138,482.50	138,482.50
02/01/2021	-	-	-	-	138,482.50	138,482.50
08/01/2021	-	-	-	-	138,482.50	138,482.50
02/01/2022	-	-	-	-	138,482.50	138,482.50
08/01/2022	-	-	-	-	138,482.50	138,482.50
02/01/2023	-	-	-	-	138,482.50	138,482.50
08/01/2023	-	-	-	-	138,482.50	138,482.50
02/01/2024	-	-	-	-	138,482.50	138,482.50
08/01/2024	-	-	-	-	138,482.50	138,482.50
02/01/2025	-	-	-	-	138,482.50	138,482.50
08/01/2025	-	-	-	-	138,482.50	138,482.50
02/01/2026	-	-	-	-	138,482.50	138,482.50
08/01/2026	-	-	-	-	138,482.50	138,482.50
02/01/2027	-	-	-	-	138,482.50	138,482.50
08/01/2027	-	-	-	-	138,482.50	138,482.50
02/01/2028	-	-	110,000.00	5.500%	138,482.50	248,482.50
08/01/2028	-	-	-	-	135,457.50	135,457.50
02/01/2029	-	-	205,000.00	5.500%	135,457.50	340,457.50
08/01/2029	-	-	-	-	129,820.00	129,820.00
02/01/2030	-	-	210,000.00	5.500%	129,820.00	339,820.00
08/01/2030	-	-	-	-	124,045.00	124,045.00
02/01/2031	-	-	215,000.00	6.000%	124,045.00	339,045.00
08/01/2031	-	-	-	-	117,595.00	117,595.00
02/01/2032	-	-	225,000.00	6.000%	117,595.00	342,595.00
08/01/2032	-	-	-	-	110,845.00	110,845.00
02/01/2033	-	-	225,000.00	6.000%	110,845.00	335,845.00
08/01/2033	-	-	-	-	104,095.00	104,095.00
02/01/2034	-	-	235,000.00	6.200%	104,095.00	339,095.00
08/01/2034	-	-	-	-	96,810.00	96,810.00
02/01/2035	-	-	240,000.00	6.200%	96,810.00	336,810.00
08/01/2035	-	-	-	-	89,370.00	89,370.00
02/01/2036	-	-	250,000.00	6.200%	89,370.00	339,370.00
08/01/2036	-	-	-	-	81,620.00	81,620.00
02/01/2037	-	-	260,000.00	6.200%	81,620.00	341,620.00
08/01/2037	-	-	-	-	73,560.00	73,560.00
02/01/2038	-	-	260,000.00	6.350%	73,560.00	333,560.00
08/01/2038	-	-	-	-	65,305.00	65,305.00
02/01/2039	-	-	265,000.00	6.350%	65,305.00	330,305.00
08/01/2039	-	-	-	-	56,891.25	56,891.25
02/01/2040	-	-	275,000.00	6.350%	56,891.25	331,891.25
08/01/2040	-	-	-	-	48,160.00	48,160.00
02/01/2041	-	-	280,000.00	6.350%	48,160.00	328,160.00
08/01/2041	-	-	-	-	39,270.00	39,270.00
02/01/2042	-	-	290,000.00	6.600%	39,270.00	329,270.00

\$4,445,000

Scott County Community Development Agency, Minnesota
 Governmental Development Bonds (Scott County -Unlimited Tax GO), Series 2010B
 (Taxable Recovery Zone Economic Development Bonds)

Debt Service To Maturity And To Call

Date	Refunded Bonds	D/S To Call	Principal	Coupon	Interest	Refunded D/S
08/01/2042	-	-	-	-	29,700.00	29,700.00
02/01/2043	-	-	295,000.00	6.600%	29,700.00	324,700.00
08/01/2043	-	-	-	-	19,965.00	19,965.00
02/01/2044	-	-	300,000.00	6.600%	19,965.00	319,965.00
08/01/2044	-	-	-	-	10,065.00	10,065.00
02/01/2045	-	-	305,000.00	6.600%	10,065.00	315,065.00
Total	\$4,445,000.00	\$4,445,000.00	\$4,445,000.00	-	\$4,880,867.50	\$9,325,867.50

Yield Statistics

Base date for Avg. Life & Avg. Coupon Calculation.....	12/12/2019
Average Life.....	17.506 Years
Average Coupon.....	6.2723982%
Weighted Average Maturity (Par Basis).....	17.506 Years
Weighted Average Maturity (Original Price Basis).....	17.491 Years

Refunding Bond Information

Refunding Dated Date.....	12/12/2019
Refunding Delivery Date.....	12/12/2019

**First Draft
August 7, 2019**

FIRST SUPPLEMENTAL INDENTURE OF TRUST

between

**SCOTT COUNTY COMMUNITY DEVELOPMENT AGENCY,
as Issuer**

and

**U.S. BANK TRUST NATIONAL ASSOCIATION,
as Trustee**

accepted by

**SCOTT COUNTY, MINNESOTA,
as County**

and

**CITY OF ELKO NEW MARKET, MINNESOTA,
as City**

Dated as of December 1, 2019

Relating to:

\$5,895,000

**Scott County Community Development Agency
Governmental Development Refunding Bonds
(Scott County, Minnesota Unlimited Tax General Obligation)
Series 2019B**

This instrument was drafted by:
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, Minnesota 55402-1458

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FIRST SUPPLEMENTAL INDENTURE OF TRUST

THIS FIRST SUPPLEMENTAL INDENTURE OF TRUST, dated as of December 1, 2019 (the “First Supplemental Indenture”), is between the SCOTT COUNTY COMMUNITY DEVELOPMENT AGENCY, a public body corporate and politic and a political subdivision of the State of Minnesota (the “Issuer”), and U.S. BANK NATIONAL ASSOCIATION, a national banking association duly established, existing and authorized to accept and execute trusts of the character herein set out, with its principal office at St. Paul, Minnesota (the “Trustee”), and is accepted by SCOTT COUNTY, MINNESOTA, a political subdivision of the State of Minnesota (the “County”), and the CITY OF ELKO NEW MARKET, MINNESOTA, a municipal corporation and political subdivision of the State of Minnesota (the “City”), and supplements and amends the Indenture of Trust, dated as of December 1, 2010 (the “Original Indenture,” and as supplemented and amended by this First Supplemental Indenture, the “Indenture”), between the Issuer and the Trustee and accepted by the County and the City.

WITNESSETH

WHEREAS, pursuant to the laws of the State of Minnesota, particularly Minnesota Statutes, Sections 469.001 through 469.047, as amended (the “Act”), the Issuer is authorized to undertake housing development projects to provide safe and sanitary housing affordable by low- and moderate-income persons and families; and

WHEREAS, pursuant to Sections 469.034 and 469.035 of the Act, the Issuer is authorized to issue its revenue bonds for any of its corporate purposes; and

WHEREAS, pursuant to Section 469.034, subdivision 2 of the Act, upon compliance with certain procedural requirements and with the approval of a general jurisdiction government, the Issuer is authorized to pledge the full faith and credit of the general jurisdiction government to the payment of debt service on revenue bonds of the Issuer to finance a qualified housing development project; and

WHEREAS, on December 14, 2010, the Issuer issued its (i) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010A (Taxable Build America Bonds – Direct Pay) (the “Series 2010A Bonds”), in the original aggregate principal amount of \$1,780,000; (ii) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010B (Taxable Recovery Zone Economic Development Bonds – Direct Pay) (the “Series 2010B Bonds”), in the original aggregate principal amount of \$4,445,000; and (iii) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010C (the “Series 2010C Bonds”), in the original aggregate principal amount of \$450,000; and

WHEREAS, the Issuer applied the proceeds of the Series 2010A Bonds, the Series 2010B Bonds, and the Series 2010C Bonds (collectively, the “Series 2010 Bonds”) to finance the acquisition, construction, and equipping by the Agency of a 49-unit multifamily rental housing facility for low- and moderate-income seniors located in the City of Elko New Market, Minnesota (the “Project”); and

WHEREAS, in accordance with Section 469.034, subdivision 2 of the Act, the respective governing bodies of the Issuer, the County, and the City held public hearings regarding the issuance of the Series 2010 Bonds; and

WHEREAS, in connection with the issuance of the Series 2010 Bonds, the Board of Commissioners of the County approved the pledge by the Issuer of the County’s full faith and credit and taxing powers to the payment of the debt service of the Series 2010 Bonds; and the City Council of the

City approved the pledge by the Issuer of the City's full faith and credit and taxing powers to reimburse the County with respect to the payment of debt service on the Series 2010 Bonds, subject to a maximum of \$3,000,000; and

WHEREAS, the Series 2010 Bonds are secured by a pledge of the full faith and credit of the County, and the County has been indemnified by the pledge of the full faith and credit of the City to reimburse the County for any debt service paid on the Series 2010 Bonds by the County, which pledge is a general obligation of the City, secured by a pledge of its full faith and credit and taxing power; and

WHEREAS, the Series 2010A Bonds are currently outstanding in the principal amount of \$1,450,000, of which \$1,300,000 in principal amount is subject to redemption and prepayment on or after February 1, 2020, at a price of par plus accrued interest; and

WHEREAS, the Series 2010B Bonds are currently outstanding in the principal amount of \$4,445,000 and are subject to redemption and prepayment on or after February 1, 2020, at a price of par plus accrued interest; and

WHEREAS, the Series 2010C Bonds have been paid in full and are no longer outstanding; and

WHEREAS, in order to achieve debt service savings, the Issuer will issue its Housing Development Refunding Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2019B (the "Series 2019B Bonds"), in the original aggregate principal amount of \$5,895,000, pursuant to the Act, the Indenture, and a resolution adopted by the governing body of the Issuer on August 13, 2019; and

WHEREAS, the Issuer will apply the proceeds of the Series 2019B Bonds to (i) defease, redeem, and prepay the outstanding Series 2010A Bonds and Series 2010B Bonds (together, the "Refunded Bonds") on February 1, 2020; (ii) fund a debt service reserve fund; and (iii) pay costs of issuance of the Series 2019B Bonds; and

WHEREAS, by resolution adopted by the governing body of the City on August 22, 2019, the City approved the pledge by the Issuer of the City's full faith and credit and taxing powers to reimburse the County with respect to the payment of debt service on the Series 2019B Bonds, and by resolution adopted by the governing body of the County on September 3, 2019, the County approved the pledge by the Issuer of the County's full faith and credit and taxing powers to the payment of debt service on the Series 2019B Bonds; and

WHEREAS, the Issuer will pledge up to \$85,000 of its special benefits tax levy authorized under Section 469.033, subdivision 6 of the Act to be levied in the County to pay principal of and interest on the Series 2019B Bonds and to support the Project annually during the term of the Series 2019B Bonds; and

WHEREAS, the Series 2019B Bonds will be issued as "Additional Bonds" under the Original Indenture; and

WHEREAS, all things necessary to make the Series 2019B Bonds, when authenticated by the Trustee and issued as in the Indenture provided, valid, binding and legal limited obligations of the Issuer and valid, binding and legal general obligations of the County according to the import thereof, to constitute the Indenture a valid contract for the security of the Series 2019B Bonds, have been done and performed, and the creation, execution and delivery of the Indenture, and the creation, execution and issuance of the Series 2019B Bonds, subject to the terms hereof, have in all respects been duly authorized;

**NOW, THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS, THIS INDENTURE
WITNESSETH:**

ARTICLE ONE

AMENDMENTS TO ORIGINAL INDENTURE

Section 1.1. Amendments to Granting Clauses. The “SECOND” granting clause of the Original Indenture is hereby deleted in its entirety and replaced with the following:

SECOND

The full faith and credit and unlimited taxing powers of the County, but only to pay principal of and interest on the Series 2010 Bonds, the Series 2019B Bonds, or any Additional Bonds to which the same may be pledged, pursuant to Section 469.034, subdivision 2 of the Act, the County’s Approving Resolution, and the County’s Series 2019B Approving Resolution; and

Section 1.2. Amendments to Definitions.

(a) Section 1.1 of the Original Indenture is hereby amended to include the following definitions:

County’s Series 2019B Approving Resolution: the resolution adopted by the Board of Commissioners of the County on September 3, 2019, approving the general obligation pledge of the County to the repayment of the Series 2019B Bonds;

First Supplemental Indenture: the First Supplemental Indenture of Trust, dated as of December 1, 2019, between the Issuer and the Trustee and consented to by the County and the Trustee, as the same may be supplemented and amended from time to time;

Indenture: the Original Indenture, as supplemented by the First Supplemental Indenture, and as may be further supplemented and amended from time to time;

Original Indenture: the Indenture of Trust, dated as of December 1, 2010, between the Issuer and the Trustee and consented to by the County and the City;

Series 2019B Bonds: the Governmental Development Refunding Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2019B, issued by the Issuer in the original aggregate principal amount of \$6,220,000;

(b) The following definitions provided in Section 1.1 of the Original Indenture are hereby deleted and replaced with the following:

Bond Counsel: the firm of Kennedy & Graven, Chartered, Minneapolis, Minnesota, or any other firm of nationally recognized bond counsel experienced in tax-exempt financing selected by the Issuer and acceptable to the Trustee; provided, however, that “Bond Counsel” for the Series 2010 Bonds means the firm of Stinson LLP;

Bonds: the Series 2010 Bonds, the Series 2019B Bonds, and any Additional Bonds from time to time issued hereunder;

Mandatory Redemption Schedule: the mandatory redemption schedule for the Bonds set forth in Sections 3.1(2) and 3A.1(2) hereof;

Supplemental Revenues: amounts pledged to the payment of the Bonds by the Issuer pursuant to Sections 4.1(2), 4.1(4), 4A.1(2), and 4A.1(4).

Section 1.3. Amendments to Article Two of the Original Indenture.

(a) The references to “Bonds” in Sections 2.1, 2.2, and 2.5 of the Original Indenture shall be deemed to refer to the Series 2010 Bonds.

(b) The following section shall be added to the Original Indenture as Section 2A.1:

Section 2A.1. Authorized Amount and Form of Series 2019B Bonds. Series 2019B Bonds secured by this Indenture shall be issued in fully registered form without coupons and in substantially the form attached to the First Supplemental Indenture as EXHIBIT A, with such appropriate variations, omissions and insertions as are permitted or required by this Indenture, and in accordance with the further provisions of this Article Two. The total principal amount of the Series 2019B Bonds that may be Outstanding hereunder is expressly limited as to \$6,220,000.

(c) The following section shall be added to the Original Indenture as Section 2A.2.

Section 2A.2. Issuance of Series 2019B Bonds. The Series 2019B Bonds shall:

(1) be dated as of December 12, 2019;

(2) be issued and delivered to the original purchaser thereof as fully registered Series 2019B Bonds without coupons, in the denominations of \$5,000 or any whole multiple thereof, and be numbered sequentially R-1 upwards for each series;

(3) as to each series, mature on the dates and in the amounts and bear interest (from the date described in subsection (4) below) until paid or discharged as herein provided at the rates specified for each series and each maturity year, as follows, which interest shall be payable on each Interest Payment Date, commencing _____, 20____:

Stated Maturity (February 1)	Principal Amount	Interest Rate
---------------------------------	------------------	---------------

(4) bear interest calculated on the basis of a thirty (30) day month and a three hundred sixty (360) day year, payable on each Interest Payment Date, accruing from the date of issuance and delivery thereof, or, in the case of transfer or exchange, from the most recent Payment Date to which interest has been paid or provided for under this Indenture; provided that if a payment of defaulted interest is to be made, the Trustee shall establish the time of such payment as provided herein and shall establish the associated special Record Date therefor as provided in the definition of “Record Date”;

(5) be payable in such coin or currency of the United States of America as at the time of payment is legal tender for payment of public and private debts, at the principal trust office of the Trustee acting as the Paying Agent, or a duly appointed successor Paying Agent, except that interest on the Series 2019B Bonds will be payable by check or draft mailed on each Interest Payment Date by the Trustee to the Holders of the Bonds on the applicable Record Date at the last addresses thereof as shown in the Bond Register on the applicable Record Date; or by wire transfer as long as the Series 2019B Bonds are Depository Bonds or to any holder of at least \$1,000,000 in principal amount of the Series 2019B Bonds at the written request of such holder containing wire instructions, given at least five (5) Business Days prior to the Record Date; and

(6) be subject to redemption upon the terms and conditions and at the prices specified in Article Three hereof.

Notwithstanding the foregoing, if the date for payment of the principal of or interest on the Series 2019B Bonds shall be a day which is not a Business Day, then the date for such payment shall be the next succeeding day which is a Business Day, and payment on such later date shall have the same force and effect as if made on the nominal date of payment.

(d) The following section shall be added as Section 2A.5 to the Original Indenture:

Section 2A.5. Delivery of Series 2019B Bonds. Upon the execution and delivery of the First Supplemental Indenture, the Issuer shall execute and deliver to the Trustee, and the Trustee shall authenticate the Series 2019B Bonds in the aggregate principal amount specified in Section 2A.1 hereof and the Trustee shall deliver the Series 2019B Bonds to the original

purchaser thereof at such time or times as may be directed by the Issuer after filing with the Trustee the following:

- (1) an executed counterpart of the First Supplemental Indenture;
- (2) a certified copy of the resolution adopted and approved by the governing body of the Issuer, authorizing the execution and delivery of the First Supplemental Indenture and the issuance of the Series 2019B Bonds;
- (3) a certified copy of the County's Series 2019B Approving Resolution;
- (4) a certified copy of the resolution adopted by the City Council of the City on August 22, 2019, approving the issuance of the Series 2019B Bonds;
- (5) a request and authorization (which may be a part of a certificate of the Issuer) to the Trustee on behalf of the Issuer, signed by its Chair and Executive Director to deliver the Series 2019B Bonds to the original purchaser upon payment to the Trustee for the account of the Issuer of a specified sum plus accrued interest;
- (6) an opinion of Bond Counsel approving the legality of the Series 2019B Bonds; and
- (7) any other documents or opinions which Bond Counsel may reasonably require for purposes of rendering its opinion required under (6) above.

Section 1.4. Amendments to Article Three of the Original Indenture.

- (a) The references to "Bonds" in Sections 3.1 of the Original Indenture are deemed to refer to the Series 2010 Bonds.
- (b) The following section shall be added to the Original Indenture as Section 3A.1:

Section 3A.1. Redemption. Subject to the provisions of Sections 3.2 and 3.4, the Series 2019B Bonds are subject to redemption prior to maturity as follows:

- (1) Optional Redemption. The Series 2019B Bonds maturing on or after February 1, 20___ are subject to optional redemption and prepayment in whole or in part, on any date on or after February 1, 20___, for which timely notice of redemption can be given at the option of the Issuer, solely from monies on deposit in the Redemption Fund upon written request by the Issuer to the Trustee, at the redemption price equal to par plus accrued interest to the redemption date.
- (2) Scheduled Mandatory Redemption. The Series 2019B Bonds maturing on February 1, 20___, February 1, 20___, and February 1, 20___ (collectively, the "Series 2019B Term Bonds"), are subject to mandatory redemption in part prior to maturity on the following dates and in the following amounts at a redemption price equal to par, without premium, plus accrued interest thereon to such redemption date, subject to pro rata reduction (as described below).

Series 2019B Term Bonds Maturing on February ____, 20__

Sinking Fund Payment Date (February 1)	Principal Amount
--	---------------------

* Maturity

Series 2019B Term Bonds Maturing on February ____, 20__

Sinking Fund Payment Date (February 1)	Principal Amount
--	---------------------

* Maturity

Series 2019B Term Bonds Maturing on February ____, 20__

Sinking Fund Payment Date (February 1)	Principal Amount
--	---------------------

* Maturity

The Issuer may, at its option to be exercised on or before the thirty-fifth day next preceding any date specified in the mandatory redemption schedule set forth above, deliver to the Trustee written notice, which shall specify a principal amount of Series 2019B Term Bonds delivered to the Trustee therewith, and instruct the Trustee to apply the principal amount of such Series 2019B Term Bonds so delivered or previously redeemed or purchased and canceled for credit against the applicable principal installments to be prepaid pursuant to the Mandatory Redemption Schedule. Each such Series 2019B Term Bond so delivered or previously redeemed or purchased and canceled shall be credited by the Trustee in chronological order (or in such other order as is directed by the Issuer) at one hundred percent (100%) of the principal amount thereof against future principal installments to be prepaid pursuant to the Mandatory Redemption Schedule.

Upon any redemption in part of the Series 2019B Term Bonds from funds other than those attributable to Mandatory Redemption Payments pursuant to this Section 3A.1(2), the principal amount of Term Bonds redeemed shall be credited against each remaining Mandatory Redemption Payment for that Series 2019B Term Bond in multiples of \$5,000 principal amount as directed by the Issuer.

(c) Section 3.2 of the Original Indenture is hereby deleted in its entirety and replaced with the following:

Section 3.2. Notice of Redemption. To effect the redemption of the Bonds under Section 3.1 or 3A.1, the Trustee shall promptly give notice within the time, in the manner and with the effect provided by this Section 3.2. Notice of redemption shall be mailed by first class mail not fewer than thirty (30) days prior to the redemption date by the Trustee to the Paying Agent and the Holders of Bonds to be redeemed at the addresses shown on the Bond Register. No defect in or failure to give mailed notice shall affect the validity of the proceedings for redemption of any Bond. Each such notice shall specify (i) the maturity date of the Bonds to be redeemed, (ii) the redemption date, (iii) the place or places where amounts due upon such redemption will be payable, (iv) if less than all of the Bonds are to be redeemed, the letters and numbers or other distinguishing marks of such Bonds so to be redeemed, (v) the CUSIP number, (vi) the date of such notice, (vii) the issuance date for the Bonds, (viii) the interest rate of the Bonds to be redeemed, (ix) the redemption price, (x) the Trustee's name and address with contact person and phone number, (xi) the complete official name of the Bonds, including series, and (xii) in the case of the Bonds to be redeemed in part such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof (or the redemption price of the specified portions of the principal thereof in the case of the Bonds to be redeemed in part only), together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable. In the event of a redemption pursuant to Section 3.1(1), 3.1(3), or 3A.1(1), either funds sufficient to redeem such Bonds, including accrued interest thereon to the redemption date, shall be deposited with the Paying Agent prior to the giving of notice, or the notice given shall be conditioned on receipt of funds sufficient to redeem the Bonds on the redemption date. The Bonds thus called shall not, on or after the specified redemption date, bear any interest and, except for the purpose of payment, shall not be entitled to the lien of this Indenture.

Any notice mailed as provided above shall be conclusively presumed to have been duly given, whether or not the Holder or such other intended recipient receives such notice.

Section 1.5. Amendments to Article Four of the Original Indenture.

(a) References to "Direct Payments" in Section 4.1 of the Original Indenture shall be deemed to apply only to Direct Pay Bonds.

(b) References to "Bonds" in Section 4.1 of the Original Indenture shall be deemed to refer to the Series 2010 Bonds.

(c) The following section is added as Section 4A.1 to the Original Indenture:

Section 4A.1. Pledge of Revenues, Supplemental Revenues, Extraordinary Revenues, Series 2019B Bond Proceeds and General Obligation.

(1) The Issuer hereby pledges (i) to the payment of the Series 2019B Bonds and to secure its obligations hereunder, all Revenues, Extraordinary Revenues, and, subject to application as provided herein, all proceeds of the Series 2019B Bonds, and (ii) solely for the payment of principal of and interest on the Series 2019B Bonds when due, the full faith and credit and taxing power of the County in accordance with the Act and the County's Series 2019B Approving Resolution.

(2) The Issuer further pledges to the Revenue Fund to secure its obligations hereunder an amount in each year during which the Series 2019B Bonds are Outstanding, commencing in 20__, equal to \$85,000, from its special benefits tax levied pursuant to Minnesota Statutes, Section 469.033, subdivision 6, and the Issuer's special legislation. The first half of such amount shall be payable on each June 20, beginning June 20, 20__, and the second half shall be payable on each subsequent December 20. Such Supplemental Revenues shall be deposited by the Trustee in the Revenue Fund upon receipt thereof. The Issuer shall timely submit its annual budget in each year during which the Series 2019B Bonds are Outstanding to the County in accordance with the Levy Act and shall include in each such budget an amount to be levied as a part of the special benefit tax which is not less than the lesser of (i) any prior pledge of the special benefits tax, plus \$85,000, and (ii) the maximum levy permitted by law.

The Issuer shall pay, from moneys other than Revenues, any and all deferred fees payable in connection with the Project pursuant to the Planned Use Development Agreement – Scott County CDA Mixed Use Project, between the City and the Issuer, when and as due. Notwithstanding the foregoing, moneys released from the Surplus Fund shall be available to pay such fees.

(3) The Issuer will duly and punctually pay the principal of and interest on the Series 2019B Bonds from Revenues, Supplemental Revenues, Extraordinary Revenues in accordance with the terms of the Series 2019B Bonds and this Indenture, provided, however, that in the event all of such amounts, together with amounts applied to fund deficiencies in the Series 2019B Bond Account of the Debt Service Fund pursuant to Section 5.5(3) are not sufficient to make timely payments of principal of and interest on the Series 2019B Bonds when due, the Series 2019B Bonds shall be payable from amounts provided by the County pursuant to the pledge of its full faith and credit and taxing power to the Series 2019B Bonds. The Issuer is not obligated to pay the principal of or interest on the Series 2019B Bonds or any other expenses or costs required to be made by the Issuer hereunder, except from the Trust Estate specifically pledged thereto pursuant to this Indenture, and neither the faith and credit nor the taxing power of the Issuer is otherwise pledged to the payment of the principal of or interest on the Series 2019B Bonds.

(4) The Issuer hereby pledges the full faith and credit of the City, subject to the limits on any interest payment date set forth in EXHIBIT B attached to the First Supplemental Indenture, to reimburse the County in the event the County is required to pay debt service on the Series 2019B Bonds pursuant to the pledge of its full faith and credit. The limits set forth on EXHIBIT B attached to the First Supplemental Indenture represent the statutory limitation on such a pledge of the full faith and credit of the City.

(5) So long as the Series 2010 Bonds, the Series 2019B Bonds, and any Additional Bonds are Outstanding, all Revenues, Extraordinary Revenues shall be allocable to each series of Bonds Outstanding on a parity basis.

(d) Subsection (2) of Section 4.19 of the Original Indenture is hereby deleted in its entirety and replaced with the following:

(2) In the event that such cash flow projection does not show Net Operating Revenues equal to at least 105% of scheduled debt service on the Bonds during the next calendar year less Supplemental Revenues, less Direct Payments expected to be received during such period (with respect to the Direct Pay Bonds only), and less any capitalized interest or other cash on deposit with the Trustee available to pay debt service on the Bonds, the Issuer shall notify the County in writing. Such notice shall identify the amounts then on deposit in the Debt Service Reserve Fund, Surplus Fund, and the Reserve Account of the Operating Fund.

Section 1.6. Amendments to Article Five of the Original Indenture.

(a) The following subsection is added as subsection (2) to Section 5.2 of the Original Indenture:

(2) The Trustee shall deposit proceeds received from the sale of the Series 2019B Bonds in the amount of \$_____ (representing par plus an original issue premium of \$_____, less an original issue discount of \$_____, less an underwriting discount of \$_____) to the following funds and accounts:

(A) \$_____ to the Debt Service Reserve Fund;

(B) \$_____ to the Debt Service Fund;

(C) \$_____ to the Costs of Issuance Fund; and

(D) \$_____ to the Redemption Fund for the purpose of refunding the Series 2010 Bonds.

(b) “SECOND” of Section 5.4 of the Original Indenture is hereby deleted in its entirety and replaced with the following:

SECOND to the Trustee, 1/12th of its Trustee’s Fees, to the Filing Agent (with respect to the Direct Pay Bonds only), 1/12th of its Filing Agent Fees, and to the Rebate Analyst 1/12th of the amount of any Rebate Analyst Fees;

(c) The following paragraph is added to Section 5.12 of the Original Indenture:

Proceeds of the Series 2019B Bonds deposited in the Costs of Issuance Fund shall be disbursed at the direction of the Issuer to pay costs of issuing the Series 2019B Bonds. Any amount remaining therein on March 1, 2020 shall be transferred to the Debt Service Fund.

(d) Section 5.16 of the Original Indenture is hereby deleted in its entirety and replaced with the following:

Section 5.16. Trust Funds. All Revenues, Extraordinary Revenues, Supplemental Revenues, Direct Payments received by the Issuer with respect to the Direct Pay Bonds and transferred to the Trustee and other moneys received by the Trustee under the provisions of this Indenture shall be trust funds under the terms hereof, and shall not be subject to lien of

attachment by any creditor of the Issuer or the Trustee. Such moneys shall be held in trust and applied in accordance with the provisions of this Indenture.

Section 1.7. Amendment to Original Indenture. On and after February 1, 2020 (the date the Series 2010 Bonds shall be redeemed in full), references to the Series 2010 Bonds, Series 2010A Bonds, Series 2010B Bonds, the Series 2010C Bonds, Direct Pay Bonds, Direct Payments, Disbursing Agreement, Filing Agent, and Filing Agent Fees shall no longer be applicable and shall have no consequence.

ARTICLE TWO

MISCELLANEOUS

Section 2.1. Effective Date. The amendments and supplements made to the Original Indenture by this First Supplemental Indenture shall be effective as of December 12, 2019.

Section 2.2. Certain Defined Terms. Terms used in this First Supplemental Indenture and not defined herein shall have the meanings given in the Original Indenture.

Section 2.3. Confirmation of Indenture. Except as specifically provided otherwise in this First Supplemental Indenture, all of the provisions of the Original Indenture shall continue in full force and effect.

Section 2.4. Counterparts. This First Supplemental Indenture may be executed simultaneously in one or more counterparts, and each counterpart shall be an original and all of which shall constitute but one and the same agreement.

Section 2.5. Severability. If any provision of the Indenture shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provisions herein contained invalid, inoperative or unenforceable to any extent whatever.

The invalidity of any one or more phrases, sentences, clauses or paragraphs in this First Supplemental Indenture contained shall not affect the remaining portions of this First Supplemental Indenture or any part thereof.

(The remainder of this page is intentionally left blank.)

IN WITNESS WHEREOF, the Issuer has caused this First Supplemental Indenture of Trust to be signed in its name on its behalf by its authorized officers, and to evidence its acceptance of the trusts hereby created, the Trustee has caused these presents to be signed in its name and behalf by its duly authorized officers, all as of the date and year first written above.

**SCOTT COUNTY COMMUNITY
DEVELOPMENT AGENCY, MINNESOTA**

By _____
Its Chair

By _____
Its Executive Director

Execution page of the Trustee to the First Supplemental Indenture of Trust, dated as of the date and year first written above.

U.S. BANK NATIONAL ASSOCIATION

By _____
Its Vice President

ACCEPTANCE

The undersigned authorized representatives of Scott County, Minnesota (the “County”) hereby accepts and agrees to perform all obligations imposed on the County under this First Supplemental Indenture of Trust, dated as of the date and year first written above.

SCOTT COUNTY, MINNESOTA

By _____
Its Chair

By _____
Its County Administrator

The undersigned authorized representatives of the City of Elko New Market, Minnesota (the “City”) hereby accepts and agrees to perform all obligations imposed on the City under this First Supplemental Indenture of Trust, dated as of the date and year first written above.

CITY OF ELKO NEW MARKET, MINNESOTA

By _____
Its Mayor

By _____
Its City Administrator

EXHIBIT A

FORM OF SERIES 2019B BOND

No. R-_____

\$_____

UNITED STATES OF AMERICA
STATE OF MINNESOTA

**SCOTT COUNTY COMMUNITY DEVELOPMENT AGENCY
GOVERNMENTAL DEVELOPMENT REFUNDING BOND
(SCOTT COUNTY, MINNESOTA UNLIMITED TAX GENERAL OBLIGATION)
SERIES 2019B**

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Nominal Original Issue Date</u>	<u>CUSIP</u>
____%	February 1, 20____	December ____, 2019	

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The Scott County Community Development Agency (the "Issuer"), a public body corporate and politic, duly organized and existing under the laws of the State of Minnesota, for value received promises to pay (but only from the sources pledged therefor as hereinafter mentioned) to the Registered Owner identified above, or registered assigns, on the Maturity Date specified above (subject to any right of prior redemption hereinafter mentioned), the principal amount specified above and to pay interest thereon, solely from said sources pledged for such purpose, from the date of issuance and delivery (or, in the case of transfer or exchange, from the most recent Payment Date to which interest has been paid or provided for) until payment of such principal amount shall be discharged as provided in the Indenture hereinafter mentioned, at the Interest Rate per annum specified above, payable semiannually on February 1 and August 1 of each year, commencing _____ 1, 20____. The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, is legal tender for the payment of public and private debts. The principal amount or redemption price hereof is payable to the registered owner hereof or registered assigns upon surrender hereof at the principal corporate trust office of U.S. Bank National Association (the "Trustee") in Saint Paul, Minnesota. The interest hereon is payable by check or draft of the Trustee mailed to the person in whose name this Bond or any predecessor bond is registered at the close of business on the applicable Record Date immediately preceding an Interest Payment Date, whether or not the day is a Business Day at such person's address as it appears on the bond registration books of the Trustee; provided, however, that payment of such interest shall be made by wire transfer to any registered owner of any Bonds in an aggregate principal amount of at least \$1,000,000, if such registered owner shall have requested in writing payment by such method and shall have provided the Trustee with an account number and other necessary information for such purpose at least five (5) Business Days before the applicable Record Date.

The Series 2019B Bonds (hereinafter defined) are special, limited obligations of the Issuer payable solely out of the Revenues, Extraordinary Revenues and Supplemental Revenues and assets

pledged to the payment of the Bonds under the Indenture. The Series 2019B Bonds are not a lien or charge upon the funds or property of the Issuer, except to the extent of such pledge. The Series 2019B Bonds are general obligations of Scott County, Minnesota (the “County”).

This Bond is one of a duly authorized issue of Bonds of the Issuer designated as “Governmental Development Refunding Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2019B (the “Series 2019B Bonds”), issued in the aggregate principal amount of \$5,895,000, all issued under the provisions of the Minnesota Statutes, Sections 469.001 through 469.047, as amended, and Minnesota Statutes, Chapter 475, as amended (collectively, the “Act”), and pursuant to an Indenture of Trust dated as of December 1, 2010, as supplemented by a First Supplemental Indenture of Trust (as supplemented and amended, the “Indenture”), between the Issuer and the Trustee and consented to by the County and the City of Elko New Market, Minnesota, in order to refinance a 49-unit multifamily rental housing facility for low- and moderate-income seniors located in the City and owned by the Issuer, which constitutes a housing development project through the defeasance, redemption, and prepayment of the Issuer’s (i) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010A (Taxable Build America Bonds – Direct Pay) (the “Series 2010A Bonds”); and (ii) Governmental Development Bonds (Scott County, Minnesota Unlimited Tax General Obligation), Series 2010B (Taxable Recovery Zone Economic Development Bonds – Direct Pay) (the “Series 2010B Bonds,” and together with the Series 2010A Bonds, the “Series 2010 Bonds”). The Series 2010 Bonds, the Series 2019B Bonds, and any Additional Bonds issued pursuant to the Indenture, are referred to together as the “Bonds.” Capitalized terms used herein that are otherwise not defined shall have the meanings provided in the Indenture.

Reference is hereby made to the Indenture (copies of which are on file with the Trustee) and all other indentures supplemental thereto and to the Act for a description of the rights thereunder of the registered owners of the Bonds, of the nature and extent of the security and provisions for payment of the Bonds, of the rights, duties and immunities of the Trustee and of the rights and obligations of the Issuer thereunder, to all the provisions of which Indenture the registered owner of this Bond, by acceptance hereof, assents and agrees.

The Bonds and the interest thereon (to the extent set forth in the Indenture) are payable primarily from the Revenues, Extraordinary Revenues and Supplemental Revenues the proceeds of the sale of the Bonds and other amounts pledged to the payment thereof, subject only to provisions of the Indenture permitting the application thereof for or to the purposes, and on the terms and conditions, set forth in the Indenture, provided, that if necessary for the prompt and full payment of the Series 2019B Bonds, the full faith and credit and taxing power of the County have been pledged.

The Series 2019B Bonds are issued in the form of fully registered Bonds in the denominations of \$5,000 principal amount or any integral multiple thereof.

Subject to the provisions of Sections 3.2 and 3.4 of the Indenture, the Series 2019B Bonds are subject to redemption prior to maturity as follows:

(1) Optional Redemption. The Series 2019B Bonds maturing on or after February 1, 20__, are subject to optional redemption and prepayment in whole or in part, on any date on or after February 1, 20__, for which timely notice of redemption can be given at the option of the Issuer, solely from monies on deposit in the Redemption Fund upon the written request by the Issuer to the Trustee, at the redemption price equal to par plus accrued interest to the redemption date.

(2) Scheduled Mandatory Redemption. The Series 2019B Bonds maturing on February 1, 20___, February 1, 20___, and February 1, 20___ (collectively, the “Term Bonds”) are subject to mandatory redemption in part prior to maturity on the dates and in the amounts set forth in the Indenture, at a redemption price equal to par, without any premium, plus accrued interest thereon to such redemption date, subject to pro rata reduction as described in the Indenture.

To effect the redemption of the Series 2019B Bonds, the Trustee shall promptly give notice within the time, in the manner and with the effect provided by Section 3.2 of the Indenture. Notice of redemption shall be mailed by first class mail not fewer than thirty (30) days prior to the redemption date by the Trustee to the Paying Agent and the Holders of Series 2019B Bonds to be redeemed at the addresses shown on the Bond Register. No defect in or failure to give mailed notice shall affect the validity of the proceedings for redemption of any Series 2019B Bond. Each such notice shall specify (i) the maturity date of the Series 2019B Bonds to be redeemed, (ii) the redemption date, (iii) the place or places where amounts due upon such redemption will be payable, (iv) if less than all of the Series 2019B Bonds are to be redeemed, the letters and numbers or other distinguishing marks of such Series 2019B Bonds so to be redeemed, (v) the CUSIP number, (vi) the date of such notice, (vii) the issuance date for the Series 2019B Bonds, (viii) the interest rate of the Series 2019B Bonds to be redeemed, (ix) the redemption price, (x) the Trustee’s name and address with contact person and phone number, (xi) the complete official name of the Series 2019B Bonds, including series, and (xii) in the case of the Series 2019B Bonds to be redeemed in part such notice shall also specify the respective portions of the principal amount thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the redemption price thereof (or the redemption price of the specified portions of the principal thereof in the case of the Series 2019B Bonds to be redeemed in part only), together with interest accrued to the redemption date, and that from and after such date interest thereon shall cease to accrue and be payable. On or before the date of mailing of notice of redemption (except for redemption pursuant to Section 3A.1(2) of the Indenture), funds sufficient to redeem such Series 2019B Bonds, including accrued interest thereon to the redemption date, shall be deposited with the Paying Agent. The Series 2019B Bonds thus called shall not, on or after the specified redemption date, bear any interest and, except for the purpose of payment, shall not be entitled to the lien of the Indenture.

Any notice mailed as provided above shall be conclusively presumed to have been duly given, whether or not the Holder or such other intended recipient receives such notice.

In certain events, on the conditions, in the manner and with the effect set forth in the Indenture, the principal of all the Series 2019B Bonds then outstanding may become or may be declared due and payable before the stated maturity thereof, together with the interest accrued thereon. Modifications or alterations of the Indenture or any indenture supplemental thereto may be made only to the extent and in the circumstances permitted by the Indenture.

Subject to the limitation and upon payment of the charges, if any, provided in the Indenture, this Bond may be exchanged or transferred by the registered owner hereof in person, or by his or her attorney duly authorized in writing, at said office of the Trustee for a new fully registered Series 2019B Bond or Bonds of any authorized Series 2019B Bonds of the same series in denomination or denominations and in an aggregate principal amount equal to the principal amount of this Bond then remaining outstanding upon surrender or cancellation of this Bond. The Trustee shall not be required to record the exchange or transfer of this Bond during the ten (10) days next preceding any date established by the Trustee for the selection of Series 2019B Bonds for redemption; and, if this Bond shall be called for redemption in whole or in part, the Trustee shall not be required to record the exchange or transfer of this Bond after the call for redemption and prior to the redemption date.

The Issuer and the Trustee may deem and treat the registered owner hereof as the absolute owner hereof for all purposes, and the Issuer and the Trustee shall not be affected by any notice to the contrary.

It is hereby certified, recited and declared that any and all conditions, things and acts required to exist, to have happened and to have been performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by the Act, and by the Constitution and laws of the State, and that the principal amount of the Series 2019B Bonds, together with all other indebtedness of the Issuer, does not exceed any limit prescribed by the Act, or by the Constitution or laws of the State, and is not in excess of the amount of Series 2019B Bonds permitted to be issued under the Indenture.

This Bond shall not be entitled to any benefit under the Indenture or become valid or obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been dated and signed by the Trustee.

IN WITNESS WHEREOF, the Scott County Community Development Agency has caused this Bond to be executed in its name and on its behalf by the facsimile signature of the Chair of its Board of Commissioners and attested by the facsimile signature of the Executive Director of its Board of Commissioners, and its seal has been omitted as permitted by law as of the date of issuance specified above.

**SCOTT COUNTY COMMUNITY
DEVELOPMENT AGENCY, MINNESOTA**

By _____
Its Chair

By _____
Its Executive Director

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

U.S. BANK NATIONAL ASSOCIATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT

_____ Custodian _____
(Cust) (Minor)

TEN ENT -- as tenants by entireties

under Uniform Gifts or Transfers to Minors
Act, State of _____

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STEMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
<hr/>	Cede & Co. Federal ID #13-2555119	<hr/>

EXHIBIT B

MAXIMUM PAYMENTS FROM THE CITY



STAFF MEMORANDUM

SUBJECT:	Elko New Market Police Department Pre-Design Report
MEETING DATE:	September 12, 2019
PREPARED BY:	Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Provide direction of preferred Police Department facility option.

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/DISCUSSION:

The Police Department is located in a 102-year old former Elko City Hall/ Post Office building, which is a total of 2,764 square feet for the growing department. In February 2019, the City Council authorized Staff to sign an Agreement with Leo A. Daly to develop options for remodeling the existing Police Department interior space for more efficient and effective use by the Department; meet interior accessibility standards; remove mold problems; complete structural modifications; and update HVAC, electrical, and plumbing systems to current building code standards.

In April 2019, a preferred design was provided to both RJM Construction and Mohs Construction for a cost estimate for both capital budget and bonding purposes. The result was estimate range of \$1.2 million to \$1.6 million for construction, soft costs and Furniture, Fixtures, Equipment for the project. The cost of the estimates, both estimators for the companies suggested new construction might provide more value in the long run and mitigate the uncertainties of remodeling the existing Police Department Building.

Staff and the Architect reviewed the option of new construction at a meeting on August 14th. Due to the site constraints of adding new space to the existing facility, the logical alternative, and recommendation by the architect, was to consider adding a new addition to the back of City Hall. Review of this option was outside the original Scope of Services of the contract, so City Council approved a “not to exceed” figure of \$2,400 at their meeting of August 22nd from Leo A. Daly to provide the additional information to the City Council.

At a meeting with Staff on Thursday, August 28th, the architect provided an option of adding a 5,550 square addition to the existing City Hall that would meet the goal of providing adequate space for a Police Department of 22 officers. This option was then sent to both RJM Construction and Mohs Construction for an estimated cost of construction, soft costs and FFE to compare to the preferred remodel option for the existing Police Department station.

In reviewing the two estimates, the estimated cost of constructing an addition off the back of the current City Hall was estimated to be \$1.9 million to \$2.8 million, which includes soft costs and FFE. This also includes work to the current Police Department Facility to address structural issues, removing mold and mildew, remove most of the interior walls, and meeting current building code where necessary in order preserve the building and use it for storage on an interim basis. The cost of renovating the current Police Station, as you may recall would be an estimated \$1.2 million, including soft costs and FFE.

Utilizing the criteria of project cost, lifespan, return on investment, potential reuse of each building, department operations, return on existing improvements, and long-term impact on future options for City public buildings, Staff reviewed 5 different options. Staff is recommending two options for Council consideration. This information is contained in the attached Pre-Design Report from Leo A Daly.

RECOMMENDATION:

Recommend the City Council provide direction on the preferred design option for the Elko New Market Police Department and authorize Staff to negotiate a contract for Phase 2 for Architectural Services with Leo A Daly for Phase 2 of the Police Department Remodeling Project.

ATTACHMENT:

- Leo A Daly Pre-design Report for Elko New Market Police Station

LEO A DALY

Leo A Daly

ELKO NEW MARKET POLICE STATION
PRE-DESIGN REPORT

SEPTEMBER 9, 2019
LAVOLD, TODD

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1 Executive Summary

The following report summarizes the content and spirit of the meetings, discussions, and options studied during the development of this pre-design study. The intent of this study was to develop a space needs program projected to serve a Police Department of 14 employees unbiased from the existing facilities, then tested against the existing facilities, and then ultimately price the options which came forth.

The analysis relied, as a starting point, upon the facility assessment WJE conducted in 2011. To not duplicate previous work, LEO A DALY reviewed the conditions outlined in the study as they related eight years later and further investigated areas previously not accessible. Remedies for insufficient systems, materials, or structure were address on a level commensurate of a pre-design study.

The premise of this study was to investigate the possible re-use of the existing police station. However, upon completion, it was determined to extend the scope of the study to investigate adding an addition to the back of the existing City Hall as the cost of renovating the existing Police Station escalated to the point where consideration for building new construction should be considered.

The results of this planning study included a Police Department consisting of fourteen (14) employees:

- (1) Police Chief
- (1) Police Sargent
- (1) Full time Investigator
- (1) Full time administrative assistant
- (1) space for MN State Patrol Officers
- (1) space for Scott County Sheriff's Officers
- (8) Patrol Officers

This represents nearly a doubling of staff. However, projecting staffing needs and future police policies and procedures beyond this department size is difficult as many factors play a role. These factors include the City's rate of population growth and type of future development, future school district growth, neighboring city growth, consolidation, technology, state and federal legislative changes, and the influence of the judicial system.

Given these factors, LEO A DALY and the City's Building Committee believe that Options C or E presented in this study will serve the Police Department of Elko New Market in a prudent manner now and in the future.

2 Introduction

LEO A DALY was commissioned to provide the city of Elko New Market with an Architectural Study for the Police Department Building Remodelling project. This project was conducted from February to June 2019. The city's committee consisted of the following people:

- Tom Terry, City Administrator
- Mark Nagel, Assistant City Administrator
- Brady Juell, Chief of Police
- Corey Schweich, Public Works Superintendent

The study was led by Todd LaVold, Project Manager – LEO A DALY

Design and consultation assistance were provided by the following people:

- Cindy McCleary, LEO A DALY - Principal Public & Institutional Markets
- Kara Braun, LEO A DALY - Interior Designer
- Matthew Keenan, LEO A DALY - Detention Specialist

Destructive demolition for the purposes of investigating hidden existing conditions and construction cost estimating was provided by RJM Construction Inc.

The following findings are organized in a similar fashion to the outline of LEO A DALY's proposal dated January 3, 2019.

3 Findings

3.1 Part A- Facility Assessment

3.1.1 Existing Building Review

No existing drawings were available for review, however the Police Department provided drawings developed by police staff. These were spot measured and adjusted as variances were noted. A complete verification of the existing building field conditions will be required upon the start of schematic design should the project move forward.

LEO A DALY reviewed the WJE's 2011 report and confirmed the overall conditions outlined was as described albeit eight years further aged. However, two additional phases of work were completed after the WJE study was completed. Most notably, exterior brick tuckpointing was performed and a new accessible entrance was constructed at the entry to the building.

LEO A DALY, with the assistance of RJM Construction, reviewed previously concealed conditions. These include the main building crawl space, the condition of the foundation wall below grade, the wall construction behind the exterior spray foam insulation, and further investigations into the failing roof structure.

3.1.2 Assessment and Recommendations

The physical condition assumptions and recommendations considered in this study include:

3.1.2.1 Foundations:

The foundations appear to be in good physical condition. RJM Construction Inc. dug a hole alongside the foundation approximately 3 feet deep along the back side of the building to investigate the condition of the foundation. No damp proofing was found, but the foundation wall appeared in good condition. (*Refer to Appendix B for the location of investigation*). The spray foam insulation installed

above grade on the foundation wall should be removed and replaced with a drainage and protective membrane a minimum of 4ft below grade on the west, south, and north sides of the building. All exposed areas above grade should be covered with a stucco protective coating. LEO A DALY recommends spraying the inside of the foundation wall with a closed cell spray insulation foam from the top of the footing to the underside of the flooring and continuing to the underside of the flooring approximately four feet into the occupied space.

3.1.2.2 Floor and Crawl Space:

The wood floor joist structure was found to be sound with no “soft” spots. A few floor joists were found to be sagging or settling after investigating the crawl space. These joists should be replaced or repaired where they bear on the western foundation wall. (*Refer to Appendix B for the location of investigation*). The wood panel floor covering the existing wood plank flooring was noticeably buckled as the WJE report indicated. However, this was not deemed structural and would be removed during any renovation. Due to the condition of the wood flooring and modifications that have occurred in the building over the years, LEO A DALY recommends placing a ¼ inch underlayment over the existing wood floor prior to the installation of new carpet or other floor coverings to alleviate “bleed through” of existing seams, patches, etc.

RJM Construction opened the flooring in two locations to inspect the crawl space. The space appeared to not be ventilated nor was there a concrete floor which is not conventional. The crawl space was found to be in reasonable condition although remnants of construction debris was found in several locations. No excess moisture was present at the time of viewing, however there was a noticeable musty smell indicative of the lack of ventilation. Existing floor joist insulation had deteriorated and, in many locations, had fallen loose and was laying on the dirt floor below. Two beam lines running north/south were located indicating bearing conditions for the floor joist. The east bearing line rests on a combination of foundation wall and piers. The west bearing line appeared to rest on a series of piers. (*Refer to Appendix B for locations*). LEO A DALY recommends reinsulating the foundation internally to the top of the footing and the first four feet of the underside of the flooring with closed cell spray foam insulation as indicated in Section 3.1.1.2 and introducing tempered air and fresh air ventilation to remove the likelihood of moisture into the occupied spaces. This will create a nearly continuous insulation condition from foundation to attic when installed in conjunction with recommendations found in 3.1.2.5

3.1.2.3 Roof Structure:

As noted in the WJE 2011 report:

“Structural distress was observed in the roof structure and exterior walls proximate to the east side of the original building. The overall pattern of the distress is consistent with excessive roof thrust, likely associated with snow load conditions, which caused outward displacement of the top of the east wall. No similar conditions were observed along the top of the west exterior wall. Past repairs are present at some interior and exterior distress conditions, indicating this not a new condition. However, evidence of additional movement since the repairs is also present. We observed the following:

- *Two 2x6 roof rafters in the west roof slope are fractured. The fractures occur at the nailed connections of the north and south collar ties. The fractures were not judged to be recent.*

- *Vertical dimensional lumber columns are present at regular spacing below the west roof slope, extending from the ceiling to the underside of the roof decking. The column adjacent to the south collar tie is bowed, consistent with slight downward movement of the roof. No other columns were obviously bowed.*
- *WJE inspected the top of the east wall, near the north collar tie, within the attic. Two rafters exhibited a partial fracture at the notched sole plate bearing, and the interior face shell of a clay tile was fractured, but no obvious evidence of movement of the ceiling joist was observed at the two grout pockets which were inspected."*

LEO A DALY observed similar conditions and concur with the WJE assessment. *(A series of structural sketches/concepts which address these structural deficiencies are included in Appendix C).*

3.1.2.4 Roofing Material:

The asphalt roofing shingles appear to be in good condition (now nearly 13 years old) and were observed to be in the same general condition of the WJE report. Attic ventilation does not meet current building code and will need to be addressed during any renovation. LEO A DALY suggests cutting in a new ridge vent which will require patchwork shingling. In addition, we recommend installing rafter vents at the eaves along with new eave vents. LEO A DALY recommends demolishing all suspended acoustic ceilings and gypsum board attached to the underside of the roof joists. This will allow for better access to implement the structural recommendations listed above. Lastly new gypsum board ceilings and blown cellulose insulation with a total value of R-38 is recommended.

3.1.2.5 Exterior Walls and Openings:

Tuck pointing of the exterior brick occurred recently as part of Phase 2 of the Police Station Rehabilitation Project in May of 2015. It appears nearly all the stepped cracking identified in the WJE study has been corrected. Minor brick cracking was observed in several areas however. Ideally, cracked bricks should be replaced, and re-tuck pointed although it does not appear to be reflective of major structural issues.

The addition on the west side of the original building, and the west side of the original building is covered in spray foam insulation and is heavily damaged from snow removal, lawn maintenance, and birds. LEO A DALY recommends removing the spray foam insulation and applying a new 3 coat non-insulated stucco finish system. To replace the lost insulation at these locations and provide new insulation at the remaining building perimeter, LEO A DALY recommends providing two layers of closed cell rigid insulation board which total R-20 at the perimeter walls. When all seams are sealed with a closed cell spray foam the system will perform as a vapor barrier as well. The inside perimeter walls can then be constructed with 2 1/2-inch metal studs and 5/8" gypsum board.

LEO A DALY recommends replacing all exterior wood and vinyl windows, and exterior doors (excluding the garage addition) throughout the building with new wood / aluminium clad window systems. We also recommend providing new windows at the location of all "boarded up" or infilled windows. *(Refer to Appendix B for location of infilled windows).*

3.1.2.6 Mechanical:

All mechanical systems within the building are beyond their useful life as discussed in the WJE 2011 report. LEO A DALY recommends tempering the space with one residential gas fired furnace with 5-

tons of cooling capacity and an outdoor ventilation air heat exchanger in the garage space. The ductwork is anticipated to be located below the new gypsum board ceiling, exposed in some places and above a secondary ceiling in others.

Each restroom shall have a dedicated exhaust fan controlled by occupancy sensors or wall switches.

Based upon WJE 2011 report, the building has two natural gas service entrances. LEO A DALY recommends revising this to one service entrance with one new meter.

A dedicated mini-split system may be required in the new data closet. This will require further information or confirmation of loads.

3.1.2.7 Plumbing:

All plumbing fixtures and associated piping are recommended to be removed. A new 60-gallon wall mounted water heater is recommended to service the hand washing sinks, service sink, and shower. Due to the potential size of the service and LEO A DALY recommends assisted flush tank type toilet fixtures.

Considering the recommended layout, all new waste plumbing and supply water piping located in the original building will need to be in the crawl space. All piping will require insulation and heat trace. LEO A DALY recommends ventilating the crawl space and introducing a small amount of tempered air to reduce the likelihood of freezing pipes and build-up of moisture.

3.1.2.8 Electrical:

All electrical services, panels, and devices are recommended to be replaced with the revised layout of the building. LEO A DALY anticipates a new 150-amp 3-phase service entrance or a 250-amp single phase service entrance.

New lighting shall be LED fixtures. Rooms shall be controlled by occupancy sensors except in any holding area.

Backup power generation should be provided in this project with a plug and play transfer switch. This will allow the City flexibility with portable generators if required and the redundancy for the City-wide servers which will be moved to this building should this project move forward.

3.1.2.9 Fire Protection:

The building does not require automatic fire sprinkler protection as the scale of the building does not require it per code and the City of Elko New Market has not enacted voluntary code compliance requiring all commercial buildings over 2,000 sf to be sprinklered. Renovation work shall include all new fire notification devices.

3.1.2.10 Low Voltage Systems:

Likely the existing Salto access control system will be required to be replaced as well as the separate keypad access for outside adjacencies. Each exterior perimeter door, evidence storage, and data room door shall require access control. All exterior perimeter doors shall require cameras as well. Interview rooms will not be monitored with cameras and audio recording devices.

A new telephone service shall be routed to the new data closet location.

The city will be moving the city and police department server to the Police Station. It shall be housed in a secure location.

3.2 Part B – Needs Assessment

3.2.1 Program Development

- 3.2.1.1 The building program was developed over the course of three meetings with the city's building committee. (*Refer to Appendix A for the space needs program*). The space needs requirements were based upon 2040 Metropolitan Council population projections (11,900 Elko New Market residents) and their corresponding police department / staff requirements. This is up from the current city population of approximately 4,716 residence or more than double its current population.
- Projecting police staffing is not an exact science. The following reasoning drove much of the conversation and decision-making process while developing the space needs requirements:
- 3.2.1.2 The starting point for determining officer count in this industry is 1 sworn officer / 1000 residence rule of thumb. Currently Elko New Market has five fulltime officers and two part time officers which is in line with national standards. An 11,900-population projection in 2040 translates to approximately 12 FTE sworn officers.
- 3.2.1.3 As a police department and city reaches this size it would not be uncommon for the department to have 1 or 2 additional administrative staff members as well.
- 3.2.1.4 Dependant on the future city development mix, an investigator or a community service officer may be hired in addition to or as part of the sworn officer count. An investigator will require an office.
- 3.2.1.5 As a department grows to this size, a patrol sergeant may be added to assist the police chief with administration tasks. A sergeant will require an office.
- 3.2.1.6 Patrol officers, by their nature do not spend much time at their desk, therefore it is very common for these officers to "hot desk", meaning they may share desk space with one or two other patrol officers who do not work the same shift.
- 3.2.1.7 The Mn State Patrol and Scott County Sheriff's office often utilize Elko New Market's Police Station. Each agency can share one workstation.
- 3.2.1.8 Providing at least two interview rooms allows police officers to separate witnesses for strategic, sight/sound separation, or safety reasons. One interview room typically will be "softer" in nature as sensitive discussions often happen. The design of the space should allow for comfortable sharing of information.
- 3.2.1.9 Providing a holding or booking area that doesn't allow a detainee into the working spaces of the police department is essential for officer safety and confidentiality. Although police departments of

this size generally do not have holding cells, there is merit to having one at this facility. For further information, refer to separate document not included in this report.

3.2.1.10 Evidence intake and storage requires separate spaces to maintain secure chain of custody.

3.2.1.11 There was a desire to have a meeting room to allow for training on site, a space for roll call as the department grows, and a separate space for officers to take a break.

3.2.2 Facility Comparisons

LEO A DALY provided floor plans of three recently completed projects for Chief Juell to review. These included departments in Forest Lake, MN; Oakdale, MN; and Omaha, NE. Chief Juell reviewed these plans for layers of security built into each of them. Although each of these examples are for departments ranging in size from 24 to 36 and much larger in the case of Omaha PD, they all share passive and active security designs. Elko New Market PD Options C and D are no different.

Additionally, the committee reached out to the cities of Jordan, MN and New Prague, MN to review their procedures for holding.

3.3 Part C – Operational Planning

3.3.1 Workflow Process

In order to understand the operations of the Elko New Market Police Department, LEO A DALY and the Building Committee discussed “the day in the life” of the multiple users of the facility both now and the projected future. These include the Police Chief, Patrol Officers, civilian administrative staff, detainees, Scott County Sheriff’s deputies, MN State Patrol officers, and the law-abiding citizens of the community.

3.3.1.1 Police Chief:

The chief requires a separate lockable office with space for lockable filing cabinet and room to have discussions with his officers in private. Adjacency to the squad room, an easy path to the garage, and not being in direct view of the general public was desirable.

3.3.1.2 Patrol Officers:

Three scenarios are important to patrol officers. Starting and ending their day, processing evidence, and bringing a suspect or detainee into the police station.

Starting a shift often involves a series of processes including entering the facility from their personal cars, changing clothes, paper work (with easy access to files), roll call with fellow officers at shift change either informally or formally, and gathering their duty bags prior to leaving the station in their squad via the squad garage. The reverse order is true when ending a shift. Allowing for these functions to flow in an orderly manner is desirable to eliminate wasteful time.

Officers will most often bring evidence into the police station via the squad garage. It is important to limit exposing evidence within the facility, so the most direct route is desirable. Secondly, having a separate room with proper countertops and storage of materials to tag, bag, and log the evidence maintains a better chain of custody. Once the evidence is properly processed it is placed in a pass-

through locker into evidence storage where only the Chief has access. This is also critical to maintaining chain of custody.

Bringing a suspect or detainee into the police station can be a dangerous time for a police officer, especially in a smaller facility where back up may not always exist. Most of the time an officer will bring a person into the station from the squad garage. Therefore, it is critical to make sure intoxilyzer and interview rooms are adjacent to the garage. Additionally, keeping this person or persons from entering the rest of the station will keep the suspect or detainee as well as police officers safer.

If a suspect, witness, or victim comes to the station voluntarily they will enter the facility through the public entrance. A public lobby with a secure window will greet them. At present time, this will not likely be staffed, but as the department grows, it may. This person and an officer can meet in the adjacent interview room. The placement of the room also restricts suspects, witnesses, or victims from entering the rest of the facility.

3.3.1.3 Civilian Administrative staff:

It is important that these staff members, now and certainly in the future, be the public face of the department, be kept secure, and have easy access to the rest of the sworn officers.

3.3.1.4 Outside law enforcement agencies:

These agencies have two options for bringing detainees or suspects into the station. Through the public entry to utilize the interview room directly off the public lobby or through the garage person-door and into the more secure interview and intoxilyzer room.

3.4 Part D – Facility Planning Options

3.4.1 Facility Planning Options

3.4.1.1 After the initial kick off meeting and the development of the programming document, LEO A DALY met with the committee to review two plan options (Options A and B not included in this report). Input and discussions resulted in two additional or derivative plan options (Options C and D). Options C and D were reviewed and refined with the committee and are included in this report for your review (Refer to Appendix D).

3.4.2 Option C:

Option C was developed around the premise of remaining wholly within the footprint of the existing building. All components of the program fit with only marginal compromise. These are as follows:

3.4.2.1 Interview:

During discussions it was also determined to be acceptable to utilize interview rooms for report writing rooms as interview rooms are not a high use room. This was eliminated from the program.

3.4.2.2 Firearms:

It was deemed acceptable to locate the fire arms cleaning, armoury, and oversized evidence storage within the garage space behind secured wire mesh partitions.

- 3.4.2.3 **Public Restrooms:**
The merits of a public restroom from the lobby was discussed and determined could be deleted from the program. In times when a citizen, victim, or witness requires the use of a restroom they can be escorted into the facility.
- 3.4.2.4 **Break/Roll Call:**
The break room and roll call room were combined into one space. The committee agreed this was a good use of space.
- 3.4.2.5 **Lockers:**
There are no separate men's and women's locker rooms. The lockers are in the hallway across from two unisex restroom / changing rooms. This has the benefit of being gender neutral. As staff mix shifts over time, the space allotted does not favour one gender over the other. The downside is the inconvenience of having to take your belongings into the unisex restroom / changing room to change clothes.
- 3.4.3 Option D:**
Option D was developed around the premise that a small addition of 300 square feet to the west may allow more breathing room. All components of the program fit and allowed the following adjacencies and spaces to function better than Option C. These are as follows:
- 3.4.3.1 **Evidence:**
The evidence processing and evidence storage is more appropriately located directly adjacent to the squad garage and is more appropriately sized.
- 3.4.3.2 **Lockers:**
Dedicated men's and women's locker rooms were possible.
- 3.4.4 Option E:**
Option E was developed around the premises that the Police Department would operate more efficiently next to City Hall, new construction would mitigate concerns of remodelling a 102-year-old building, allow more flexibility at both the existing Police Department and the City Hall/Fire Station site, and allow slightly more space in an unrestrained manner to allow better flow and slightly more space to accommodate future growth.
- 3.4.5 Review of Options**
Overall, LEO A DALY and the Building Committee developed 5 options. (*Refer to Appendix E for a matrix of options*). Using the criteria of cost, lifespan, return on investment, potential reuse of each building, department operations improvements, and long-term effect on future options for City public buildings, Staff is recommending Option C and Option E for Council consideration. LEO A DALY and the Building Committee have compiled a list of pro/cons for each option:
- 3.4.6 Option C: Renovate current Police Station**
- 3.4.6.1 **Pros:**
1. Lowest cost option.

2. Meets anticipated PD space needs for 13 police officers, which is 6 more than the current number of police officers.
3. Possible Community space/Senior Center reuse in the future.
4. Uses the current investment in handicapped accessibility, tuckpointing, and garage

3.4.6.2 Cons:

1. More risk in renovating the building.
2. "Rule of Thumb" in renovation: If the estimated cost to renovate exceeds 50% of new construction, then it would be better to build new construction most of the time. Here, the cost of renovating is 60% of the cost of building new (it is 67% since about \$250,000 of the new construction would be spent making the current PD building usable for storage and/or meeting space)
3. No room for expansion on the site.

3.4.7 **Option E: Build Addition at City Hall with Renovation of current Police Station for Storage or Future Reuse**

3.4.7.1 Pros:

1. Meets anticipated PD space needs for 22 police officers, which is 15 more than the current number of police officers
2. New construction is less risky than renovation.
3. Allows current PD to be used for storage and possible use as Community Room/Senior Centre in the future that could be rented out like Wagner Park Shelter
4. The addition is nearly 1,000 square feet larger than the current PD.
5. Positive impact on PD operations – better coordination of emergency services, better interior design efficiencies, better communications with City staff – code enforcement, for example, greater Community visibility, greater access, convenience for citizens to PD – at City Hall, so Administrative Assistant can page PD, rather than have citizen drive over to the current PD, co-use of City Hall meeting space for PD, greater security for City Hall facility and Staff.
6. Roof can be built for solar panels saving utility costs for the Fire Station, City Hall, and PD.
7. Reuse of space should PD move is possible e.g. expansion of City Hall.
8. Potential expansion of PD/City Hall/Fire Station possible.

3.4.7.2 Cons:

1. Most costly of the 2 options.
2. Reduces space for City events such as Fire Rescue Days and Annual Recycling Day.
3. Site parking will be reduced with the anticipated increase in demand for space.
4. Salt shed may need to be moved in future depending upon growth of City Hall, Police Department, Fire Department.

3.4.8 **Cost Assessments**

Construction cost estimates were provided by two contractors, Mohs Contracting and RJM Construction. The price variation while somewhat large is representative of a conservative approach utilizing union wages and an approach with lower overall overhead and lower wage rates. These costs were inserted into a project cost spreadsheet which represent the total project costs. (*Refer to Appendix F*).

3.4.9 Implementation Schedules

- 3.4.9.1 September 12, 2019 Council Meeting:
Approve option C or E with commentary and authorize team to proceed.
- 3.4.9.2 December 19, 2019 Council Meeting:
Approve plans and specifications
- 3.4.9.3 February 6, 2020 Council Meeting:
Accept lowest responsible bid(s).
- 3.4.9.4 March 9, 2020:
Pre-construction kick off meeting
- 3.4.9.5 August 2020:
Construction complete.

4 References

- 4.1 LEO A DALY proposal dated January 3, 2019
- 4.2 2011 Building Assessment, Elko New Market Police Department, WJE
- 4.3 Minnesota Administrative Rules, Chapter 2945 – Municipal Jail Facilities
- 4.4 Corrections Construction Standards

5 Appendices

- 5.1 Appendix A: Space Needs Program
- 5.2 Appendix B: Destructive Demolition Investigation
- 5.3 Appendix C: Structural Reinforcement Sketches
- 5.4 Appendix D: Concepts
- 5.5 Appendix E: Review of Options
- 5.6 Appendix F: Cost Estimates

Appendix A - Space Needs Program

Elko New Market Police Station

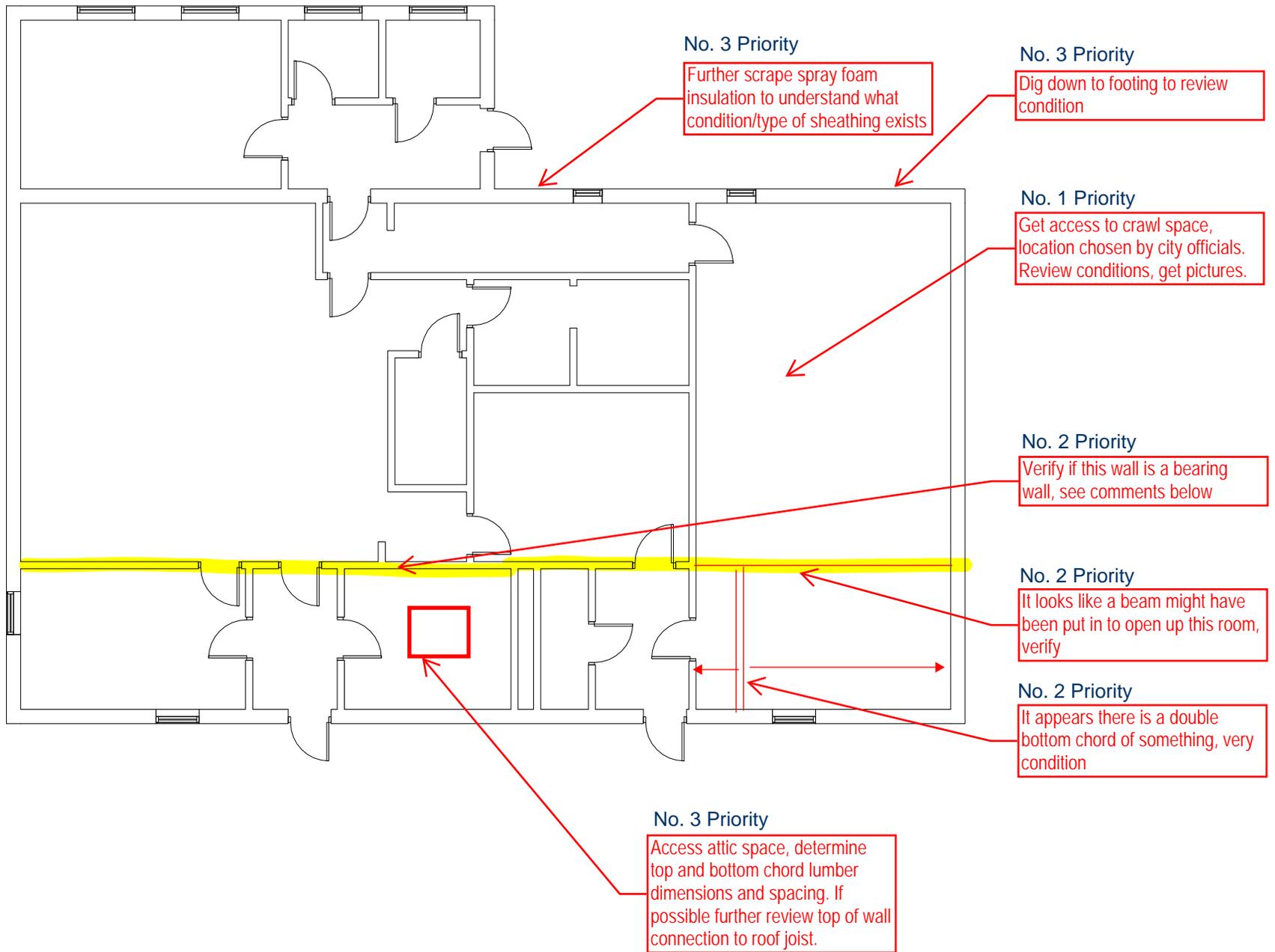
20-Apr-2019

LEO A DALY

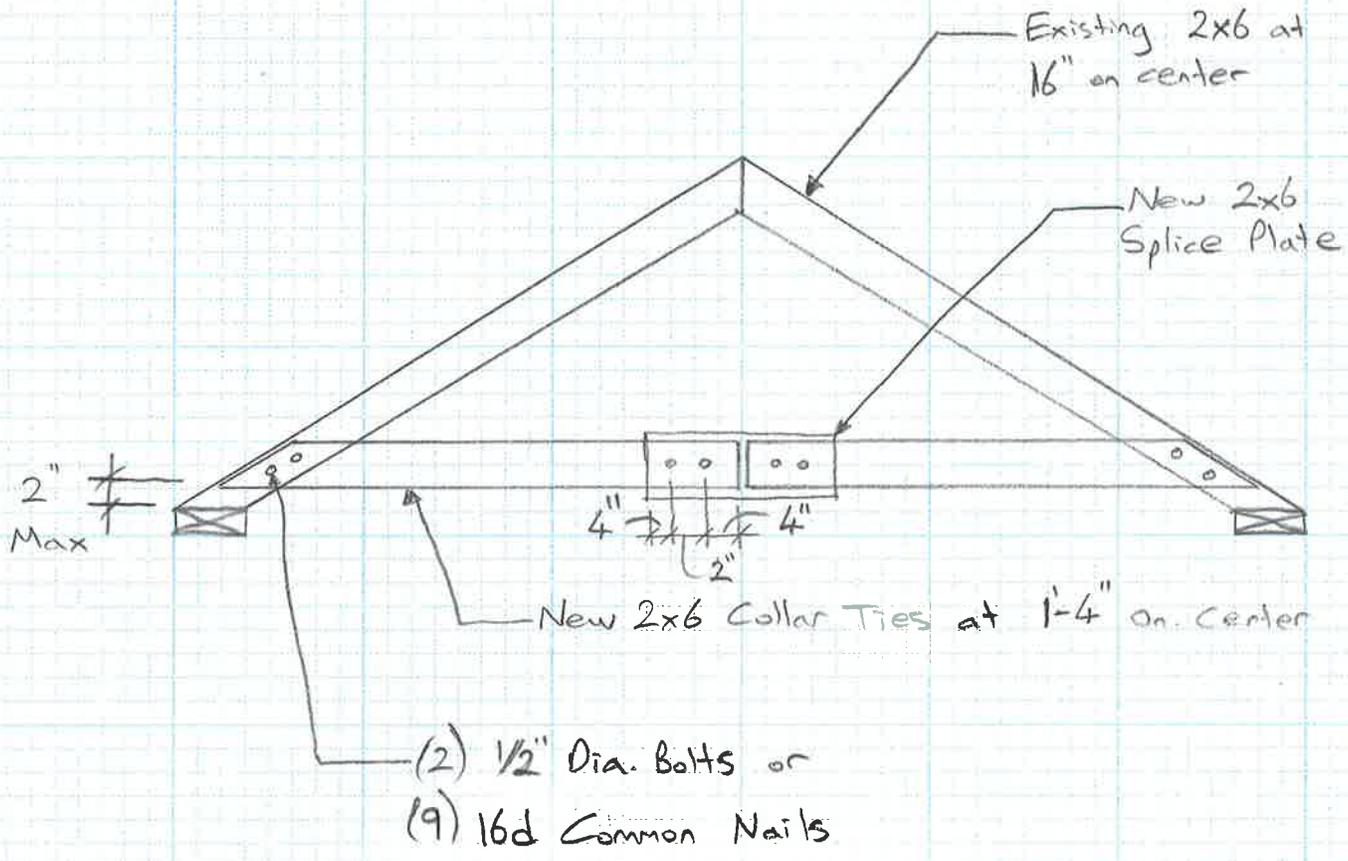


Area/Room	#	(w)	(l)	unit sf	Notes	total sf
Administration						528
Chief	1	10	14	140		140
Office	1	10	12	120		120
Office	1	10	12	120		120
Administrative Staff	1	6	8	48		48
Admin Files - Hot	1	6	6	36		36
Admin Files - Cold	1	8	8	64		64
Squad						552
Officer Cubicle	4	6	8	48	2040 population projected = 11,900/ 2 per cube	192
State / County Cubicle	1	6	8	48		48
Work Room	1	8	10	80		80
Roll Call	1	12	16	192	8-10 PEOPLE	192
Report Writing Room	1	5	8	40		40
Interview						208
Interview Hard	2	8	8	64		128
Interview Soft	1	8	10	80		80
Evidence						472
Packaging	1	8	14	112		112
Processing	1	8	14	112		112
Storage	1	10	12	120		120
Oversized	1	8	16	128	in garage	128
Support Spaces						777
Break	1	12	14	168		168
Duty Bag Storage	1	3	12	36		36
Laundry	1	4	6	24		24
Fire Arms Cleaning	1	8	10	80		80
Armory	1	8	8	64		64
Locker Room	1	15	15	225	12 law enforcement lockers 24" w x 24" w/ bench	225
Shower	1	8	9	72		72
Restrooms	2	8	9	72	Unisex	144
AV	1	6	8	48		48
Mech Room	1	10	12	120		120
Subtotal						2,065
Circulation / Structure (25%)	#	Unit				516
Grand Total						2,581

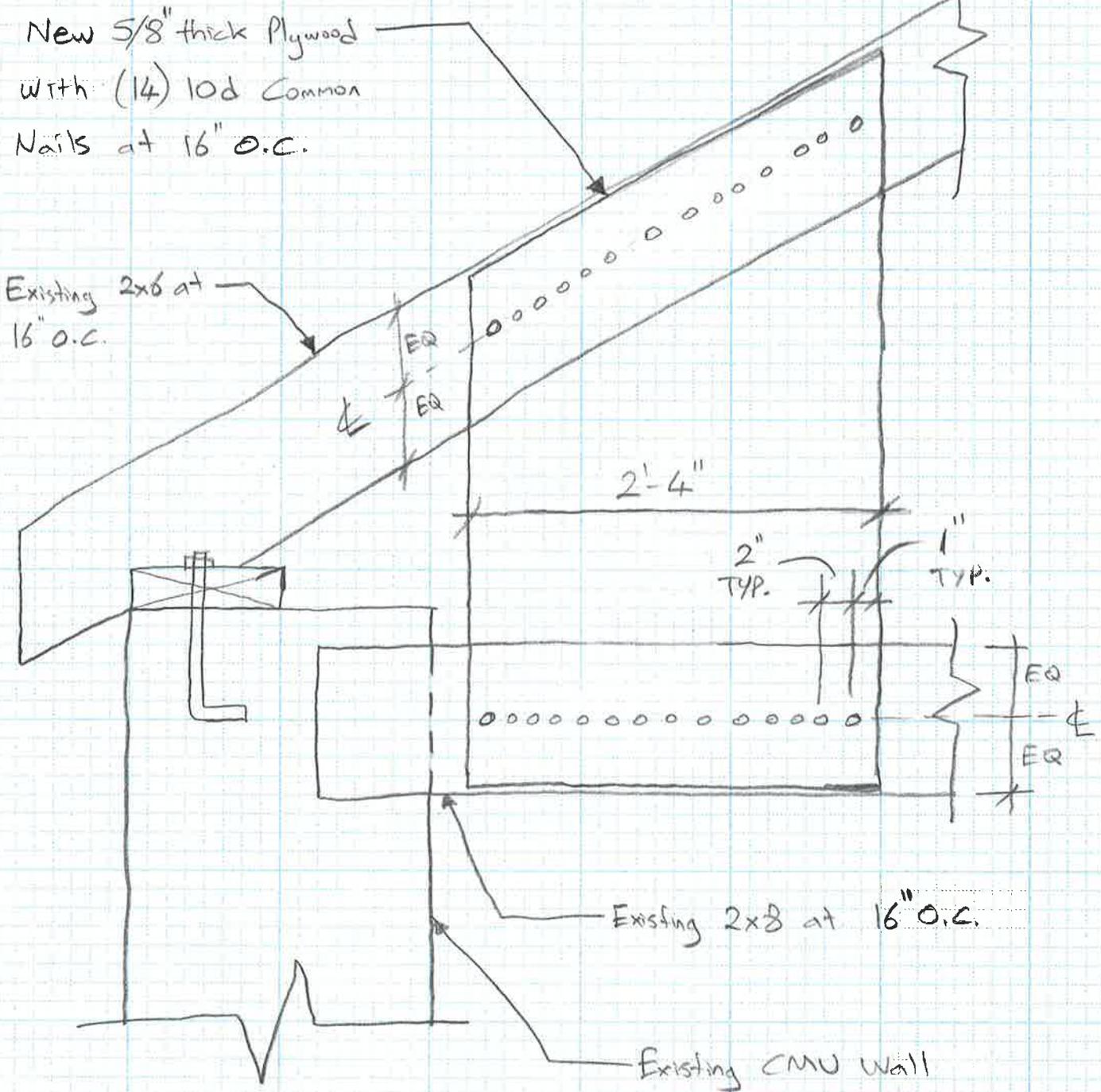
Appendix B - Destructive Demolition Investigation



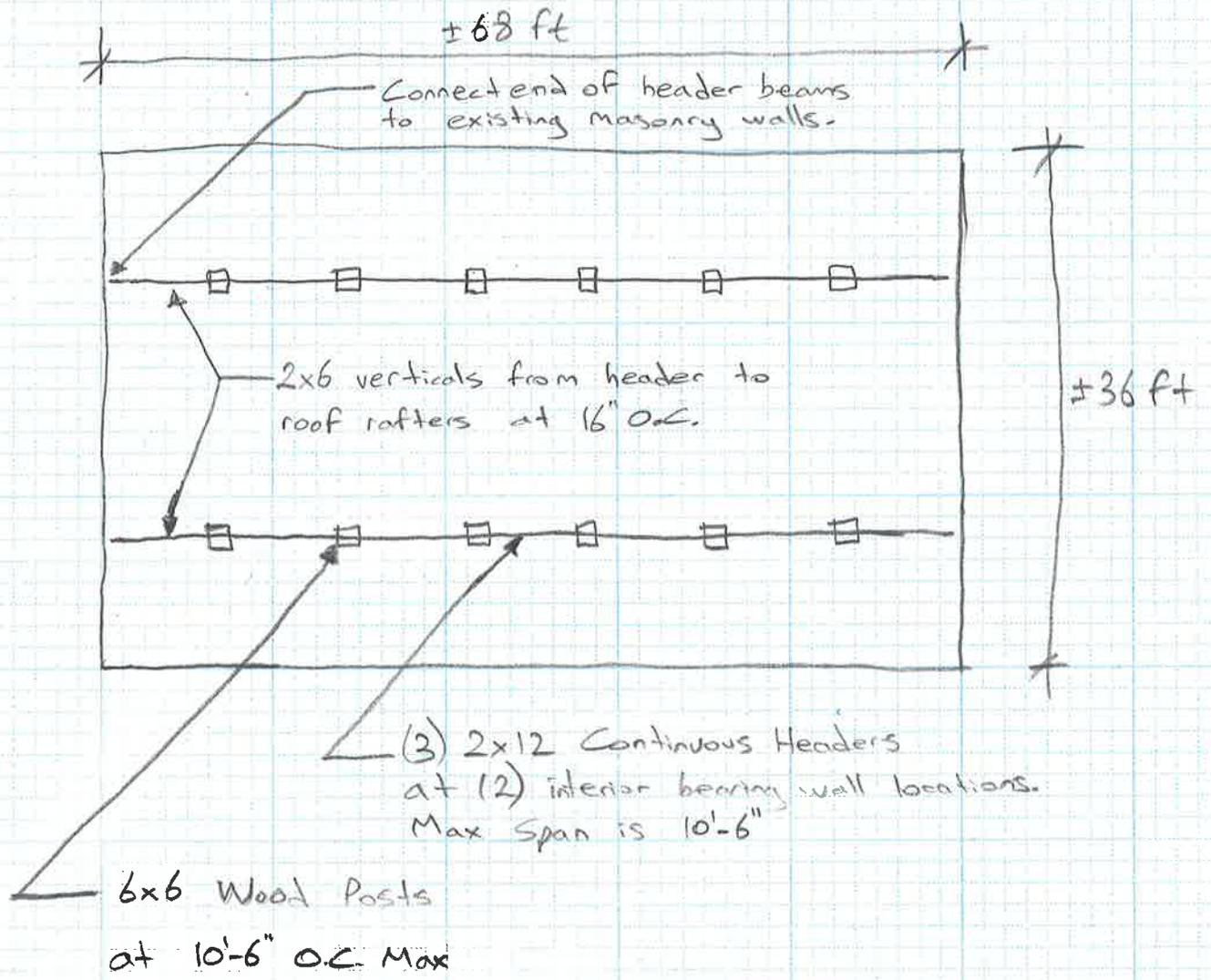
Appendix C - Structural Reinforcement Sketches



Roof Rafter Tie Reinforcement Option 1



Roof Rafter Tie Reinforcement option 2



Existing Roof Rafter Reinforcement.

TABLE 2308.7.2(4)
RAFTER SPANS FOR COMMON LUMBER SPECIES
 (Ground Snow Load = 50 psf, Ceiling Not Attached to Rafters, L/Δ = 180)

RAFTER SPACING (inches)	SPECIES AND GRADE		DEAD LOAD = 10 psf					DEAD LOAD = 20 psf				
			2 x 4	2 x 6	2 x 8	2 x 10	2 x 12	2 x 4	2 x 6	2 x 8	2 x 10	2 x 12
			Maximum rafter spans ^a									
			(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)	(ft. - in.)
12	Douglas Fir-Larch	SS	8-5	13-3	17-6	22-4	26-0	8-5	13-3	17-0	20-9	24-0
	Douglas Fir-larch	#1	8-2	12-0	15-3	18-7	21-7	7-7	11-2	14-1	17-3	20-0
	Douglas Fir-larch	#2	7-8	11-3	14-3	17-5	20-2	7-1	10-5	13-2	16-1	18-8
	Douglas Fir-larch	#3	5-10	8-6	10-9	13-2	15-3	5-5	7-10	10-0	12-2	14-1
	Hem-Fir	SS	8-0	12-6	16-6	21-1	25-6	8-0	12-6	16-6	20-4	23-7
	Hem-Fir	#1	7-10	11-9	14-10	18-1	21-0	7-5	10-10	13-9	16-9	19-5
	Hem-Fir	#2	7-5	11-1	14-0	17-2	19-11	7-0	10-3	13-0	15-10	18-5
	Hem-Fir	#3	5-10	8-6	10-9	13-2	15-3	5-5	7-10	10-0	12-2	14-1
	Southern Pine	SS	8-4	13-1	17-2	21-11	Note b	8-4	13-1	17-2	21-5	25-3
	Southern Pine	#1	8-0	12-3	15-6	18-2	21-7	7-7	11-4	14-5	16-10	20-0
	Southern Pine	#2	7-0	10-6	13-4	15-10	18-8	6-6	9-9	12-4	14-8	17-3
	Southern Pine	#3	5-5	8-0	10-1	12-3	14-6	5-0	7-5	9-4	11-4	13-5
	Spruce-Pine-Fir	SS	7-10	12-3	16-2	20-8	24-1	7-10	12-3	15-9	19-3	22-4
	Spruce-Pine-Fir	#1	7-8	11-3	14-3	17-5	20-2	7-1	10-5	13-2	16-1	18-8
	Spruce-Pine-Fir	#2	7-8	11-3	14-3	17-5	20-2	7-1	10-5	13-2	16-1	18-8
	Spruce-Pine-Fir	#3	5-10	8-6	10-9	13-2	15-3	5-5	7-10	10-0	12-2	14-1
16	Douglas Fir-Larch	SS	7-8	12-1	15-10	19-5	22-6	7-8	11-7	14-8	17-11	20-10
	Douglas Fir-Larch	#1	7-1	10-5	13-2	16-1	18-8	6-7	9-8	12-2	14-11	17-3
	Douglas Fir-Larch	#2	6-8	9-9	12-4	15-1	17-6	6-2	9-0	11-5	13-11	16-2
	Douglas Fir-Larch	#3	5-0	7-4	9-4	11-5	13-2	4-8	6-10	8-8	10-6	12-3
	Hem-Fir	SS	7-3	11-5	15-0	19-1	22-1	7-3	11-5	14-5	17-8	20-5
	Hem-Fir	#1	6-11	10-2	12-10	15-8	18-2	6-5	9-5	11-11	14-6	16-10
	Hem-Fir	#2	6-7	9-7	12-2	14-10	17-3	6-1	8-11	11-3	13-9	15-11
	Hem-Fir	#3	5-0	7-4	9-4	11-5	13-2	4-8	6-10	8-8	10-6	12-3
	Southern Pine	SS	7-6	11-10	15-7	19-11	23-7	7-6	11-10	15-7	18-6	21-10
	Southern Pine	#1	7-1	10-7	13-5	15-9	18-8	6-7	9-10	12-5	14-7	17-3
	Southern Pine	#2	6-1	9-2	11-7	13-9	16-2	5-8	8-5	10-9	12-9	15-0
	Southern Pine	#3	4-8	6-11	8-9	10-7	12-6	4-4	6-5	8-1	9-10	11-7
	Spruce-Pine-Fir	SS	7-1	11-2	14-8	18-0	20-11	7-1	10-9	13-8	15-11	19-4
	Spruce-Pine-Fir	#1	6-8	9-9	12-4	15-1	17-6	6-2	9-0	11-5	13-11	16-2
	Spruce-Pine-Fir	#2	6-8	9-9	12-4	15-1	17-6	6-2	9-0	11-5	13-11	16-2
	Spruce-Pine-Fir	#3	5-0	7-4	9-4	11-5	13-2	4-8	6-10	8-8	10-6	12-3
19.2	Douglas Fir-Larch	SS	7-3	11-4	14-6	17-8	20-6	7-3	10-7	13-5	16-5	19-0
	Douglas Fir-Larch	#1	6-6	9-6	12-0	14-8	17-1	6-0	8-10	11-2	13-7	15-9
	Douglas Fir-Larch	#2	6-1	8-11	11-3	13-9	15-11	5-7	8-3	10-5	12-9	14-9
	Douglas Fir-Larch	#3	4-7	6-9	8-6	10-5	12-1	4-3	6-3	7-11	9-7	11-2
	Hem-Fir	SS	6-10	10-9	14-2	17-5	20-2	6-10	10-5	13-2	16-1	18-8
	Hem-Fir	#1	6-4	9-3	11-9	14-4	16-7	5-10	8-7	10-10	13-3	15-5
	Hem-Fir	#2	6-0	8-9	11-1	13-7	15-9	5-7	8-1	10-3	12-7	14-7
	Hem-Fir	#3	4-7	6-9	8-6	10-5	12-1	4-3	6-3	7-11	9-7	11-2

(continued)

**TABLE 2308.7.3.1
RAFTER TIE CONNECTIONS^a**

RAFTER SLOPE	TIE SPACING (inches)	GROUND SNOW LOAD (pound per square foot)											
		NO SNOW LOAD				30 pounds per square foot				50 pounds per square foot			
		Roof span (feet)											
		12	20	28	36	12	20	28	36	12	20	28	36
Required number of 16d common (3 1/2" x 0.162") nails ^{a, b} per connection ^{c, d, e, f}													
3:12	12	4	6	8	10	4	6	8	11	5	8	12	15
	16	5	7	10	13	5	8	11	14	6	11	15	20
	24	7	11	15	19	7	11	16	21	9	16	23	30
	32	10	14	19	25	10	16	22	28	12	27	30	40
	48	14	21	29	37	14	32	36	42	18	32	46	60
4:12	12	3	4	5	6	3	5	6	8	4	6	9	11
	16	3	5	7	8	4	6	8	11	5	8	12	15
	24	4	7	10	12	5	9	12	16	7	12	17	22
	32	6	9	13	16	8	12	16	22	10	16	24	30
	48	8	14	19	24	10	18	24	32	14	24	34	44
5:12	12	3	3	4	5	3	4	5	7	3	5	7	9
	16	3	4	5	7	3	5	7	9	4	7	9	12
	24	4	6	8	10	4	7	10	13	6	10	14	18
	32	5	8	10	13	6	10	14	18	8	14	18	24
	48	7	11	15	20	8	14	20	26	12	20	28	36
7:12	12	3	3	3	4	3	3	4	5	3	4	5	7
	16	3	3	4	5	3	4	5	6	3	5	7	9
	24	3	4	6	7	3	5	7	9	4	7	10	13
	32	4	6	8	10	4	8	10	12	6	10	14	18
	48	5	8	11	14	6	10	14	18	9	14	20	26
9:12	12	3	3	3	3	3	3	3	4	3	3	4	5
	16	3	3	3	4	3	3	4	5	3	4	5	7
	24	3	3	5	6	3	4	6	7	3	6	8	10
	32	3	4	6	8	4	6	8	10	5	8	10	14
	48	4	6	9	11	5	8	12	14	7	12	16	20
12:12	12	3	3	3	3	3	3	3	3	3	3	3	4
	16	3	3	3	3	3	3	3	4	3	3	4	5
	24	3	3	3	4	3	3	4	6	3	4	6	8
	32	3	3	4	5	3	5	6	8	4	6	8	10
	48	3	4	6	7	4	7	8	12	6	8	12	16

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm, 1 pound per square foot = 47.8 N/m².

- a. 40d box (5" x 0.162") or 16d sinker (3 1/4" x 0.148") nails are permitted to be substituted for 16d common (3 1/2" x 0.16") nails.
- b. Nailing requirements are permitted to be reduced 25 percent if nails are clinched.
- c. Rafter tie heel joint connections are not required where the ridge is supported by a load-bearing wall, header or ridge beam.
- d. When intermediate support of the rafter is provided by vertical struts or purlins to a load-bearing wall, the tabulated heel joint connection requirements are permitted to be reduced proportionally to the reduction in span.
- e. Equivalent nailing patterns are required for ceiling joist to ceiling joist lap splices.
- f. Connected members shall be of sufficient size to prevent splitting due to nailing.
- g. For snow loads less than 30 pounds per square foot, the required number of nails is permitted to be reduced by multiplying by the ratio of actual snow load plus 10 divided by 40, but not less than the number required for no snow load.

TABLE 2308.4.1.1(1)
HEADER AND GIRDER SPANS^{a, b} FOR EXTERIOR BEARING WALLS
 (Maximum spans for Douglas Fir-Larch, Hem-Fir, Southern Pine and Spruce-Pine-Fir^a and required number of jack studs)

GIRDERS AND HEADERS SUPPORTING	SIZE	GROUND SNOW LOAD (psf) ^c											
		30						50					
		Building width ^e (feet)											
		20		28		36		20		28		36	
Span	NJ ^d	Span	NJ ^d	Span	NJ ^d	Span	NJ ^d	Span	NJ ^d	Span	NJ ^d	Span	NJ ^d
Roof and ceiling	2-2 x 4	3-6	1	3-2	1	2-10	1	3-2	1	2-9	1	2-6	1
	2-2 x 6	5-5	1	4-8	1	4-2	1	4-8	1	4-1	1	3-8	2
	2-2 x 8	6-10	1	5-11	2	5-4	2	5-11	2	5-2	2	4-7	2
	2-2 x 10	8-5	2	7-3	2	6-6	2	7-3	2	6-3	2	5-7	2
	2-2 x 12	9-9	2	8-5	2	7-6	2	8-5	2	7-3	2	6-6	2
	3-2 x 8	8-4	1	7-5	1	6-8	1	7-5	1	6-5	2	5-9	2
	3-2 x 10	10-6	1	9-1	2	8-2	2	9-1	2	7-10	2	7-0	2
	3-2 x 12	12-2	2	10-7	2	9-5	2	10-7	2	9-2	2	8-2	2
	4-2 x 8	9-2	1	8-4	1	7-8	1	8-4	1	7-5	1	6-8	1
	4-2 x 10	11-8	1	10-6	1	9-5	2	10-6	1	9-1	2	8-2	2
Roof, ceiling and one center-bearing floor	2-2 x 4	3-1	1	2-9	1	2-5	1	2-9	1	2-5	1	2-2	1
	2-2 x 6	4-6	1	4-0	1	3-7	2	4-1	1	3-7	2	3-3	2
	2-2 x 8	5-9	2	5-0	2	4-6	2	5-2	2	4-6	2	4-1	2
	2-2 x 10	7-0	2	6-2	2	5-6	2	6-4	2	5-6	2	5-0	2
	2-2 x 12	8-1	2	7-1	2	6-5	2	7-4	2	6-5	2	5-9	3
	3-2 x 8	7-2	1	6-3	2	5-8	2	6-5	2	5-8	2	5-1	2
	3-2 x 10	8-9	2	7-8	2	6-11	2	7-11	2	6-11	2	6-3	2
	3-2 x 12	10-2	2	8-11	2	8-0	2	9-2	2	8-0	2	7-3	2
	4-2 x 8	8-1	1	7-3	1	6-7	1	7-5	1	6-6	1	5-11	2
	4-2 x 10	10-1	1	8-10	2	8-0	2	9-1	2	8-0	2	7-2	2
Roof, ceiling and one clear span floor	2-2 x 4	2-8	1	2-4	1	2-1	1	2-7	1	2-3	1	2-0	1
	2-2 x 6	3-11	1	3-5	2	3-0	2	3-10	2	3-4	2	3-0	2
	2-2 x 8	5-0	2	4-4	2	3-10	2	4-10	2	4-2	2	3-9	2
	2-2 x 10	6-1	2	5-3	2	4-8	2	5-11	2	5-1	2	4-7	3
	2-2 x 12	7-1	2	6-1	3	5-5	3	6-10	2	5-11	3	5-4	3
	3-2 x 8	6-3	2	5-5	2	4-10	2	6-1	2	5-3	2	4-8	2
	3-2 x 10	7-7	2	6-7	2	5-11	2	7-5	2	6-5	2	5-9	2
	3-2 x 12	8-10	2	7-8	2	6-10	2	8-7	2	7-5	2	6-8	2
	4-2 x 8	7-2	1	6-3	2	5-7	2	7-0	1	6-1	2	5-5	2
	4-2 x 10	8-9	2	7-7	2	6-10	2	8-7	2	7-5	2	6-7	2
Roof, ceiling and two center-bearing floors	2-2 x 4	2-7	1	2-3	1	2-0	1	2-6	1	2-2	1	1-11	1
	2-2 x 6	3-9	2	3-3	2	2-11	2	3-8	2	3-2	2	2-10	2
	2-2 x 8	4-9	2	4-2	2	3-9	2	4-7	2	4-0	2	3-8	2
	2-2 x 10	5-9	2	5-1	2	4-7	3	5-8	2	4-11	2	4-5	3
	2-2 x 12	6-8	2	5-10	3	5-3	3	6-6	2	5-9	3	5-2	3
	3-2 x 8	5-11	2	5-2	2	4-8	2	5-9	2	5-1	2	4-7	2
	3-2 x 10	7-3	2	6-4	2	5-8	2	7-1	2	6-2	2	5-7	2
	3-2 x 12	8-5	2	7-4	2	6-7	2	8-2	2	7-2	2	6-5	3
	4-2 x 8	6-10	1	6-0	2	5-5	2	6-8	1	5-10	2	5-3	2
	4-2 x 10	8-4	2	7-4	2	6-7	2	8-2	2	7-2	2	6-5	2
Roof, ceiling, and two clear span floors	2-2 x 4	2-1	1	1-8	1	1-6	2	2-0	1	1-8	1	1-5	2
	2-2 x 6	3-1	2	2-8	2	2-4	2	3-0	2	2-7	2	2-3	2
	2-2 x 8	3-10	2	3-4	2	3-0	3	3-10	2	3-4	2	2-11	3

(continued)

Appendix D - Concepts



SCALE: 1"=30'

0 30 60 90 Feet

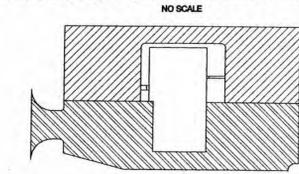
BEGIN SWALE AT EL=91.8
EXCAVATE AND FILL SWALE
MINIMUM SLOPE=1.5%

REMOVE & SALVAGE EXISTING CLASS 5
& INSTALL ON 11 FT ACCESS DRIVEWAY
F&I TOP SOIL & SEED

F&I WATERMAIN UNDER EXISTING
24" DIA R.C.P. STORM SEWER
AND F&I 4" THICK INSULATION
BETWEEN WATERMAIN & STORM SEWER

END CONC. CURB AT FUTURE R.O.W.

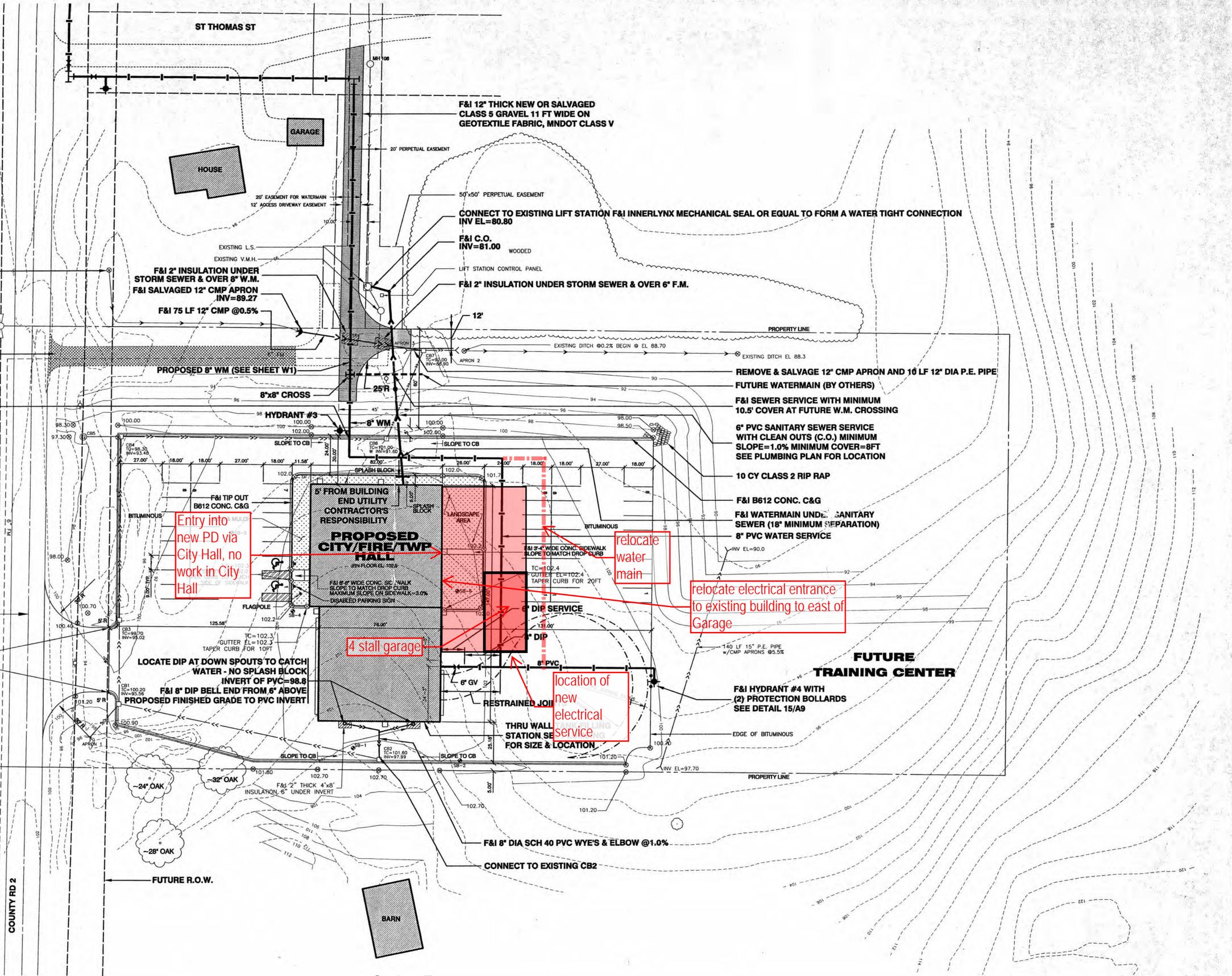
BITUMINOUS & GRAVEL KEY



- 2" THICK BITUMINOUS & 10" THICK CLASS 5 GRAVEL
- 3" THICK BITUMINOUS & 8" THICK CLASS 5 GRAVEL

NOTES

- ⊙ = PROPOSED SPOT ELEVATION (IF ON CURB & GUTTER, ELEVATION IS TOP BACK OF CURB)
- F&I = FURNISH & INSTALL
- C.O. = CLEAN OUT
- FURNISH & INSTALL 4" WIDE WHITE PARKING SPACE LINES & HANDICAP SYMBOLS.
- NOTE: VEHICLES WITH AN OUTSIDE TURNING RADIUS GREATER THAN 45 FEET WILL HAVE TO MAKE A "K" TURN TO ENTER THE NORTH DOORS.
- EXISTING SITE HAS BEEN GRADED SO THAT THE EXISTING GROUND SURFACE ELEVATION IN THE PARKING LOT AREA IS 11 INCHES (±0.2 FT) BELOW THE PROPOSED FINISHED SURFACE ELEVATIONS.
- END OF WATERMAIN CONTRACTOR'S RESPONSIBILITY SHALL BE A FLANGED WATERMAIN FITTING LOCATED 1 FOOT ABOVE THE FINISHED FLOOR OF THE BUILDING.



Entry into new PD via City Hall, no work in City Hall

relocate water main

relocate electrical entrance to existing building to east of Garage

4 stall garage

location of new electrical service

Option E



I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

John W. J. Hatch
DATE: 3/18/96 REG. NO.: 14527

I HEREBY CERTIFY THAT THIS PLAN OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA

John W. J. Hatch
DATE: 3/18/96 REG. NO.: 23368

NOTE: ANY PUBLIC UTILITIES SHOWN ON THIS PLAN ARE ONLY APPROXIMATE IN DEPTH AND LOCATION AND MUST BE VERIFIED BY THE CONTRACTOR. OTHER UTILITIES MAY EXIST AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SUCH.

ADDITIONS ~ REVISIONS					ADDITIONS ~ REVISIONS						
NO.	DATE	DRWN	CHKD	APPVD	COMMENTS	NO.	DATE	DRWN	CHKD	APPVD	COMMENTS
12						6	3/18/96	EMS			
11						5	2/27/96	EMS			Misc revisions
10						4	2/6/96	EMS			Misc revisions
9						3	12/21/95	EMS			Misc revisions
8						2	5/31/95	EMS			Record drawing
7						1	4/24/95	EMS			Revisions

AUTHORITY: **New Market, MN**

PROJECT TITLE: **City/Fire/Township Hall**

DRAWING TITLE: **Site Layout**

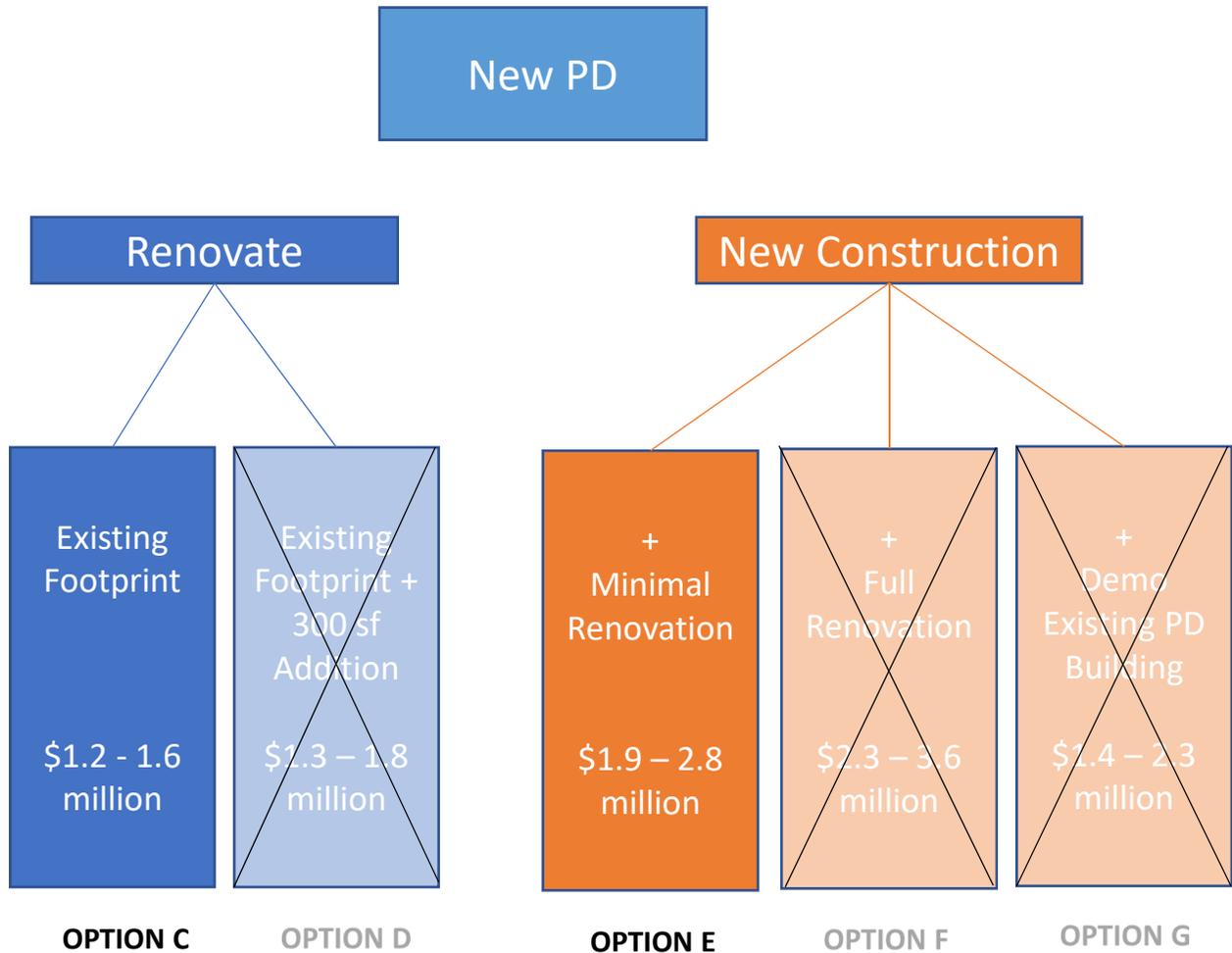
DRAWN: EMS APPROVED: VERT. SCALE= DRAWING OF

CHECKED: 4/10/95 DATE: HORIZ. SCALE= 1"=30' **A1** **17**

Appendix E - Review of Options

Appendix E – Review of Options

OPTIONS MATRIX



LEO A DALY and the Building Committee evaluated these options using the following criteria:

- Initial cost
- Expected operational lifespan of the building program and physical lifespan of the building
- Return on investments already made
- Potential reuse of the existing PD building and reuse of the City Hall / Fire / Police building at the end of their respective usefulness
- Department operational improvements

Upon review it was determined Option C and Option E were the most sustainable and prudent options to bring forth before the City Council.

Appendix F - Cost Estimates

Option C

Appendix F - Option C; Renovation of PD (low end)

FFE	#	Unit	Cost		
Administration					6,900
Office Furniture	1	ea	3,500	Only furniture required now	3,500
Office Chair	1	ea	450	Only chair required now	450
Admin Cubicle	1	ea	2,500		2,500
Admin Chair	1	ea	450		450
Files	4	ea	500		2,000
Squad					22,550
Officer Cubicle	5	ea	2,500		12,500
Cubicle Chair	5	ea	450		2,250
Roll Call Conference Table	1	ea	3,000	8-10 person table	3,000
Roll Call Conference Chairs	10	ea	400		4,000
Report Writing Table	1	ea	400		400
Report Writing Chair	1	ea	400		400
Guns / Ammo Storage					8,420
Discharge	1	allowance	500		500
Ammo Shelving	24	lf	80		1,920
Evidence Shelving	100	lf	60		6,000
Interview					3,800
Table	2	ea	800		1,600
Chairs	8	ea	275		2,200
Break Room					1,480
Tables	2	ea	500		1,000
Chairs	4	ea	120		480
Subtotal					\$ 43,150
FFE Contingency	15.0%	%			\$ 6,473
FFE Total					\$ 49,623

Soft Costs			Cost	
Design Fees				103,778
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	62,878
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	10,000	10,000
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				25,371
Building Permit	1	%	0	Waived?
Park Dedication Fees	1	%	0	Applicable?
SAC/WAC	1	unit	2,750	2,750
Construction Testing	1	allowance	2,500	2,500
AV / Low Voltage	1	%	20,121	2% of construction
Subtotal				\$ 129,149
Soft Cost Contingency	1	15.0%		\$ 19,372
Soft Cost Total				\$ 148,521

Cost Summary		%	
Construction Cost			\$ 1,006,050
FFE			\$ 49,623
Soft Costs			\$ 148,521
Total - 2019 dollars			\$ 1,204,194
Total - 2020 dollars	4%		\$ 1,252,362
Total - 2021 dollars	4%		\$ 1,302,456
Total - 2021 dollars	4%		\$ 1,354,554

midpoint of construction approx Feb 1, 2020

selling bonds in fall of 2019

Appendix F - Option C; Renovation of PD (high end)

FFE	#	Unit	Cost		
Administration					6,900
Office Furniture	1	ea	3,500	Only furniture required now	3,500
Office Chair	1	ea	450	Only chair required now	450
Admin Cubicle	1	ea	2,500		2,500
Admin Chair	1	ea	450		450
Files	4	ea	500		2,000
Squad					22,550
Officer Cubicle	5	ea	2,500		12,500
Cubicle Chair	5	ea	450		2,250
Roll Call Conference Table	1	ea	3,000	8-10 person table	3,000
Roll Call Conference Chairs	10	ea	400		4,000
Report Writing Table	1	ea	400		400
Report Writing Chair	1	ea	400		400
Guns / Ammo Storage					8,420
Discharge	1	allowance	500		500
Ammo Shelving	24	lf	80		1,920
Evidence Shelving	100	lf	60		6,000
Interview					3,800
Table	2	ea	800		1,600
Chairs	8	ea	275		2,200
Break Room					1,480
Tables	2	ea	500		1,000
Chairs	4	ea	120		480
Subtotal					\$ 43,150
FFE Contingency	15.0%	%			\$ 6,473
FFE Total					\$ 49,623

Soft Costs			Cost	
Design Fees				128,124
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	87,224
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	10,000	10,000
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				33,162
Building Permit	1	%	0	Waived?
Park Dedication Fees	1	%	0	Applicable?
SAC/WAC	1	unit	2,750	2,750
Construction Testing	1	allowance	2,500	2,500
AV / Low Voltage	1	%	27,912	2% of construction
Subtotal				\$ 161,286
Soft Cost Contingency	1	15.0%		\$ 24,193
Soft Cost Total				\$ 185,479

Cost Summary		%	
Construction Cost			\$ 1,395,588
FFE			\$ 49,623
Soft Costs			\$ 185,479
Total - 2019 dollars			\$ 1,630,689
			midpoint of construction approx Feb 1, 2020
Total - 2020 dollars	4%		\$ 1,695,917
Total - 2021 dollars	4%		\$ 1,763,754
Total - 2021 dollars	4%		\$ 1,834,304

selling bonds in fall of 2019

Option D

Appendix F - Option D; Renovation of PD / 300 sf Addition (low end)

FFE	#	Unit	Cost		
Administration					6,900
Office Furniture	1	ea	3,500	Only furniture required now	3,500
Office Chair	1	ea	450	Only chair required now	450
Admin Cubicle	1	ea	2,500		2,500
Admin Chair	1	ea	450		450
Files	4	ea	500		2,000
Squad					22,550
Officer Cubicle	5	ea	2,500		12,500
Cubicle Chair	5	ea	450		2,250
Roll Call Conference Table	1	ea	3,000	8-10 person table	3,000
Roll Call Conference Chairs	10	ea	400		4,000
Report Writing Table	1	ea	400		400
Report Writing Chair	1	ea	400		400
Guns / Ammo Storage					8,420
Discharge	1	allowance	500		500
Ammo Shelving	24	lf	80		1,920
Evidence Shelving	100	lf	60		6,000
Interview					3,800
Table	2	ea	800		1,600
Chairs	8	ea	275		2,200
Break Room					1,480
Tables	2	ea	500		1,000
Chairs	4	ea	120		480
Subtotal					\$ 43,150
FFE Contingency	15.0%	%			\$ 6,473
FFE Total					\$ 49,623

Soft Costs			Cost	
Design Fees				103,778
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	62,878
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	10,000	10,000
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				25,371
Building Permit	1	%	0	Waived?
Park Dedication Fees	1	%	0	Applicable?
SAC/WAC	1	unit	2,750	2,750
Construction Testing	1	allowance	2,500	2,500
AV / Low Voltage	1	%	20,121	2% of construction
Subtotal				\$ 129,149
Soft Cost Contingency	1	15.0%		\$ 19,372
Soft Cost Total				\$ 148,521

Cost Summary		%	
Construction Cost			\$ 1,006,050
			\$ 90,000
FFE			\$ 49,623
Soft Costs			\$ 148,521
Total - 2019 dollars			\$ 1,294,194
			midpoint of construction approx Feb 1, 2020
Total - 2020 dollars	4%		\$ 1,345,962
Total - 2021 dollars	4%		\$ 1,399,800
Total - 2021 dollars	4%		\$ 1,455,792

selling bonds in fall of 2019

Appendix F - Option D; Renovation of PD / 300 sf Addition (high end)

FFE	#	Unit	Cost		
Administration					6,900
Office Furniture	1	ea	3,500	Only furniture required now	3,500
Office Chair	1	ea	450	Only chair required now	450
Admin Cubicle	1	ea	2,500		2,500
Admin Chair	1	ea	450		450
Files	4	ea	500		2,000
Squad					22,550
Officer Cubicle	5	ea	2,500		12,500
Cubicle Chair	5	ea	450		2,250
Roll Call Conference Table	1	ea	3,000	8-10 person table	3,000
Roll Call Conference Chairs	10	ea	400		4,000
Report Writing Table	1	ea	400		400
Report Writing Chair	1	ea	400		400
Guns / Ammo Storage					8,420
Discharge	1	allowance	500		500
Ammo Shelving	24	lf	80		1,920
Evidence Shelving	100	lf	60		6,000
Interview					3,800
Table	2	ea	800		1,600
Chairs	8	ea	275		2,200
Break Room					1,480
Tables	2	ea	500		1,000
Chairs	4	ea	120		480
Subtotal					\$ 43,150
FFE Contingency	15.0%	%			\$ 6,473
FFE Total					\$ 49,623

Soft Costs			Cost	
Design Fees				128,124
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	87,224
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	10,000	10,000
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				33,162
Building Permit	1	%	0	Waived?
Park Dedication Fees	1	%	0	Applicable?
SAC/WAC	1	unit	2,750	2,750
Construction Testing	1	allowance	2,500	2,500
AV / Low Voltage	1	%	27,912	2% of construction
Subtotal				\$ 161,286
Soft Cost Contingency	1	15.0%		\$ 24,193
Soft Cost Total				\$ 185,479

Cost Summary		%	
Construction Cost			\$ 1,395,588
			\$ 161,500
FFE			\$ 49,623
Soft Costs			\$ 185,479
Total - 2019 dollars			\$ 1,792,189
			midpoint of construction approx Feb 1, 2020
Total - 2020 dollars	4%		\$ 1,863,877
Total - 2021 dollars	4%		\$ 1,938,432
Total - 2021 dollars	4%		\$ 2,015,969

selling bonds in fall of 2019

Option E

Appendix F - Option E; New Construction / Minimal Renovation of PD (low end)

Soft Costs			Cost	
Design Fees				139,525
Pre-design Fee	1	ls	9,000	9,000
Pre-design Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	108,625
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				10,000
Building Permit	1	%	0	-
Park Dedication Fees	1	%	0	-
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	10,000	10,000
AV / Low Voltage	1	%	0	-
Subtotal				\$ 149,525
Soft Cost Contingency	1	15.0%		\$ 22,429
Soft Cost Total				\$ 171,954

Cost Summary		%	
Construction Cost			\$ 1,500,000
Remodel Existing PD for Community			\$ 238,000
FFE			\$ -
Soft Costs			\$ 171,954
Total - 2020 dollars			\$ 1,909,954
			midpoint of construction approx July 1, 2020
Total - 2021 dollars	4%		\$ 1,986,352
Total - 2022 dollars	4%		\$ 2,065,806
Total - 2023 dollars	4%		\$ 2,148,438

selling bonds in fall of 2019

Appendix F - Option E; New Construction / Minimal Renovation of PD (high end)

Soft Costs			Cost	
Design Fees				193,390
Pre-design Fee	1	ls	9,000	9,000
Pre-design Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	162,490
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				10,000
Building Permit	1	%	0	Waived
Park Dedication Fees	1	%	0	N/A
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	10,000	10,000
AV / Low Voltage	1	%	0	-
Subtotal				\$ 203,390
Soft Cost Contingency	1	15.0%		\$ 30,509
Soft Cost Total				\$ 233,899

Cost Summary		%	
Construction Cost			\$ 2,249,841
Remodel Existing PD for Community			\$ 350,000
FFE			\$ -
Soft Costs			\$ 233,899
Total - 2020 dollars			\$ 2,833,740
midpoint of construction approx July 1, 2020			
Total - 2021 dollars	4%		\$ 2,947,089
Total - 2022 dollars	4%		\$ 3,064,973
Total - 2023 dollars	4%		\$ 3,187,572

selling bonds in fall of 2019

Option F

Appendix F - Option F; New Construction / Full Renovation of PD (low end)

FFE	#	Unit	Cost	
Kitchen				12,000
Equipment	3	ea	3,500	10,500
Misc	1	ea	1,500	1,500
Community Space				30,300
Cubicle	2	ea	2,500	5,000
Cubicle Chair	2	ea	450	900
Conference Table	3	ea	3,000	9,000
Conference Chairs	30	ea	400	12,000
End Table	2	ea	200	400
Waiting Chair	4	ea	750	3,000
Storage				3,840
Shelving	48	lf	80	3,840
Break Room				980
Tables	1	ea	500	500
Chairs	4	ea	120	480
Subtotal				\$ 47,120
FFE Contingency	15.0%	%		\$ 7,068
FFE Total				\$ 54,188

Soft Costs			Cost	
Design Fees				155,458
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	124,558
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements				-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs				33,726
Building Permit	1	%	0	Waived -
Park Dedication Fees	1	%	0	N/A -
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	10,000	10,000
AV / Low Voltage	1	%	23,726	2% of construction 23,726
Subtotal				\$ 189,183
Soft Cost Contingency	1	15.0%		\$ 28,377
Soft Cost Total				\$ 217,561

Cost Summary		%	
Construction Cost			\$ 1,186,290
Remodel Existing PD for Community			\$ 806,630
FFE			\$ 54,188
Soft Costs			\$ 217,561
Total - 2020 dollars			\$ 2,264,669
			midpoint of construction approx July 1, 2020
Total - 2021 dollars	4%		\$ 2,355,256
Total - 2022 dollars	4%		\$ 2,449,466
Total - 2023 dollars	4%		\$ 2,547,444

selling bonds in fall of 2019

Appendix F - Option F; New Construction / Full Renovation of PD (high end)

FFE	#	Unit	Cost	
Kitchen				12,000
Equipment	3	ea	3,500	10,500
Misc	1	ea	1,500	1,500
Community Space				30,300
Cubicle	2	ea	2,500	5,000
Cubicle Chair	2	ea	450	900
Conference Table	3	ea	3,000	9,000
Conference Chairs	30	ea	400	12,000
End Table	2	ea	200	400
Waiting Chair	4	ea	750	3,000
Storage				3,840
Shelving	48	lf	80	3,840
Break Room				980
Tables	1	ea	500	500
Chairs	4	ea	120	480
Subtotal				\$ 47,120
FFE Contingency	15.0%	%		\$ 7,068
FFE Total				\$ 54,188

Soft Costs			Cost	
Design Fees	#	Unit		234,716
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	203,816
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements	#	Unit		-
Site Plan Review	1	allowance	0	-
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	0	-
Construction Soft Costs	#	Unit		51,497
Building Permit	1	%	0	Waived -
Park Dedication Fees	1	%	0	N/A -
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	10,000	10,000
AV / Low Voltage	1	%	41,497	2% of construction 41,497
Subtotal				\$ 286,213
Soft Cost Contingency	1	15.0%		\$ 42,932
Soft Cost Total				\$ 329,145

Cost Summary		%	
Construction Cost			\$ 2,074,841
Remodel Existing PD for Community			\$ 1,186,221
FFE			\$ 54,188
Soft Costs			\$ 329,145
Total - 2020 dollars			\$ 3,644,395
Total - 2021 dollars	4%		\$ 3,790,171
Total - 2022 dollars	4%		\$ 3,941,777
Total - 2023 dollars	4%		\$ 4,099,448

midpoint of construction approx July 1, 2020

selling bonds in fall of 2019

Option G

Appendix F - Option G; New Construction / Demolition of PD (low end)

Soft Costs			Cost	
Design Fees				105,043
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	74,143
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements				1,250
Site Plan Review	1	allowance	500	500
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	750	750
Construction Soft Costs				15,000
Building Permit	1	%	0	- Waived
Park Dedication Fees	1	%	0	- N/A
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	15,000	15,000
AV / Low Voltage	1	%	0	-
Subtotal				\$ 121,293
Soft Cost Contingency	1	15.0%		\$ 18,194
Soft Cost Total				\$ 139,487
Cost Summary			%	
Construction Cost				\$ 1,186,290
Demolition of Existing PD				\$ 50,000
FFE				\$ -
Soft Costs				\$ 139,487
Total - 2020 dollars			midpoint of construction approx July 1, 2020	\$ 1,375,777
Total - 2021 dollars			4%	\$ 1,430,808
Total - 2022 dollars			4%	\$ 1,488,041
Total - 2023 dollars			4%	\$ 1,547,562

selling bonds in fall of 2019

Appendix F - Option G; New Construction / Demolition of PD (high end)

Soft Costs			Cost	
Design Fees				160,578
Predesign Fee	1	ls	9,000	9,000
Predesign Reimbursable	1	allowance	500	500
Design Fees (6.25% of construction cost)	1	%	6.25%	129,678
Design Phase Reimbursable	1	allowance	1,400	1,400
Construction Administration A/E fees	1	ls	20,000	20,000
Survey	1	allowance	0	-
Replatting	1	allowance	0	-
GeoTech	1	allowance	0	-
Construction Mgr	1	allowance	0	-
Entitlements				1,250
Site Plan Review	1	allowance	500	500
Site Plan Review Escrow	1	allowance	0	-
Watershed Application	1	allowance	750	750
Construction Soft Costs				15,000
Building Permit	1	%	0	- Waived
Park Dedication Fees	1	%	0	- N/A
SAC/WAC	0	unit	2,750	-
Construction Testing	1	allowance	15,000	15,000
AV / Low Voltage	1	%	0	-
Subtotal				\$ 176,828
Soft Cost Contingency	1	15.0%		\$ 26,524
Soft Cost Total				\$ 203,352

Cost Summary		%	
Construction Cost			\$ 2,074,841
Demolition of Existing PD			\$ 50,000
FFE			\$ -
Soft Costs			\$ 203,352
Total - 2020 dollars			\$ 2,328,193
			midpoint of construction approx July 1, 2020
Total - 2021 dollars	4%		\$ 2,421,320
Total - 2022 dollars	4%		\$ 2,518,173
Total - 2023 dollars	4%		\$ 2,618,900

selling bonds in fall of 2019



STAFF MEMORANDUM

SUBJECT:	Monthly Public Works Report – August 2019
MEETING DATE:	September 12, 2019
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 August.

DISCUSSION:

- It should be noted that the Department was extremely short staffed in July and focused on completing day to day operations.
- As reported previously, two candidates were identified to fill the open Public Works positions, both started in late July. Derek Cavanaugh has a background working with concrete along with a significant amount of snow and ice control experience. Jason Schoenbauer has a residential construction background, but more recently has worked with property and facility maintenance and also has snow and ice control experience. Both should be great additions to the Department. They will both be trained on all aspects of the job, and have done an excellent job catching on to everything.
- Staff added rock to the streets in the Woodcrest development. After the rock was added, Staff borrowed the grader from Scott County and bladed all of the roads and had dust control applied.
- Council may recall, as part of the agreement with New Prague Community Ed, Public Works is responsible for painting the lines at the soccer fields at Eagle View Elementary. Soccer season has started, and Staff will paint the lines roughly every two weeks.
- Staff poured a new concrete slab in front of the old shop. As previously reported, the black top had to be removed when the drain tile was installed this spring.
- As part of the annual maintenance of the City's sewer system, Staff started to clean and inspect all of the lift stations. During the inspections, the City's vac truck experienced a major breakdown. After further inspection, the walls on the debris body had become very thin from over 20 years of being in service. Staff researched multiple options to repair the debris body. All of the options had a significant cost of \$7,500 to over \$25,000. Staff decided on the cheaper option to re line the interior of the body with new steel. The repairs were completed in early September. The repairs will be funded out of the normal fleet maintenance and repair budget. It should be noted that older equipment will have higher costs associated with repairs, but are still much less than purchasing a new truck with a cost of over \$400,000.
- Staff placed wood chips in the play areas in most of the parks. Another load of chips will be delivered in early September. Staff will then finish up all of the parks.
- Blood-borne Pathogens, Hearing Conservation and PPE were the topics this month for the regional safety group made up of Elko New Market, Lakeville, and Farmington. Staff will continue to attend monthly safety trainings through this group.
- Public Works assisted the County with clearing some plugged culverts.
- Staff has started the demolition of the "chicken coop" that was used for storage adjacent to the old shop on Williams Street.
- Staff assisted with the Community Picnic.
- Superintendent Schweich attended project team meetings with the architects that have been contracted to perform the design work associated with the Police Department renovation. There will be more meetings to attend in the coming months.
- The Department has been extremely busy dealing with various minor breakdowns within the Department's fleet. Joe, the Mechanic, continues to do an excellent job juggling projects, depending on equipment needs.



STAFF MEMORANDUM

SUBJECT:	Monthly Police Activity- August, 2019
MEETING DATE:	September 12, 2019
PREPARED BY:	Brady Juell, 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:

Scott County Sheriff's Department performed Alcohol Sales Compliance Checks in the City of Elko New Market. This is part of the Sheriff's Department program to proactively check the compliance of alcohol sales county-wide. I am happy to announce that every alcohol establishment in the City of Elko New Market passed with 100% compliance. This clearly demonstrates that every licensed establishment is committed to stopping the sale of alcohol to underage parties.

Law Enforcement Audit & Data Services is a company that performs Body Camera Audits for Police Departments. Pursuant to Minnesota Statute 13.825, all municipalities that have body cameras are mandated to have biennial audits to ensure that the agency is following proper policies, procedures, and laws regarding the use, retention, and dissemination of body cameras and body camera footage. The audit states: "LEADS Consulting finds that Elko New Market Police Department "Portable Camera System" policies and practices to be in compliance with the provisions referenced in Minnesota Statute 13.825 Subd. 9 Biennial Audit." This audit will be performed every two years, unless statute changes.

Officers John Machaby and Josh Gareis were at the Elko Speedway for "Kids Day." They showed off the squad car, handed out stickers, and answered questions from children and their families.

Officer Machaby was at the Community Picnic at Wagner Park. He handed out stickers and answered questions and allowed the children and family members to see the squad car. He also was able to visit with picnic goers.

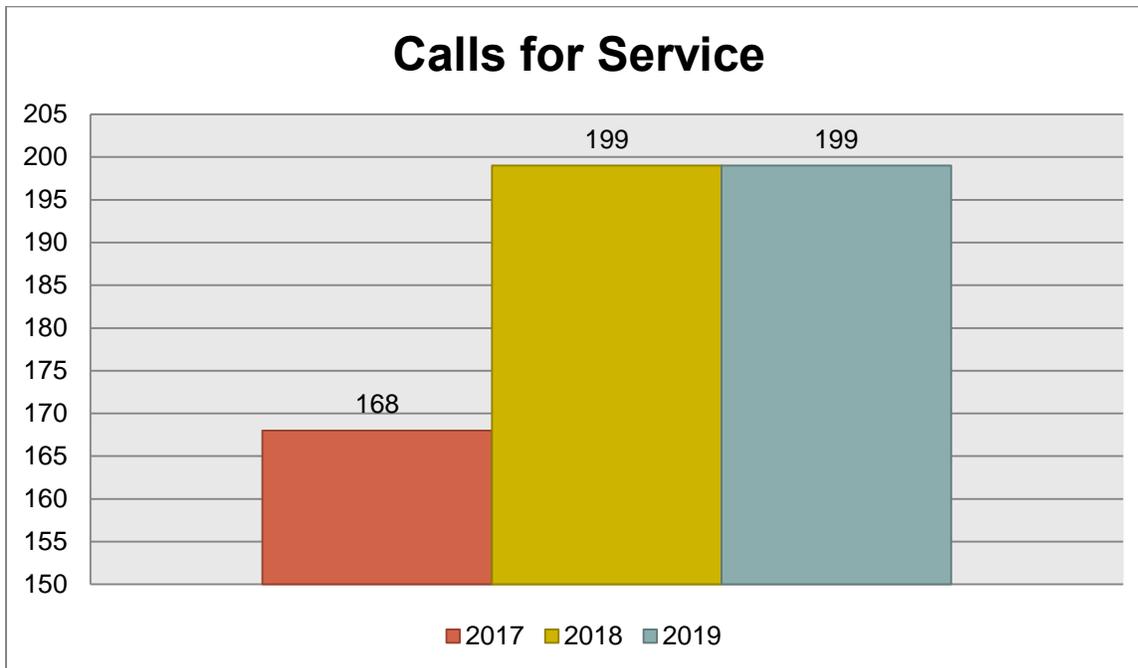
Congratulations to Officer Steve Hotaling! He officially passed his field training process. This process was three full months in length. Officer Hotaling spent time with all three officers in three phases that were designed to give him increasing responsibility as each phase progressed. It also gives him exposure to each individual officer to see how each handles their calls. This also is designed to make sure Officer Hotaling has all the knowledge and confidence to serve the community on his own. Officer Hotaling continually received positive comments for his ability to deal with the public, handle stressful situations, work ethic, and his proactive nature towards public safety. Officer Hotaling will primarily be working the overnight shift.

With Officer Hotaling completing field training, the PD has transitioned to our new work schedule. This will provide for much increased patrol coverage. The schedule change will get us much closer to continuous coverage. The only demands that will take time away from this are training, court, or personal time off needs by the officers.

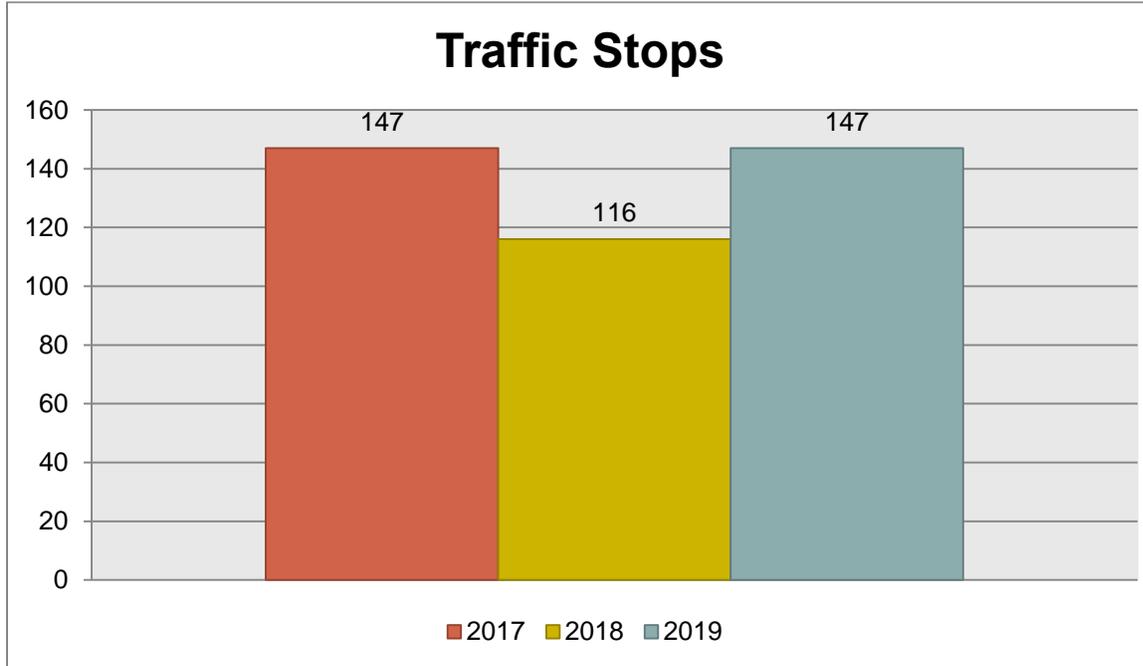
STATISTICAL INFORMATION – August, 2019

1	Fire Calls
24	Ordinance reports
3	Property Damage
6	Motor vehicle crash
3	Noise/nuisance complaints
13	Public Assists
11	Motorist Assist
1	Harassment
6	Hazards
1	DWI
12	Administration (Rec. Fire Permits, Records checks, etc.)
19	Suspicious persons/vehicles/activities
0	Crimes against family
2	Theft
0	Threats
8	Medicals
3	Alarms
2	Lock outs
35	Assists to other agencies (Agency Assists)
128	Extra Patrols
1	Traffic driving complaints

Calls for Service:



Total Traffic Stops:



147 traffic stops were conducted in June, 2019. **119** verbal and written warnings issued and **28** citations issued for speed, expired registration, no proof of insurance/no insurance, careless driving, and driving after revocation. **0** citations issued for violation of winter parking ordinances on plowing days. **1** citation was issued for DWI

Total Incidents Handled:

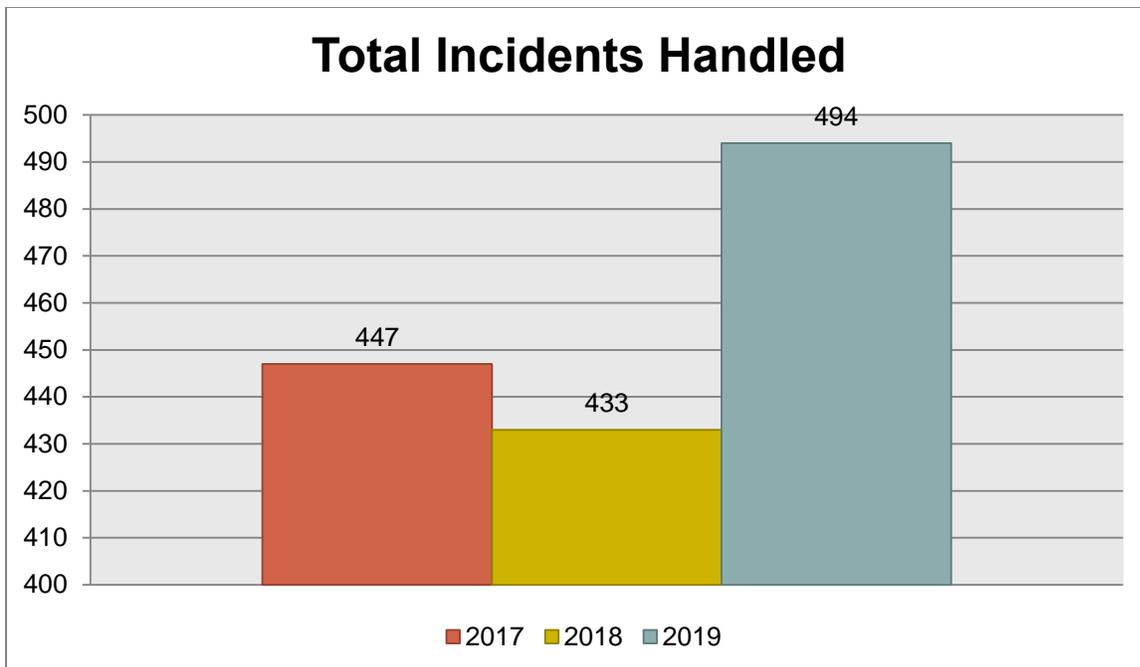


PHOTO ALBUM

**BRADY JUELL, CHIEF OF POLICE
EMERGENCY MANAGEMENT DIRECTOR**







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: SEPTEMBER 9, 2019

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:

Christmas Pines – Construction continues on this 20 lot residential townhome development. Construction has been delayed due to weather and soil conditions but the development is expected to be completed in the fall of 2019 and eligible for building permits.

Boulder Heights – This 53 lot residential subdivision is under construction. City water and sewer lines have been installed and the contractor is currently working on street preparation, which will be followed by curbing and street paving. The development will also include paving of 275th Street between CSAH 91 and Oxford Lane. The development is expected to be completed in the fall of 2019.

Dakota Acres / Global Properties – The Planning Commission has recommended approval of this proposed 68-unit apartment development on a 3.1 acre lot, proposed by Global Properties. Currently proposed are two separate apartment buildings; the first phase, which is proposed for construction in late 2019, would consist of one 28 unit building. The property is zoned High Density Residential and apartments are a permitted use. The City Council is expected to take action on the proposed development on September 26, 2019. Below is a rendering of a proposed building.



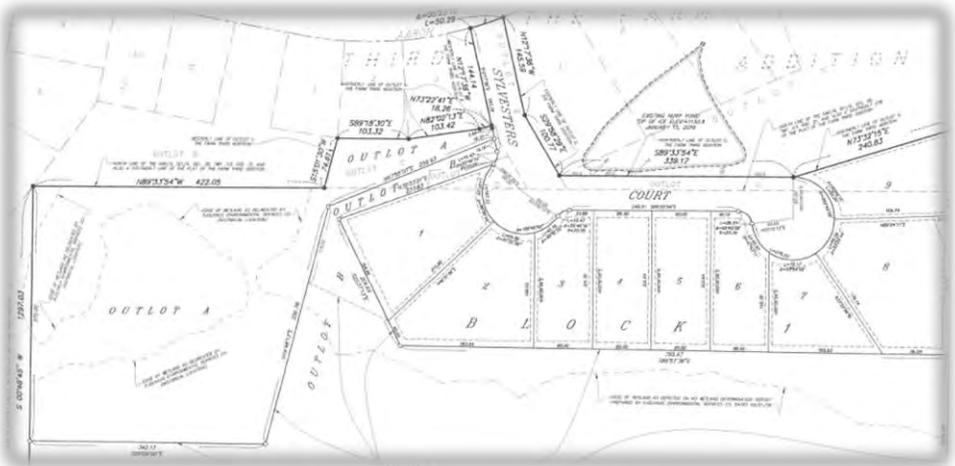
Adelmann Property – City staff has been working with the Adelmann family and their consultants in the preparation of an AUAR, a required environmental study, for their 243 acres located near the I-35 / CSAH 2 interchange. As part of the AUAR and preparation for development, several studies are being completed, including a wetland delineation, traffic impact study, tree inventory, and geotechnical work. The AUAR project is underway and is expected to be completed in fall of 2019.



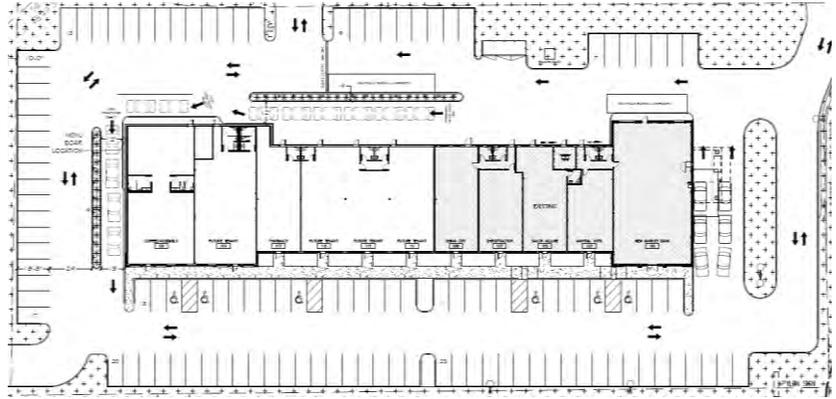
Aaron Le Property – City staff has been working with property owner Aaron Le, who is interested in development this 33.5 acre property located at the northwest corner of Dakota Avenue and James Parkway. A concept plan has been submitted to and reviewed by City staff. Development requires annexation of the property from New Market Township.



Sylvester Meadows – The Planning Commission recommended approval of this proposed 9-lot residential subdivision on July 30th, 2019. The City Council has yet to act on the request. The developer has extended the City’s statutory review period for a required decision until June 1, 2020.



Elko New Market Commerce Center – The City has approved the land use applications associated with Phase II of the Elko New Market Commerce Center. The City has also received and approved the building permit application for the building addition. Construction is expected to commence in the fall of 2019.



Pete's Hill – The City Council has approved the rezoning and development of this 36 acre property which was annexed into the City of Elko New Market in June, 2019. The property is located immediately south of Pete's Hill Park and approved for 45 residential lots which are a mix of single-family lots and twin-home lots. Tree removal on the site has begun, which will be followed by site grading and installation of utilities. 273rd Street, which will be improved as part of the development, will be closed to traffic during installation of utilities.



Business Leads – Staff has prepared community marketing information for hardware stores, convenience stores and grocery stores. The information was disseminated to a few real estate brokers. Staff met with a potential convenience store considering locating in Elko New Market. Staff received an inquiry from a tax credit housing developer interested in the community; potential sites were submitted to the developer.

Building Permits – The City issued no permits for single family homes in August, 2019. Many permits have been issued for re-roofing due to the recent hail storm in Elko New Market.

Ordinance Updates –

- **High Density Residential Zoning Amendments** - The City's City Council recently approved amendments to the City's R4 (high density residential) zoning district, specifically in terms of landscaping and setback requirements. The amendments reduced the greenspace requirements, and reduced internal setback requirements. The amendments are consistent with the City's goal of providing housing options for all income levels, and removing barriers to providing housing options for all income levels.
- **Ground Mounted Solar Panels** – The City Council recently approved amendments to the City's Code pertaining to ground mounted solar panels. The amendment allows larger ground mounted solar energy systems in the City's Institutional zoning districts, which is where uses such as schools, churches and government buildings would typically be located.

Code Enforcement – City staff recently conducted inspections in the community regarding the storage of recreational vehicles on residential properties, and the exterior storage of garbage cans on residential properties. It was found that, on the date of the inspections, 44% of properties did not comply with the current City codes regarding storage of garbage cans and 16% of the properties did not comply with current City codes regarding storage of recreational vehicles. Staff is requesting feedback from the City Council regarding the topic.

2040 Comprehensive Plan – City staff has been working on the draft 2040 Comprehensive Plan. The City Council must approve the draft Plan for review by adjacent jurisdictions. Adoption of the final plan is anticipated in early 2020.

Roundabout Project – City staff and Bolton & Menk, the City’s engineering firm, have been working on the roundabout project scheduled for construction in 2020. Bolton and Menk continues to work on preparation of the final construction plans and project coordination with county/state agencies. City staff has completed right-of-way acquisition needed for the project.



Active Projects and/or Discussion
 September 9, 2019

Aaron Le Property:
 33.5 acre single family residential property.
 Available for development, in discussions
 with property owner.

Christmas Pines:
 Residential subdivision containing
 20 detached townhome units.
 Under construction.

Dakota Acres 2nd Addn:
 Proposed 68 unit apartment development.
 In planning and approval stage.

Proposed Roundabout:
 Construction proposed in 2020.
 In planning stage.

Adelmann Property:
 Environmental study in process.



Proposed addition to existing
 Elko New Market Retail Center



Sylvester Meadows:
 Proposed 9-lot residential subdivision.
 In planning and approval stage.

Pete's Hill:
 Residential subdivision containing
 45 residential lots.
 Under construction.



Boulder Heights:
 Residential subdivision containing
 53 single family residential lots.
 Under construction

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
AUGUST 27, 2019
7:00 PM**

1. CALL TO ORDER

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

Commission members present: Smith, Humphrey, Kruckman, Hanson, and Priebe

Members absent and excused: Ex-officio member Anderson

Staff Present: Community Development Specialist Christianson, Planner Sevening, and City Engineer Revering.

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

A motion was made by Smith and seconded by Kruckman to approve the agenda as submitted. Motion carried: (5-0).

4. PUBLIC COMMENT

Mayor Joe Julius, 10130 Ponds Circle, addressed the Commission regarding action taken by the City Council on the plat of Pete's Hill. He stated that he recognized that some members of the Commission were not in favor of allowing driveways onto Beard Avenue which had been requested as part of the plat application, and the City Council ultimately made the decision to allow one driveway. He indicated that it was a difficult decision but based on numerous factors and challenges related to the development, the Council ultimately approved one driveway. He thanked the Commission for their hard work in reviewing the plat.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A. It was moved by Humphrey and seconded by Hanson to approve the minutes of the July 30, 2019 meeting as submitted. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. Request for Variance #V1-2019, Conditional Use Permit #C1-2019, Preliminary Plat Approval of Dakota Acres 2nd Addition

Sevening presented the request for variance, conditional use permit, and preliminary plat approval of Dakota Acres 2nd Addition, containing one lot, as proposed by Global Properties, LLC. She explained that the proposed development would include two apartment buildings totaling 68 units. The first phase would include construction of a 28-unit building and the second phase would include construction of a 40-unit building.

She described surrounding neighborhood conditions, and how the proposal meets the requirements of the City's Comprehensive Land Use Plan. She reviewed the current R4 zoning of the property noting that the zoning district allows apartment buildings containing more than eight units. Sevening reviewed the minimum lot criteria, including lot size and setback requirements. She noted that the development, as currently proposed, does not meet the minimum building setback requirement from private parking areas. The minimum requirement is 15' and there are areas within the site that do not meet the 15' minimum setback from a building to a private parking area, and therefore, a variance is being requested. Sevening reviewed the maximum building height of 35' in the R4 district and stated that the proposed building is 45' ½", and therefore a conditional use permit is being requested to allow the additional building height.

Sevening stated that standard 10' perimeter easements would be required as part of the final plat approval, and based on the current plan, a grading and utility easement would also be needed from the adjacent townhome association. She reviewed how sanitary sewer, water, and stormwater are proposed to be handled and she explained that these utilities within the site would be considered private utilities. She noted that the City is allowing an existing stormwater pond on the north side of James Parkway to be improved / expanded to accommodate the proposed development.

Sevening reviewed the City's landscaping requirements and stated the proposed development met the minimum requirements. She also stated that there are no wetlands or significant trees located on the property.

Sevening explained in detail the parking requirements for the site and for each phase. A total of 179 parking spaces must be provided, and 68 of those must be within an enclosed building. She explained that two accesses are being requested off of James Parkway which is a minor collector street. She explained that in order for the two accesses to be permitted, a conditional use permit is required. City Code requires that the lot be 250' in width to allow two accesses and the lot is only 231' in width. She also explained that the proposed private access road serving the proposed apartments is proposed to connect to Oriole Street within the Dakota Acres Townhome Association Property. Because Oriole Street is a private street, any connection would need to be approved by the Townhome Association and cross easements would be required. She also stated that City staff supports the connection for emergency response purposes, but noted that the City cannot require the connection.

Sevening reviewed sidewalks, trails and parks that serve the proposed development, and stated that the Parks Commission has recommended a cash contribution to the park fund as opposed to land dedication. She also explained additional open space requirements that apply in the R4 zoning district and that the developer must identify 10,319 square feet within the site that can be used for private open/recreational space.

Comments received from the Police and Fire Chiefs were reviewed, which support the connection from the development to Oriole Street for emergency access purposes, recommend adequate lighting of the parking lots and first floor garages, and recommendation for a heavy gravel base behind building #2 capable of supporting a fire truck.

Finally, Sevening reviewed the criteria for granting a variance and conditional use permit, and described how the requests met the minimum criteria for each.

It was then moved by Smith and seconded by Humphry to open the public hearing related to the request for variance, request for conditional use permit, and request for preliminary plat approval of Dakota Acres 2nd Addition at 7:28 p.m. Motion carried: 5-0

With no comments from the public, it was moved by Smith and seconded by Kruckman to close the public hearing at 7:29 p.m. Motion carried: 5-0.

Following a brief discussion by the Planning Commission, it was moved by Humphrey and seconded by Hanson to recommend approval of the request for Variance #V1-2019 for the following reasons:

- 1) The developer's request to have reduced front building setbacks is both reasonable and necessary in order to meet the City's parking requirements and provide a 10' drainage and utility easement on the easterly property line.
- 2) The developer's inability to meet the front building setback requirements is due largely to the gas line easement that exists on the property. The location of the gas line easement on the property was not caused by actions of the applicant.
- 3) The small reduction in front building setbacks will not result in a structure that is out of scale, out of place, or otherwise inconsistent with the surrounding area.
- 4) The Comprehensive Plan encourages the City to support efforts that facilitate affordable rental housing.
- 5) The purpose of the R-4 High Density Residential District is to create, preserve and enhance areas for multi-family use at higher densities for both permanent and transient families. The variance request is in harmony with the purpose and intent of the R-4 zoning district as it would support multi-family development.
- 6) The purpose of the variance is due largely because of the gas line easement that exists on the property. In order to meet other City requirements (i.e. parking and easements) the reduced front building setbacks are necessary.
- 7) Reducing the front building setbacks is the minimum action required to eliminate the practical difficulty and meet all other City requirements. Similarly, all front building setbacks have been maximized to the extent possible.

- 8) Apartments containing more than eight (8) attached units are a permitted use in the R-4 zoning district. The variance request to reduce front building setbacks does not impact/change the proposed use.

Motion carried: (5-0)

It was then moved by Smith and seconded by Kruckman to recommend approval of the request for Conditional Use Permit #C1-2019 related to the additional building height being requested for the apartment buildings with Dakota Acres 2nd Addition, for the following reasons:

- 1) The proposed action is consistent with the 2030 Comprehensive Plan and supports the “Residential Character” Housing goal, which calls for safe and aesthetically pleasing housing. Windows in the 1st floor parking garage would be aesthetically pleasing and contribute to the public safety of future residents.
- 2) The proposed land use is compatible with the surrounding land use, which is primarily residential mixed use. The proposed use is also compatible with future land uses, which are commercial and high-density residential.
- 3) The proposed increase in building height conforms with all applicable performance standards.
- 4) The increase in building height to accommodate a 1st floor parking garage has no impact on the intensity of use of the site and will not impact on the City’s service capacity. Existing public services (i.e. fire protection services) can accommodate the increase in height.
- 5) The increase in building height to accommodate a 1st floor parking garage has no impact on the intensity of use of the site and will not generate an increase in traffic or go beyond the capabilities of the streets serving the property.
- 6) Increasing the height of the building to accommodate a 1st floor parking garage has no impact on the number of units being proposed and will have no impact on the intensity of use on the site.
- 7) Public utilities and services serving the development are adequate. Fire protection services can accommodate the increase in height.
- 8) The submitted site plan has a front and side yard setback of 31.6’, which meets the 5% increase requirement.
- 9) Section 11-4-5 of the City Code related to essential services are proposed to be met.

Motion carried: (5-0)

It was then moved by Kruckman and seconded by Hanson to recommend approval of the request for Conditional Use Permit #C1-2019 related to the request for an additional access onto a minor collector street, for the following reasons:

- 1) The comprehensive plan notes that the emphasis of minor collectors is focused on access rather than mobility. An additional access off of James Parkway, a minor collector, is consistent with the comprehensive plan.
- 2) The additional access has no impact on the sites land use. The proposed development is compatible with present and future land uses, which are commercial and high-density residential.

- 3) The proposed access conforms with all applicable City performance standards.
- 4) The additional access and connecting drive aisle and parking lot will accommodate existing public services and will be privately owned so will not overburden the city's service capacity.
- 5) The additional access has no impact on the use of the site and thus will not generate an increase in traffic or go beyond the capabilities of the streets serving the property.

Motion carried: (5-0)

It was then moved by Humphrey and seconded by Priebe to recommend approval of the preliminary plat of Dakota Acres 2nd Addition for the following reasons:

- 1) The proposed use of the property for high density residential purposes meets the intent of the current and future guided land use for the area.
- 2) The proposed plat complies with the purposes of the Zoning and Subdivision Ordinances and the 2030 Comprehensive Plan.

And subject to the following conditions:

- 1) Preliminary plat approval is granted in accordance with the following plans and subject to conditions below, and Community Development staff comments dated 8/14/19 as depicted on the following:
 - a. Certificate of Survey, dated 8/14/19, prepared by Stantec Consulting
 - b. Preliminary Plat drawing, dated 7/31/19, prepared by Stantec Consulting
 - c. Final Plat drawing, dated 8/14/19, prepared by Stantec Consulting
 - d. Site and Landscaping Plan, dated 6/3/19, prepared by RHA Architect's Inc.
 - e. Lighting Plan, Dated 6/3/19, prepared by RHA Architect's Inc.
 - f. Building Elevations containing two sheets, dated 6/3/19, prepared by RHA Architect's Inc.
 - g. Paving, Grading, Utility and Stormwater Plan set containing seven sheets, dated 7/31/19, prepared by Larson Engineering
 - h. Stormwater Calculations containing 27 sheets, dated 6/31/19, prepared by Larson Engineering
 - i. Dakota Acres Apartments Project Manual containing 85 sheets, dated 7/31/19, prepared by Larson Engineering
- 2) Approval is subject to the recommendations and approvals of the City Engineer and Public Works Director.
- 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) Perimeter drainage & utility easements must be dedicated on the final plat.
- 6) Infrastructure (sewer, water, stormwater) within the development shall be privately owned and maintained, and reflected in the development agreement and condominium ownership documents, as approved by the City Attorney.
- 7) The developer must enter into a maintenance agreement with the City to allow the City to regularly flush private hydrants within the proposed development.

- 8) The developer shall obtain the necessary easements needed to grade the adjacent properties (Mahoney property and Syndicated Properties, LLC property). Evidence of such easements shall be provided to the City.
- 9) The developer shall obtain the necessary easements needed to locate utilities in the adjacent property (Syndicated Properties, LLC property). Evidence of such easements shall be provided to the City.
- 10) Final grading and utility plans will need to be submitted and approved by the City Engineer and Public Works Director.
- 11) A stormwater management plan that complies with Section 11-11-2 of the City Code and the 2030 Storm Water Management Plan will need to be submitted and approved by the City Engineer.
- 12) Parking shall be provided which complies with Section 11-9-10 of the Zoning Ordinance, requiring 179 total parking spaces, 68 of which must be enclosed. If the project is to be constructed in two phases, the parking requirements for the individual buildings must be constructed at the time of development.
- 13) The connection of the proposed drive aisle to the adjacent townhome development will require an agreement and cross easements with the adjacent homeowners association. Evidence of such easements shall be provided to the City, should the connection be made.
- 14) The developer must identify 13,896 square feet within the development, and a description of the proposed recreational facilities, which will fulfill the open space requirements of Section 11-25D-8 (M) of the Zoning Ordinance.
- 15) All common space (i.e. open space, recreational space, parking areas, play areas, etc.) within the development shall be privately owned and maintained, and reflected in the development agreement and condominium ownership documents, as approved by the City Attorney.
- 16) The site plan shall be revised to show all sidewalks abutting parking spaces be at least 6' in width.

And noting that:

- 1) A final landscaping plan that complies with Section 11-10-3 (B) and a final lighting plan that complies with Section 11-4-7 of the City Code shall be submitted prior to issuance of the building permit.
- 2) A minimum of twenty-five percent (25%) of the area of all building façades shall have an exterior finish of brick, stucco and/or natural or artificial stone. This requirement will be imposed on the builder and must be met prior to issuance of the building permit.
- 3) Subject to approval from the Northern Natural Gas Company, the Fire Chief recommends that the developer place an eight 8" deep base of heavy gravel under the dirt and grass on the west side of the southerly building. The Fire Chief suggests that the gravel span the length of the building and be 10' wide.

Motion carried: (5-0)

8. GENERAL BUSINESS

A. Consider Time Change for Planning Commission Meetings

The Commission held a brief discussion regarding the possibility of changing the start time of the Planning Commission meetings from 7:00 p.m. to 6:30 p.m. After discussion, it was decided to leave the meeting start time at 7:00 p.m.

9. MISCELLANEOUS

A. Community Development Updates

Christianson noted that a report containing updates was included in the Planning Commission Packet, and she specifically provided verbal update regarding Christmas Pines, Boulder Heights, Sylvester Meadows, Pete's Hill, the Elko New Market Commerce Center. She also noted that staff would be completing code enforcement inspections / inventories related to recreational vehicles storage and garbage receptacle storage. Kruckman commented that the code relating to garbage receptacles should be reviewed.

B. Planning Commission Questions and Comments

There were no further comments or questions from the Planning Commission.

10. ADJOURNMENT

A motion was made by Smith and seconded by Kruckman to adjourn the meeting at 8:45 p.m. Motion carried: (5-0).

Submitted by:



Renee Christianson
Community Development Specialist



STAFF MEMORANDUM

SUBJECT:	Code Enforcement Concerning Garbage Cans and Recreational Vehicles
MEETING DATE:	September 12, 2019
PREPARED BY:	Haley Sevening, Community Development/Administrative Intern
REQUESTED ACTION:	Provide Direction on Code Enforcement Related to Garbage Cans and Recreational Vehicles

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 March of 2019, we received a code enforcement complaint regarding recreational vehicle (trailers, campers, boats, etc.) parking and garbage can storage in The Farm and the Rowena Ponds neighborhoods. Upon a preliminary inspection, Staff found that approximately one third of the properties in the two neighborhoods were in violation of one or both of the following sections of the City Code:

- Section 11-4-1: Garbage and Refuse
- Section 11-8-2: Recreational Vehicle Parking

Both sections are contained in the Zoning Ordinance and are included in their entirety as attachments to this memorandum.

Section 11-4-1 of the City Code generally states that in all districts, garbage containers shall be kept in an enclosed building, or if stored outside, shall be screened from view using wood or brick materials. Similarly, Section 11-8-2 generally states that recreational vehicles can only be parked in the side or rear yard, upon a hard surface, and must be screened from view. Folding tent campers and small utility trailers (5' x 8' or smaller) may be parked in the driveway, but only between April 1st and October 31st.

DISCUSSION:

Following receipt of the complaint and inspection of the neighborhoods, Staff reviewed the two ordinances and found that they were not in line with current practice. Thus, Staff decided not to enforce these ordinances until the Council could make a determination regarding whether or not community values have changed and if the ordinances should be amended to better reflect current practice or if the ordinances should be enforced as currently written.

On August 27 and August 29, 2019, Staff completed a code enforcement inventory related to storage of garbage cans and recreational vehicle parking across the entire City. The results of the inventory are included in the attached maps, which highlight the properties in violation of section 11-4-1 or 11-8-2.

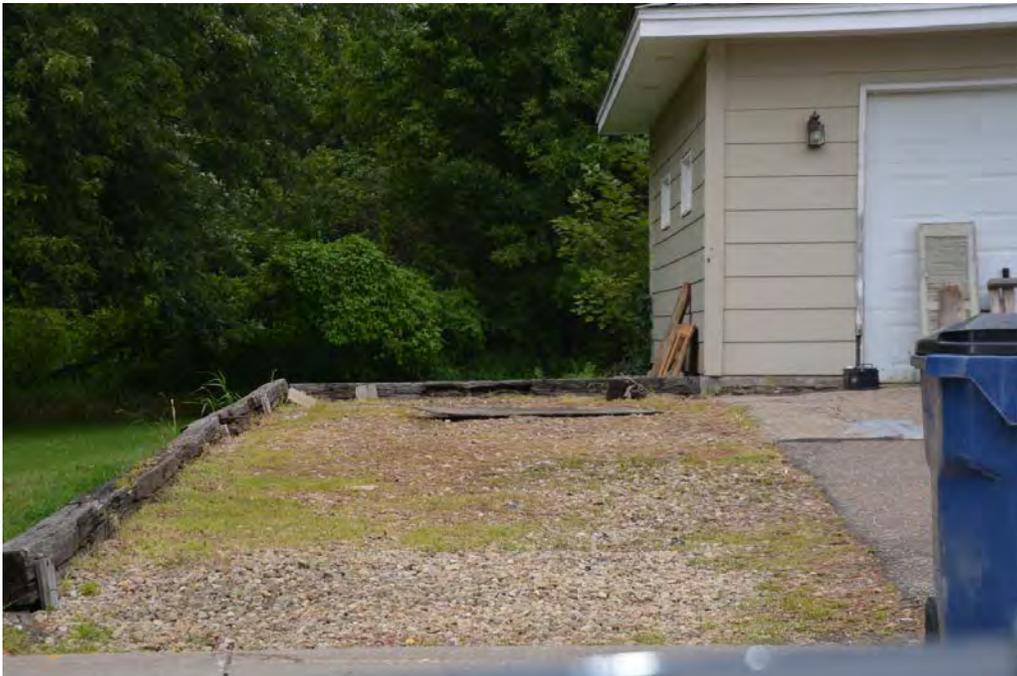
Through the inventory, Staff found that 741 properties (44% of properties in Elko New Market) had violations related to garbage cans. All violations were for storing garbage cans outside without screening. Of the properties in violation of section 11-4-1, approximately 50% had garbage cans located on the side of the home and the other 50% had them located in front of the garage doors.



Compared to garbage cans, recreational vehicle parking violations were fewer in number, but have the potential to have a much greater visual impact. Through the inventory, Staff found that 274 properties (16% of properties in Elko New Market) had violations related to recreational vehicle parking. The majority of the violations were for parking recreational vehicles in a prohibited location (i.e. on the driveway) or on a prohibited surface (i.e. grass) or without proper screening (to the height of the vehicle or a height of 6', whichever is less). Although approximately 30% of the properties with a recreational vehicle present had it/them parked in a permissible location, almost none provided screening in accordance with section 11-8-2.









It is worth noting that because the inventory was conducted the week before Labor Day weekend, there may have been an increased presence in recreational vehicles as compared to normal. However, despite the timing, Staff believes the inventory is a fairly accurate representation of recreational vehicle presence in Elko New Market.

Based on the results of the inventory, it is clear that there is a significant amount of noncompliance in regards to the storage of garbage cans and recreational vehicle parking. At this time, the City Council is being asked to provide feedback on whether or not community values have changed and if the ordinances should be:

1. Amended to better reflect current practice.

Or

2. Enforced as currently written.

BUDGET IMPACT:

The budget impact for this item to date is the cost of City staff time. Future budget implications are dependent on how the Council decides to proceed.

Attachments:

- Garbage and Refuse Ordinance
- Recreational Vehicle Parking Ordinance
- Garbage Can Code Violations Map
- Recreational Vehicle Code Violations Map

11-4-3: GARBAGE AND REFUSE¹:

- A. In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a latching mechanism which keeps it closed/locked when not in use.

- B. The owner of vacant land shall be responsible for keeping such land free of refuse. (Ord. 5, 12-14-2006)

11-8-2: RECREATIONAL VEHICLE PARKING:

- A. Parking On Residence Of Owner Only; Exceptions: The parking of recreational vehicles shall be allowed only on residential property owned by the legal residents of said property. All recreational vehicles parked on residential property within the city shall be owned by the legal resident of said property. This applies to vehicles parked in conforming locations as well as those parked by permit. This does not apply to vehicles parked while loading or unloading pursuant to this code.
- B. Number Of Vehicles: No more than three (3) recreational vehicles are permissible on residential property. The three (3) recreational vehicles allowed can consist of any combination, provided the combination does not exceed one major vehicle as enumerated in this section.
- C. Conditions For Parking: Recreational vehicles shall not be parked on residential property unless the following conditions are satisfied:
1. Folding Tent Campers (Minor): Storage and parking of folding tent campers is permissible on the driveway more than twenty feet (20') from the right of way or in the side yard adjacent to the garage more than one foot (1') from the property line. If parked on the driveway only between April 1 and October 31, no screening is required. (Ord. 5, 12-14-2006)
 2. Small Utility Trailer Five Feet By Eight Feet (Minor): Storage and parking of a small utility trailer five feet by eight feet (5' x 8') is permissible in the driveway more than twenty feet (20') from the right of way, in the side yard adjacent to the garage more than one foot (1') from the property line, or in the rear yard more than five feet (5') from the property line. If parked on the driveway only between April 1 and October 31, no screening is required. (Ord. 5, 12-14-2006; amd. 2011 Code)
 3. Off Road Vehicle Trailer (Minor): Storage and parking of off road vehicle trailers is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
 - a. Boat Eighteen Feet Or Less In Length (Minor): Storage and parking of a boat eighteen feet (18') or less in length is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
 - b. Boat Greater Than Eighteen Feet In Length (Major): Storage and parking of a boat greater than eighteen feet (18') in length is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
 - c. Truck Camper (Minor): Storage and parking of a truck camper is permissible in the side yard adjacent to the garage more than five feet (5') from the property line.
 - d. Fifth Wheel Travel Trailer (Major): Storage and parking of a fifth wheel travel trailer is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
 - e. Travel Trailer (Major): Storage and parking of a travel trailer is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more

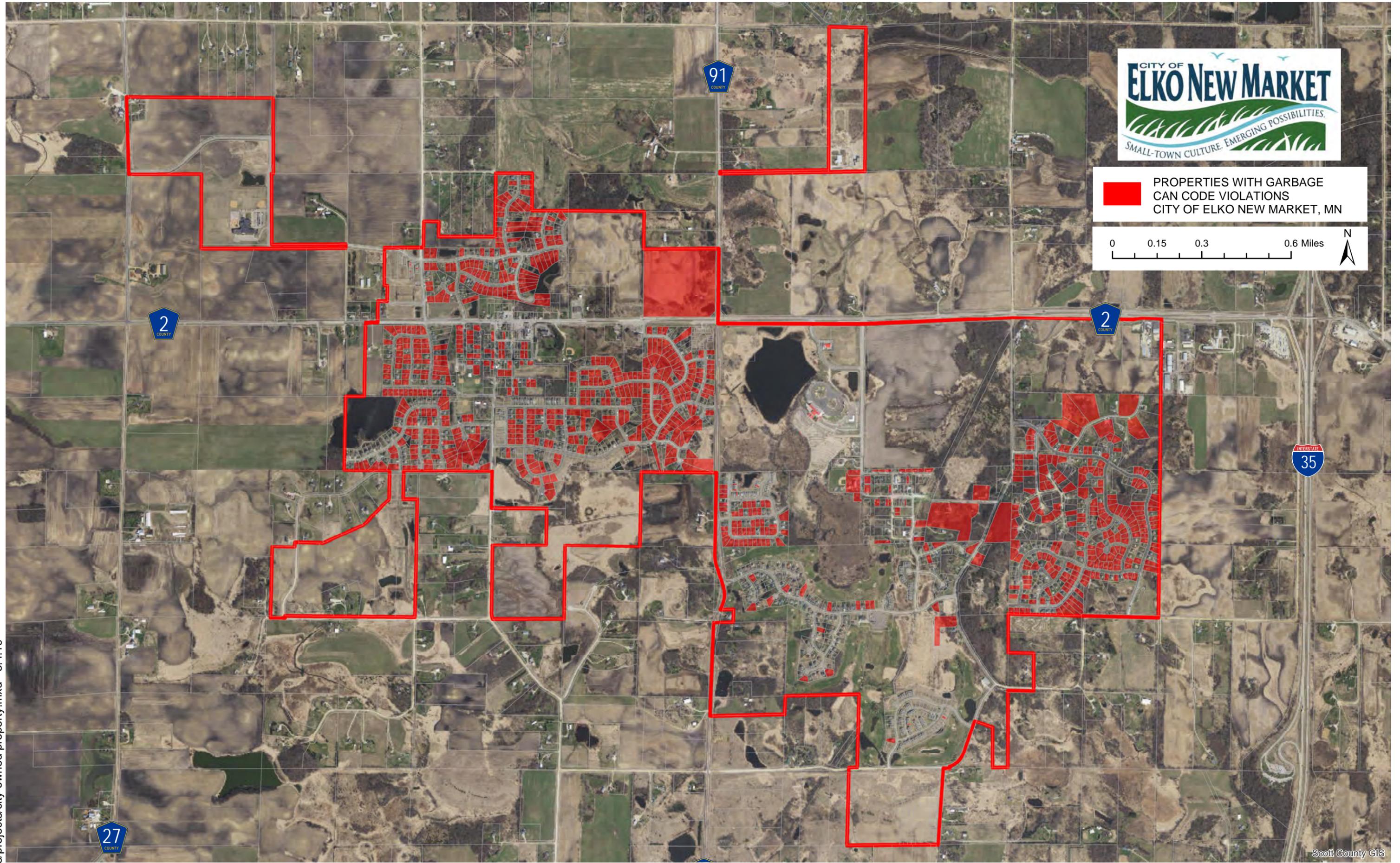
than five feet (5') from the property line.

- f. Class A And Class C Motor Homes (Major): Storage and parking of class A/class C motor homes is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line.
 - g. Class B Motor Home (Major): Class B motor homes that exceed twenty one feet (21') in length are permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. Class B motor homes less than twenty one feet (21') in length are considered conversion vans for the purpose of this section.
 - h. Large Utility Trailer Greater Than Five Feet By Eight Feet (Major): Storage and parking of a large utility trailer greater than five feet by eight feet (5' x 8') is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. (Ord. 5, 12-14-2006)
 - i. Large Enclosed Utility Trailer Greater Than Five Feet By Eight Feet And Greater Than Three Feet High (Major): Storage and parking of a large enclosed utility trailer greater than five feet by eight feet (5' x 8') and greater than three feet (3') high is permissible in the side yard adjacent to the garage more than five feet (5') from the property line or in the rear yard more than five feet (5') from the property line. (Ord. 5, 12-14-2006; amd. 2011 Code)
- D. Screening: Unless parked for purposes of loading or unloading, or as otherwise provided by this section, all recreational vehicles, whether parked in a conforming location or location by permit, shall provide screening to the height of the vehicle or six feet (6'), whichever is less.
- E. Covering Vehicles: In the event a tarp or other material is used to cover the vehicles, the color of said tarp or material shall be an earthen tone.
- F. Loading And Unloading: Recreational vehicles may be parked in nonpermitted locations for the sole purpose of loading and unloading the said vehicle for up to ten (10) days. This subsection is not meant to circumvent the intent of this section.
- G. Surface Of Parking Area: Recreational vehicles shall be stored upon a hard, dust free surface.
- H. Nonconforming Location Permit:
- 1. Residents of the city who own recreational vehicles on the effective date hereof and who currently store said vehicles at their residences within the city but who are unable to comply with the requirements relating to location may be eligible for a nonconforming location permit. The applicant shall show the existence of one or more of the following conditions:
 - a. Significant manmade or natural topographical conditions are present that the city deems best undisturbed.

- b. High quality or historically significant landscape elements would be adversely impacted or destroyed absent an adjustment to standards.
 - c. A spatial pattern of investment in the parcel would be jeopardized by requiring the parking of a recreational vehicle in compliance with all standards established in this section.
2. For the purpose of this subsection, the argument of monetary impact cannot be the sole reason for modification to the parking and storage requirements.
3. The applicant shall provide the following information:
 - a. Documentary evidence which establishes that said applicant owned the recreational vehicle prior to the effective date hereof.
 - b. The nonconforming location permit shall be applied for within eighteen (18) months of the effective date hereof.
 - c. The nonconforming location permit shall apply to the current property owner only, and the permit becomes invalid when the property exchanges hands. New property owners do not retain the ability to receive a nonconforming permit. New property owners shall comply with the recommended requirements for the storage of recreational vehicles on the subject property. Current recreational vehicle owners retain the ability to receive a new permit in cases where the owner purchases a different recreational vehicle of similar size, provided the new vehicle falls under the nonconforming location permit requirements. Furthermore, property owners can only receive one nonconforming location permit for one recreational vehicle.
4. The one time fee for said permit shall be established by the City Council.
5. The owner of any recreational vehicle which is parked without a permit shall comply with the location requirements provided herein, including any necessary grading and landscaping, within two (2) years from the effective date hereof. (Ord. 5, 12-14-2006)

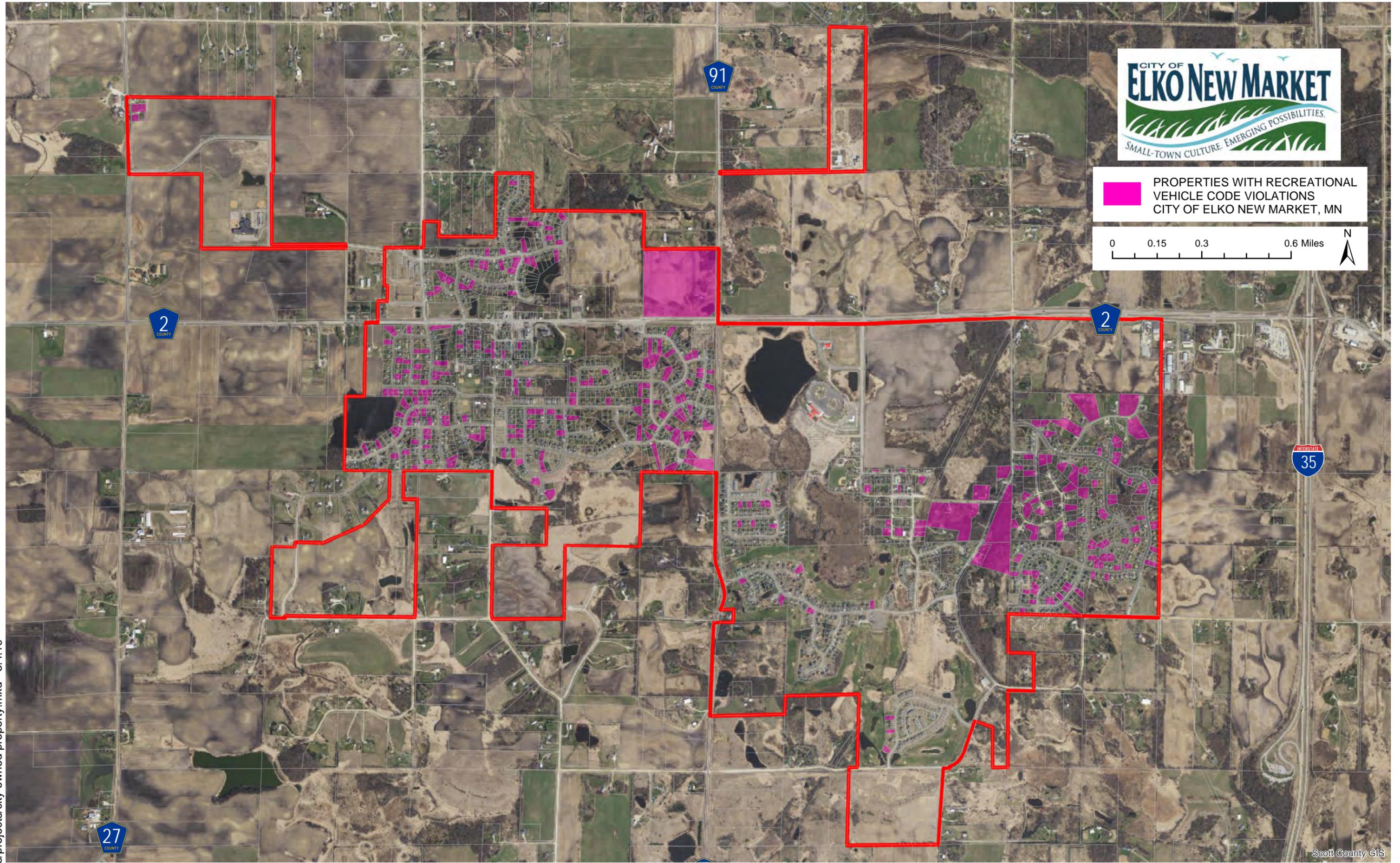


PROPERTIES WITH GARBAGE
CAN CODE VIOLATIONS
CITY OF ELKO NEW MARKET, MN





PROPERTIES WITH RECREATIONAL
VEHICLE CODE VIOLATIONS
CITY OF ELKO NEW MARKET, MN



ENM Parks Commission Update

August 30, 2019

1. I'm still hoping that Leveiska Disc Golf will bring a practice "hole" for everyone to try out and Cale Leveiska will be well enough to show us how it's done – Cale is ranked 8th in the World as a professional. Of course, Windrose 8th Addition residents will be invited, too. Construction is still slated for the Week of September 23rd with equipment delivery set for the week of September 9th – you'll see the Invoice in your September Agenda Packets, which will be sent out on September 4th.
2. The Parks Commission "kicked off" National Night Out", as we traditionally do, by sponsoring Dazzling Dave, the Yo-Yo Master, for the groundbreaking of the Disc Golf Course and performances at several of the Neighborhood parties. There were 50 to 60 people at the groundbreaking and all 75 copies of the course layout were passed out. I heard some comments from residents the course, too! (See Attached Pictures)
3. We often get verbal comments by phone from Park Shelter renters about how nice it is, but we also get the occasional email from residents on how much they liked holding their event there...I've attached a recent one for your review.
4. I'm hopeful that we'll see the plans on the Windrose 8th/Woodcrest Trail project at the October Parks Commission meeting. Bolton-Menk, Inc is developing plans and specs for bidding in early Fall.
5. The Rowena Pond Park RePurposing Master Plan is now underway! The Public Works Department has completed the first phase by relocating the playground equipment. Now that the playground equipment has been moved, the next step will be to move the baseball field. I met with the New Market Baseball Association earlier this month to review the details with them. Along with City Engineer, I went over resolution of their current drainage problems and possible options with the 3 neighbors most directly affected by the project on August 8th and August 20th. They were all very positive about the project. I am looking at a Twins Community Fund grant to see if the upgrade T-Ball Field qualifies for funding.
6. Soccer season is underway! Coaches meeting was July 24th at 6:30 at EagleView. On Monday, July 29th, New Prague Community Ed lined the fields and, with the help of the PW crew, set up the goals for practice starting on Tuesday, July 30th. First games were on Tuesday, August 6th.

The City, as per agreement, is doing the mowing and lining on Monday and Wednesday, throughout the season, which ends on Thursday, September 5th. As you may recall, there's a "Soccer Jamboree" with about 54 teams participating in a tournament at the end of the season – it will be held on Saturday, September 7th from 9AM to 3 PM. This year, registrations are up over last year – from 228 to 242 kids. Again, thanks to the PW crew for their work in making the soccer program a success!

7. The vandalism to the slides at Wagner Park that occurred around Thursday, July 17th – some inappropriate messages were etched into both slides - were removed by the PW Department before the weekend. Fortunately, it was an easy fix this time! I continue to deal with this issue, but this year has seen fewer incidents overall.
8. ASCAP, SESAC and BMI, the main three music performance licensors, are in the news again. Cities must obtain licenses from these 2 licensors to cover any music "performances" on City property, including live performances at City parks, music played in any City buildings, or even "piped" over City phones. Due to the expense, the City doesn't do any live music performances for Summer and Winter events. Interestingly, the Department of Justice is looking into the existing Consent Decree make any sense in terms of competition in the industry. I provided a few comments to the LMC on the matter noting that the expense of these licenses may serve to prevent musicians from being heard, rather than making sure that they are paid for their music. The same goes for the increasing cost of showing movies, which is now to \$285 per showing, and becoming cost prohibitive.
9. Jessica Davidson, with help from Stephanie Fredrickson, did a great job of planning the Summer Events for 2019! We have not had lot of luck with the weather this Summer, but with the exception of Mad Science, which had attendance of about 25, as a result of a downpour a ½ hour before it started – all events were 85 or more people. We had some nice weathersome nice weather for our last 2 events – a movie and the inflatable waterslides on August 1st and August 8th – had great weather, so attendance jumped back up to about 85 to 100 people. I'm hopeful that Jessica can join us our September or October meeting to discuss possible improvements to our programming.
10. The Engineered Wood Fiber was ordered from Minnesota/Wisconsin Playground for \$1,799, which is a savings of about \$375 over 2018. It was

delivered August 8th. Once received, the parks were “freshened up” with new fiber. Unfortunately, more was needed, so an additional 100 CY was ordered at \$2,035 (still \$139 less than 2018) on August 16th to finish the job. You’ll see the Invoice at the September meeting for the additional wood fiber delivery.

11. The 3rd Annual Community Picnic was held on Saturday, August 24th at Wagner Park. I hope you were able to attend the festivities. There was a large crowd for the event, which featured a free lunch, entertainment, pony rides and inflatables.
12. See you on Tuesday, September 10th @ 4 PM @ ENM City Hall for our September 10th Parks Commission Meeting! Watch for the Agenda Packet on or about September 5th! Have a good Labor Day Holiday! And...it’s a good reminder for me to tell how much the City appreciates your service to our parks and recreational programs!





Mark Nagel

From: Stephanie Fredrickson
Sent: Monday, August 12, 2019 11:44 AM
To: Mark Nagel
Subject: FW: Wagner Park Use

FYI

Stephanie R. Fredrickson

Administrative Assistant | City of Elko New Market
601 Main Street | PO Box 99 | Elko New Market, MN 55020-0099
Phone: (952) 461-2777 | Fax: (952)461-2782
Email: sfredrickson@ci.enm.mn.us
Website: www.ci.enm.mn.us

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From: Chlan, Darcy [<mailto:dchlan@isd721.org>]
Sent: Monday, August 12, 2019 8:46 AM
To: Stephanie Fredrickson
Subject: Wagner Park Use

Hi Stephanie!

Happy Monday! Despite the downpours, we had a successful reunion and gathering at Wagner Park! We rec'd many, many compliments on the facility. I, myself, liked the padded chairs, the metal counters, and the overhang in the back. Our community is lucky to have the shelter and park!

My FOB worked on the front door too. If we rent it again, I'll try to figure out what size bags to bring for the garbage bins so they stay cleaner. We weren't sure what to do with the recycled items. Our only disappointment was that Pastor Gordon had boxes of food in the fridge. It was tough to fit all our food inside since we didn't bring coolers. All-in-all, it was great!

Thank you very much for everything!
Darcy Chlan & Kathy Mallinger



Darcy Chlan | Executive Assistant

Eagle View Elementary School | 25600 Nevada Ave | Elko New Market, MN 55020

phone: 952-758-6002 | fax: 952-758-6099

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Proud Tradition, Promising Future

**ELKO NEW MARKET PARKS COMMISSION
TUESDAY, AUGUST 9, 2019
REGULAR MEETING MINUTES**

PRESENT:

Present at Roll Call were Chair Sutton, Commissioner Miller, Commissioner Melgaard, and Commissioner Zahratka. Also present was Assistant City Administrator Mark Nagel.

CALL TO ORDER:

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

APPROVE AGENDA:

Mr. Nagel said that there was one additional item for the Agenda for the August meeting – Closure Date for Winter for Wagner Park Shelter. He said, if approved, it would be Agenda Item 7F. Upon motion by Commissioner Zahratka, seconded by Commissioner Melgaard, the June Meeting Agenda was approved with the additional item, as printed.

CITIZEN COMMENTS:

There were no comments from citizens offered at this meeting.

**APPROVAL OF MINUTES OF JULY 9, 2019 PARKS
COMMISSION MEETINGS:**

Upon motion by Commissioner Miller, seconded by Commissioner Melgaard, the Parks Commission unanimously approved the July 9, 2019 Parks Commission Minutes, as printed.

PETITIONS, REQUESTS, AND COMMUNICATIONS

Mr. Nagel called Commissioners' attention to the attached final signed copy of the Donation Agreement with the SMSC for the trail link between the Windrose 8th Addition and the Woodcrest Addition. He noted that preliminary work on the trail had already started and completion must occur by the end of the year.

UPDATES:

Mr. Nagel reviewed the July 31, 2019 ENM Parks Commission Update, which contained 14 items with the Commissioners. Mr. Nagel commented that the 3 major music performance licensors, along with the movie licensors, were driving up costs for the Summer and Winter events such that the Parks Commission may need to revisit the 2020 Budget, as it relates to the Summer and Winter programming.

Chair Sutton reported that the CCEC had successfully completed another 2019 Fire Rescue Days even with the heat index making it feel like over 100 degrees. The next meeting of the CCEC will be on Tuesday, August 20th at 5:30 PM at City Hall with the Agenda focused on a recap of Fire Rescue Days and a look ahead to the Halloween Party.

Commissioner Zahratka noted that there was a meeting of the New Prague Community Education Advisory Board on July 11th, but that she was unable to attend.

OLD/NEW BUSINESS:

Mr. Nagel commented that the Summer Events had an average attendance in the 70's, even though rainy weather forced relocation to the Library's Community Room 3 times. He said that the final event will include a movie and the inflatables on August 8th with ice cream sandwiches and popsicles to all attendees to cap off the Summer. He said he will ask Jessica Davidson to attend a future meeting to discuss the 2019 Summer Event season. No further action was taken on the item by the Parks Commission

Mr. Nagel called Commissioners' attention to the 2019 Goals that were approved in January 2019. He noted that goals accomplished at the halfway point of 2019

included the inclusion of trail links in the Parks CIP; purchasing the additional archery equipment; expanding the Pet Waste Stations; and working with the Scott County Library System on coordinating marketing efforts. Mr. Nagel noted that progress had been made on 8 of the other 13 Goals, too. No further action was taken by the Parks Commission on this item.

Mr. Nagel passed out a copy of the updated Parks Capital Improvement Program for 2019 to 2023. He said that with the recent increase in Park Dedication funds, the Parks Commission could now complete the Rowena Pond Project; Repurposing of Woodcrest Park; and the other smaller projects included in the 2019 Goals over the next 3 years. He said that the Parks Commission would be discussing projects for 2022 and 2023 later this year. No further action was taken on this item by the Parks Commission at this meeting.

Mr. Nagel reported that Leiviska Disc Golf Course Design would prefer installation of the course the week of August 19th, but offered an alternative construction start the week of September 23rd. He noted that the PW Department would be focused on the Soccer program and would prefer the later date. Upon motion by Commissioner Melgaard, seconded by Commissioner Zahratka, the Parks Commission unanimously directed Mr. Nagel to begin construction of the Disc Golf Course the week of September 23rd.

Mr. Nagel presented the Bill List to the Parks Commissioners – 2 bills from Schlomka's for Portable Restrooms for June, 2019 and July, 2019 each for \$710.00; Mad Science of Minnesota for the 7/25 Summer Event at Wagner Park; and Pop Up Party Rental for the Inflatable WaterSlide for the 7/11 Summer Event for \$289.99. Upon motion by Commissioner Melgaard, seconded by Chair Zahratka, the Parks Commission unanimously approved the Bill List for the August meeting.

Mr. Nagel said that he was in receipt of an email from a resident about renting the Wagner Park Shelter on Sunday, October 6th for her son's birthday party and wanted to know whether the Shelter would be open for her to rent it. He said that unless it was particularly cold that the Commission's practice has been to "winterize" the shelter the first Monday after the Halloween Party, which would be October 28, 2019. Upon motion by Chair Sutton, seconded by Commissioner Miller, the parks Commission unanimously established that October 28, 2019 as the date the Shelter will close for the Winter.

OTHER BUSINESS:

There were no additional business items to come before Commissioners at the August 6, 2019 Parks Commission meeting.

NEXT MEETING:

Upon motion by Commissioner Miller, seconded by Commissioner Melgaard, the next Regular meeting of the Parks Commission was set for Tuesday, September 10, 2019 at 4:00 PM in conference Room B of Elko New Market City Hall.

PARK COMMISSIONER COMMENTS:

There were no additional comments from Commissioners at the August 6, 2019 Parks Commission meeting.

ADJOURNMENT:

Mr. Nagel said that the annual Night to Unite is being held on Tuesday, August 6th in the City. Each year for the past 7 years, now 8 years, the event has been “kicked off” at a City park. At the July 2019 Parks Commission Meeting, the Parks Commission decided to hold a groundbreaking for the new Disc Golf Course at Windrose Park. The Parks Commission then moved the meeting to Windrose Park for the Groundbreaking, which was attended by approximately 60 people.

At the conclusion of the ceremony, there being no further business to come before the Parks Commission, upon motion by Commissioner Miller, seconded by Chair Sutton, the meeting was adjourned by voice vote at 6:23 PM.

Respectfully Submitted,

Mark Nagel, Assistant City Administrator

COMMUNITY AND CIVIC EVENTS COMMITTEE (CCEC) MEETING
August 20, 2019 Minutes

Meeting was called to order at 5:37 PM by Chair Mike Sutton in the ENM City Hall Conference Room B.

Members Attending: Chair Mike Sutton, Jodi Muelken, Janelle Kirsch, Leander Wagner, and Toni Maat.

Others Attending: Lynda Jirak and Mark Nagel

Absent: Lori Nelson; Amanda Cambronne; Terre Larsen; and Dawn Seepersaud.

There were no revisions to the posted Agenda for this meeting. Upon motion by Jodi Muelken; seconded by Leander Wagner, the August 20th Meeting Agenda was approved, as printed.

Upon motion by Toni Maat; seconded by Chair Sutton, the May 21, 2010; June 11, 2019; and July 16, 2019 Meeting Minutes were unanimously approved by the Committee with no revisions.

Mark Nagel updated the Committee on fundraising noting that there 2 other contributions – Nuvera and MVEC – that had been asked, but no final decision has been made by either. In response to Committee discussion, Mr. Nagel said that he would bring back a current statement on revenues and expenditures at the September meeting. No further action was taken on this item by the Committee.

Mark Nagel said that the main Agenda item was to begin planning the annual Halloween Party, which is scheduled for Saturday, October 26th from 10 AM to Noon at EagleView Elementary School. As with previous Civic Events, he said that he and Sandy Green had written down general instructions for the Halloween Party, which he passed out to Members. Janelle Kirsch reported that the date had been reserved on the EagleView calendar for the event. The Registration Form will be revised to reflect \$3/child for pre-registrants and \$5/child for registrations at the door – no more \$20/family prices – but, the Registration Fee will remain the same for 2019, as in 2018. There were no updates to the Flyer other than to revise the dates and times – Janelle Kirsch will handle Flyer changes. Once done, Jodi Muelken will get 1,000 Flyers printed; Lynda Jirak will print 25 - 11 X 17 posters; and Mike Sutton and Mark Nagel will handle the distribution of the flyers. The Sponsorship Registration Form will be revised to for businesses to sponsor a game – there will be no sales of vendors tables. Mike Sutton and Mark Nagel will purchase prizes and candy for the party. Having another activity to involving arts and crafts was discussed – Toni Maat will contact JoAnn Erickson to see if she would be interested in assisting on this item. Adding a couple of games, like a cakewalk and/or a basketball-themed one, would also be a plus – Mike Sutton will look into this possibility. Lori Nelson, Jenelle Kirsch, and Amanda Cambronne will coordinate finding volunteers. Finally, there was discussion on allowing people that had a wristband through the line without checking in and better queuing for those registering at the event. It was also decided that there would be no vendors again this year and there would be no increase in prices for the event. It was everybody's to help promote the event and find more sponsors. No further action was taken on this item.

Jodi Muelken asked the Committee to consider paying for the KCHK radio advertising since it benefitted all the entities involved in Fire Rescue Days. She noted that the Fire Relief Association would still be responsible for the extra advertising for the Fire Relief Dance on Saturday evening. After discussion by the Committee on the bill, upon motion by Chair Sutton, seconded by Janelle Kirsch, the Committee unanimously approved paying the full \$255 cost for advertising by KCHK for Fire Rescue Days events.

The next Meeting of the CCEC will be on Tuesday, September 17, 2019 at 5:30 PM at ENM City Hall.

Upon motion by Toni Maat, seconded by Jodie Muelken, the Committee unanimously moved to adjourn the meeting at 6:55 PM.

Respectfully submitted,

Mark Nagel, Assistant City Administrator.