



PC Members: Nicole Kruckman, Brad Smith, Thomas Humphrey, Melissa Hanson, Bryce Schuenke and Harry Anderson
City Staff: Community Development Specialist Renee Christianson, Planner Haley Sevensing and City Engineer Rich Revering

AGENDA

TUESDAY, MAY 26, 2020 @ 7:00 PM

The City has determined it is not practical or prudent to conduct an in-person Planning Commission meeting due to the local state of emergency and social distancing guidelines. Accordingly, Planning Commission will participate in this meeting via an electronic meeting and the Planning Commission meeting will be conducted under Minnesota Statutes section 13D.021 at the date and time stated above.

To the extent practical, members of the public may attend the meeting by utilizing this link: <https://us02web.zoom.us/j/81796488353> or by phone call @ 1-312-626-6799, using meeting ID #81796488353

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF AGENDA**
Consider Approval of the Agenda
- 4. PUBLIC COMMENT** (public opportunity to comment on items not listed on the agenda)
- 5. ANNOUNCEMENTS**
A. None
- 6. APPROVAL OF MINUTES**
Consider Approval of the following:
A. April 28, 2020 Minutes
- 7. PUBLIC HEARINGS**
A. None
- 8. GENERAL BUSINESS**
A. Consider Request for Vacation of Right-of-Way – Mark and Lori Rogers
B. Housing Presentation
- 9. MISCELLANEOUS**
A. Temporary Outdoor Customer Service Areas
B. Roundabout Cost Update
C. Community Development Updates & Reports
D. Planning Commission Questions & Comments
- 10. ADJOURNMENT**

BOARD NOTICE:

TO DETERMINE IF A QUORUM WILL BE PRESENT, PLEASE CONTACT ELKO NEW MARKET AREA HALL AT 952-461-2777 IF YOU ARE UNABLE TO ATTEND

PUBLIC NOTICE:

ANYONE SPEAKING TO THE BOARD SHALL STATE THEIR NAME AND ADDRESS FOR THE RECORD

MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
April 28, 2020
7:00 PM

At the start of the meeting, Community Development Specialist Christianson read the following statement into the record: The City has determined it is not practical or prudent to conduct an in-person Planning Commission meeting due to the local state of emergency and social distancing guidelines implemented by Governor Walz. Accordingly, this meeting will be an electronic meeting and conducted under Minnesota Statutes section 13D.021. To the extent practical, members of the public may attend the meeting by utilizing the published link and call in information.

Christianson also stated that due to the electronic meeting format, the meeting would be largely led by City staff, as opposed to being led by the Chair, which is typical. She read allowed the meeting protocol as follows:

- The host will keep all participants muted until the public hearings are opened.
- The Planning Commission will not be muted.
- Staff will specifically solicit question or comments from the Commission and public at various points during each item. Please hold questions and comments until requested.
- If you wish to speak, please “Raise Your Hand” virtually.
- Staff will individually recognize those wishing to speak, and will invite you to speak and unmute your microphone. If you are not being recognized, provide an obvious visual indicator such as raising your hand or waving at the camera. Or, send an email to the Community Development Specialist at rchristianson@ci.enm.mn.us
- Your microphone will be re-muted after you have spoken.
- All votes will be by roll, called by Staff.

She explained for audience members participating in the meeting how to “raise their hand” to participate in the meeting on a PC, on a phone or tablet, or if one dialed in by phone. Introductions of the City’s Planning Commission, and City staff were made.

1. CALL TO ORDER

Commissioner Smith called the meeting of the Elko New Market Planning Commission to order at 7:08 p.m.

Commission members present: Smith, Humphrey, Kruckman, Hanson, Schuenke, and Ex-officio member Anderson

Members absent and excused: None

Staff Present: City Administrator Tom Terry, Community Development Specialist Renee Christianson, Planner Haley Sevening, City Engineer Rich 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 Kruckman and seconded by Humphrey to approve the agenda as submitted. Motion carried: (5-0).

4. APPOINTMENT OF CHAIR AND VICE-CHAIR

Christianson noted that the City Code requires that a Chair and Vice-Chair be appointed annually at the regular April meeting of the Planning Commission. Commissioners Humphrey and Kruckman both expressed an interest in being Chair of the Planning Commission for the upcoming year. It was moved by Hanson and seconded by Schuenke to appoint Kruckman as Chair for the upcoming year.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Nay
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Nay

Motion carried: (3-2)

It was moved by Kruckman and seconded by Smith to appoint Humphrey as Vice-Chair for the upcoming year.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Aye
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Aye

Motion carried: (5-0)

5. PUBLIC COMMENT

There was no public comment.

6. ANNOUNCEMENTS

A. Christianson introduced newly appointed Commissioner Bryce Schuenke who has been appointed by the City Council to a three-year term on the Commission. Schuenke also introduced himself and noted that he worked as a part-time police officer for the City of Elko New Market from 2011 to 2014. He spent five years in law enforcement, three years in management at Target, and is now a real estate agent with ReMax Advantage Plus. He was welcomed to the Commission.

7. APPROVAL OF MINUTES

- A. It was moved by Kruckman and seconded by Hanson to approve the minutes of the January 22, 2020 meeting as submitted.

By Roll Call Vote:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – Aye
Commissioner Smith - Aye

Motion carried: (5-0)

8. PUBLIC HEARINGS

A. Consider Request for Rezoning and Preliminary Plat Approval of Ridgeview Estates – Timbercrest, LLC, applicant

Christianson presented the agenda item, which was a request for rezoning and preliminary plat approval of Ridgeview Estates, containing 29 lots on 9.75 gross acres. Christianson provided a history of the property, including previous concept plans reviewed by the City, and explained that the property was annexed into the City in 2018 when a previous developer was planning to develop the site. Christianson reviewed the 2030 Comprehensive Plan and explained that the property is guided to a Residential Mixed Use land use designation. She explained the purpose of the Residential Mixed Use land use category, to provide for lifecycle and affordable housing located near activity centers and transportation corridors, with 75% of the land area to be single-family detached homes, and 25% of the land area to be attached and multi-family housing. She reviewed the proposed development density of 3.23 units per net acre which is lower than the recommended density, but because other areas have developed at higher densities, the density has balanced throughout the Residential Mixed Use land use category. She stated that single-family development being proposed on the site meets the intent of the guided land use for the area.

She explained that Block 1 is being proposed as R2 zoning and Blocks 2 & 3 are being proposed as R3 zoning. Christianson stated that all proposed lots meet the minimum size and width requirements for the respective zoning districts, and the applicant has demonstrated that the building pads on the proposed lots can meet the minimum front, side, rear and wetland setback requirements. She explained that the applicant was asked to provide additional information regarding the building pad on proposed Lot 4 Block 3 to ensure a home can be constructed within setbacks. This information has been provided to the satisfaction of City staff.

Christianson stated that the developer has indicated that the homes within the development will range from approximately 1,300 to 2,500 square feet and he is aiming for a mid-\$300,000 price range. It was noted that there will be multiple builders within the development. Sixteen of the lots have been designed for walk-out homes, six for look-out homes, and six for full-basement homes. Christianson also reviewed the market values of

the homes in the adjacent Whispering Creek development, stating that based on the assessed value, the average market value is \$242,367 and the median market value is \$239,500.

Reviewed in detail were the landscaping requirements for the development and tree preservation requirements. Christianson explained that the proposed development meets the tree preservation requirements, but that the landscape plan must be amended to meet the requirement that two or more rows of landscape screening be required for the lots adjacent to CSAH 2.

Easement are being proposed as required by City Code. It was noted that a conservation easement is required for the wetland buffer area in Block 3, and a trail easement is being requested by the Parks Commission between Lots 2 & 3 Block 1.

Christianson gave an overview of the proposed water, sanitary sewer, and stormsewer infrastructure within the development, and reviewed the drainage areas pre and post development. She noted that the City is aware of concerns regarding drainage from the subject property inundating back yards in the Whispering Creek development, and that the grading plan proposes to divert all of this drainage into a swale which will lead to a stormwater pond. The wetland on the south side of the property was reviewed, noting that the wetland and required 40' buffer area will be protected by combination of an outlot and conservation easement which will be dedicated to the City.

Christianson reviewed transportation and access issues, stating that the existing residential driveway in to the site must be removed, and that Scott County will not allow access to the development from CSAH 2 due to their adopted access spacing requirements. Access will be provided by the extension of the existing Park Street. All streets in the development will be 28' in width with B618 curbing and a temporary cul-de-sac is required at the west end of proposed Street A.

The final item reviewed was the location of proposed parks and trails within and surrounding the development. Christianson reviewed the Comprehensive Park and Trail Plan adopted by the City, and stated that because of the close proximity of Wagner Park, the Parks Commission is recommending that the City accept cash-in-lieu of land dedication. The location of proposed sidewalks and future trails were also reviewed.

Christianson stated that following a detailed review of the proposed plans and adopted City ordinances, staff is supporting the request for rezoning and preliminary plat approval of the property. Also reviewed were 14 conditions being recommended by staff. She explained that a public hearing would be opened and explained the process for public comment and participation based on the virtual meeting format. Christianson then opened the public hearing at 8:01 p.m. She stated that the City had received formal comments via email prior to the meeting. All comments received by 4:30 p.m. on April 28, 2020 were read into the record as follows:

Jason Grimm, 346 Wagner Way, submitted the following email comments: In regards to the public hearing tomorrow evening surrounding the rezoning of #R1-

2020 and Request for Preliminary Plat approval, I would like a few questions answered or addressed during this meeting. Some Questions I currently have are:

- Are there currently lot size requirements for new builds? Have there been changes in the past to this? These lot sizes are considerably smaller to most in Elko New Market and certainly smaller than the neighboring development and every other development in the past 20 years. Why is this different now? Appears they are really trying to cram more homes into this area than perhaps will allow to stay uniform with the rest of the city.
- What type of homes are proposed for these lots? Due to the small size of the lots how close are these home going to be together? How Close Easements to front and rear of property as well? How tall are the proposed structures for these properties? Any plans and/or examples available?
- Are there any proposed Drainage plans for the proposed plan. What is the plan with addressing water run off?
- Access to neighborhood, Appears there is only currently One access point into this area? Assuming Access from Cty rd. 2 is not permitted by county, what is the plan for traffic? What is the plan for existing roads for access as they are already in need of repair? Plans for repair after developed? For EMS safety (Fire) is there requirements for turnaround or exit?

Jason & Pat Lamont, 245 Park Street, submitted the following email comments:

- We can't make out exactly where the outlet or outlets are going to be in the proposed development plan that was sent to us. We believe it is Park St. If that is the case, we have concerns about the additional traffic coming through a development that is home to many young children so this creates a safety issue for Wagner Park.
- Describe what Residential (R2) and Medium Density Residential (R3) means?
- Also, how will this affect our taxes? Will there be additional police needed? Will sidewalks be needed as a safety for the kids? Where is the construction road going to be? We sure do not want it on Park St so that has to be replaced on our expense. We also do not want to pay for sidewalks that we have done fine without. The people making money off of this development should be responsible for putting money into an escrow account to cover things as mentioned.
- Why the rush? Something this important to your current residents should be dealt with on a face to face meeting not virtually.
- In preparing for this virtual meeting, how many residents of the Wagner First Addition were copied the documents pertaining to the Notice of the Public Hearing for Ridgeview Estates? There seems to be confusion about this matter.

Doyle & Katie Hanson, 361 Park Street, submitted the following email comments:

- While we learn more about the proposed new development, will citizens be able to ask questions by computer or phone during the meeting?
- Why the closure of the access to Hwy 2 when there is already an access point there? I saw on a Facebook message reply from the city that the county only

allows one local street access per quarter mile, but heading east into town on Hwy 2 from Dakota Ave., Todd St. is less than a quarter mile.

- How many additional vehicles per day does the city expect will be traveling on Park St. and Dakota Ave. during construction and when the development is complete and new residents have moved in?
- How are you going to accommodate the extra traffic on Park St. and Dakota Ave, especially if you close down the Hwy 2 access? I think of how fast cars speed up on Knights Rd. when we are attempting to cross the street when we are going for a walk. So many families use Park St. to get to Wagner Park.
- I feel leaving the access to Hwy 2 will better sell the homes that are the end of the development, instead of the cars having to turn down 3 roads they just have to turn into their own development.
- In the reply Facebook message the city claimed that no access to Hwy 2 is a short-term problem, but the property next to the proposed site is owned privately as is the following one and that may continue for many years.
- Why were so few of those affected by the new construction notified with a letter? Only a handful of houses on Park St were notified, no one down Dakota Ave.
- Would the Hwy 2 access be closed during construction? All of the construction vehicles going down Dakota Ave. and Park St. would damage the road, who would pay for that to be fixed?
- Has a consideration been made about keeping the access to Hwy 2 open, from the new development, moving the speed limit signs a quarter mile to the west, and adding a crosswalk.
- That way the new residents to this development can cross Hwy 2 safely to access the local businesses across the road?

Christianson noted that a number of the questions submitted and read into the record were addressed as part of City's staff's presentation. She then called upon City Engineer Rich Revering to address engineering related items. Revering provided explanations regarding the following items:

- The City regularly assesses the condition of streets, and based on the most recent assessments, both Dakota Avenue and Park Street have been identified as in need of a mill and overlay within the next few year, regardless of the proposed development and associated traffic. Both streets are approximately 20 years old. The mill and overlay will extend the pavement life and will delay the need for a full road reconstruction.
- The building and regular traffic associated with twenty-nine homes will not have a significant impact on the surrounding streets.
- The increase in traffic associated with Ridgeview Estates is anticipated to be 300 cars per day or less, which is considered fairly low traffic.

Christianson responded to additional questions as follows:

- There will be additional City services needed to serve the development; the costs of which will be offset by the increased property tax revenue received by the City as a result of the development.

- The City Council does have a goal of providing 24/7 police coverage which is not currently occurring. The Scott County Sheriff's Department provides service when City officers are not available. The City Council is committed to adding additional police officers when the call volume demands it. The proposed twenty-nine lots are not expected to create the call volume that would create the need for an additional police officer at this time.
- Regarding the question of why is the application being rushed through, state law requires Cities to process land use applications within sixty days. The project hearing has already been delayed once due to the Governor's stay-at-home orders. The application cannot be delayed indefinitely as it is unknown when the stay-at-home orders may be lifted.

Planner Sevening then called up on Adam Wolf to address the Commission. Adam Wolf, 138 Dakota Avenue, asked how long the construction of the development was anticipated to take and when the construction would occur. Developer representative Tom Wolter stated that the development construction would take approximately three months to complete and the home construction would take approximately two years to complete. Wolf also asked about the proposed zoning districts and if multi-family housing was proposed. Wolter stated that all the development is proposed for only single-family detached homes, and that his company likes to develop lots that are 65' wide, which allows for a 50' wide building pad, and this is common throughout the Twin Cities. Wolf also asked for confirmation regarding the mill and overlay of existing area streets within the next few years regardless of the development. City Engineer Revering responded, that it is the City's intention to complete the improvement in approximately 2023 regardless of the Ridgeview Estates development. Revering explained the projected traffic from the proposed development, stating that 300 cars per day or less is expected, which is a national average. From a road design standpoint, the additional traffic is not expected to have a significant impact on the adjoining streets.

Sevening then called upon Matt and Aerial Bromelkamp to address the Commission. Matt Bromelkamp, 352 Wagner Way, stated that an additional 300 vehicles per day seems like a lot to a resident living in the adjacent development. Matt also asked if a variance could be requested from Scott County to allow access to the development from CSAH 2. He also asked for clarification on the location of Outlot B, and asked for clarification on timing of construction. Christianson displayed a drawing of the current proposal showing the location of Outlot B located on the southeast side of the site. Christianson explained that pending City Council approval, the developer could start grading in early to mid-summer, and that the developer needs to receive final plat approval from the City Council before infrastructure (sewer, water, stormsewer) can be installed. Developer Tom Wolter stated that there are currently supply chain issues that could affect timing of the development construction. He stated that he does not know a proposed start date yet; it could be as early as mid-summer or as late as spring of 2021. Finally, Christianson stated that it is not possible to obtain a permanent access to CSAH 2. Matt Bromelkamp asked if there was a forum for residents to contact Scott County regarding the access issues; Christianson stated County contact information could be provided to interested parties.

Sevening then called upon Jason and Pat Lamont to address the Commission. Jason Lamont, 245 Park Street, asked who was individually notified of the hearing. He stated that

people living along Dakota Avenue would be affected by the additional 300 vehicles per day but not all received a mailing from the City. Pat Lamont asked about future access points onto CSAH 2. Jason Lamont suggested that the development be delayed until additional access to CSAH 2 could be provided. Christianson explained the process for notification of public hearings and stated the City mails individual notices to only those property owners required under state law, and that public participation is solicited through additional methods such as newspaper ads and social media. Christianson stated that in regards to delaying the development until there is additional access to CSAH 2, the City cannot deny a development application that meets the criteria of adopted City ordinances and long range plans. Pat Lamont asked if the proposed development would help pay for the improvement of Park Street and Dakota Avenue since they will be using the existing streets to access the development. City Engineer Revering explained the City's method for funding roadway improvements, stating that approximately 60% of the cost is paid by the overall community so the lots in the proposed development, through property taxes, will be participating in the improvement cost. Jason Lamont asked when the item would be scheduled before the City Council for final approval. City Administrator Terry stated that the item would be scheduled for consideration by the City Council on May 28th, and noted that the official public hearing is being held before the Planning Commission. He stated that the City Council may choose to take additional comment at the City Council meeting, but asked that anybody wishing to address the City Council regarding the plat inform staff ahead of time so that the mayor is aware of individuals that may want to address the Council.

Sevining then called upon Brian to address the Commission. Brian and Carol Witte, 357 Park Street, asked about the timing of sidewalk construction along Park Street leading to Wagner Park. He also asked if the development would provide a positive impact to the current water and sewer rates of the City. City Engineer Revering responded and stated that additional users on the system will be helpful in sharing the overall costs. He also stated that a sidewalk along Park Street is a future project that the City hopes to complete as opportunities arise, but the sidewalk is not part of the proposed development project. Revering explained that proposed sidewalk would be best located on the north side of Park Street because there are fewer driveways to cross. Brian Witte suggested that the City might want to consider constructing the sidewalk at this time due to the large number of children within the development.

Sevining then called upon Laura Ellingson to address the Commission. Laura Ellingson, 129 Dakota Avenue, stated that she was disappointed she did not receive a mailed notice regarding the proposed development and she did not see anything about the hearing on social media. She suggested that the speed limit on CSAH 2 be changed to 35 mph beginning at Idaho Avenue. City Engineer Revering explained the process for establishing speed limits on streets, stating that speed limits are established by the Commissioner of Transportation based on the results of speed studies determining actual speeds being driven on a roadway. Revering explained that the speed limits on CSAH 2 were established by a speed study that determined the actual speeds being driven and that the City cannot change the speed limits. Ellingson stated for the record that she was notified by a neighbor of the hearing. She stated that she is not opposed to the development but she is concerned that people affected by the development were not individually notified.

Sevening invited Adam Wolf to address the Commission. Adam Wolf, 138 Dakota Avenue, asked if the City would consider speed bumps on area roadways. City Engineer Revering stated that the City would no longer endorse the use of speed bumps because of the maintenance problems and that they have been determined to be ineffective for reducing speeds. The City now endorses alternatives such as narrowing street widths, landscaping, and lighting, to influence speeds.

Sevening made a final call for public comments, and with no further public comments, Christianson closed the public hearing at 9:01 p.m.

The Planning Commission and City staff then offered the following discussion:

- Commissioner Smith stated the he liked that the developer could use the CSAH 2 access to construct the development. He also liked proposed trail connection to the future CSAH 2 trail system and the trail along Park Street, but questioned whether the trail along Park Street should be on the south side or the north side. Revering stated that the trail along Park Street is being proposed as a sidewalk and that he suggested crossing Park Street at a proposed intersection. Smith suggested keeping the sidewalk on the north side of Park Street through the proposed development.
- Commissioner Schuenke asked the zoning and lot sizes in the existing adjacent development and proposed development. Christianson explained the zoning in the existing adjacent development is R1 with minimum 85' lot widths and 12,000 square foot lot sizes. Lots in the proposed development range from 65' to 70' wide, with minimum lot sizes ranging from 7,200 to 8,400 square feet. She explained that the Planning Commission reviewing minimum lot size requirements in 2017 and amended the City Code to allow smaller single-family lots in some areas. Schuenke stated that he liked the transition of lots sizes from the existing development to the new development. Schuenke also stated that he likes the proposed drainage improvements which will benefit the lots in Whispering Creek.
- Chairperson Kruckman asked about the minimum lot sizes and stated that she recalled, when reviewing the plan with a previous developer, that R2 zoning had been discussed. She asked why R3 zoning is now being considered. Christianson stated that the developer submitted the application as proposed, and when staff reviewed the application against the adopted Comprehensive Plan, and reviewed with the City Attorney, it was determined that the property is eligible to be rezoned to R3. The guided land use designation of Residential Mixed Use allows for multi-family development, which would allow for a R3 or R4 zoning. The City Attorney's opinion after reviewing the specific language stated in the Comprehensive Plan is that the property is eligible to be rezoned to R3 zoning. Kruckman stated concern about the possible visual impact between the homes in the two zoning districts, and she also asked about possible future development to the west. Christianson explained that the side setback requirement is the same in the R2 & R3 zoning districts so there will be at least 14' between the homes in both proposed districts. In the R3 district, homes can be 5' closer to the street than in the R2 district, which could have a traffic calming effect. She also explained that along the wetland the developer needs to construct the homes at the 25' front setback to meet the wetland setbacks. In regards to future development to the west, Christianson stated that the

draft 2040 Land Use Plan has the property to the west regulated to Low Density Residential which would not allow for R3 (medium density residential) zoning but would allow for R1 or R2 zoning.

- Commissioner Humphrey stated based on the current Comprehensive Plan, there could be more housing units developed on the subject property. He stated that the development as proposed will help the City meet its housing density requirements.
- Chairperson Kruckman asked about the height of the houses on proposed Block 1, and whether they might tower over the existing homes in the Whispering Creek development. Design Engineer, Eric Fagerberg with James R. Hill, stated the home elevations in Block 1 will be based off the elevation of the proposed street, and that he tried to set the homes as low as possible. Christianson reviewed the proposed grading plan, and pointed out the proposed walkout elevations of the homes and the elevations along the common property lines.
- Kruckman asked if the existing property owners could tie into the proposed drainage swale located along the east side of proposed Block 1. Fagerberg explained that because the swale is higher than the existing homes, they would not be able to utilize the drainage swale but it is intended to capture and divert drainage from the proposed development.
- Chairperson Kruckman asked if the homes in proposed Block 1 would be ramblers or two-story homes. Christianson stated both ramblers and two-story homes would be permitted. Kruckman also asked about the existing home in the development, and whether keeping the home would impact the value of the other homes in the development. Developer Tom Wolter stated that the existing home will be refurbished to look like a new home so it will fit in with the other homes in the new development. He also stated that the proposed home styles will be up to the builders in the development.

Following discussion by the Planning Commission, it was moved by Smith and seconded by Schuenke to recommend approval of the request for rezoning of proposed Block 1 to R2, and proposed Blocks 2 and 3 to R3 as shown in the preliminary plat drawing of Ridgeview Estates, to allow development of single-family lots for the following reasons:

1. The proposed use of the property for residential single residential family homes meets the intent of the guided land use for the area which is Residential Mixed Use.
2. Based on the Comprehensive Plan's land use guidance to Residential Mixed Use, the property is eligible to be rezoned to R2 and R3 zoning.
3. Development of the property as single family residential is compatible with the existing adjacent land uses.

Also included in the motion by Smith and seconded by Schuenke was a recommendation for preliminary plat approval of Ridgeview Estates, containing 29 single-family residential lots for the following reasons:

1. The proposed plat meets the requirements of the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance.
2. The proposed lots meet the minimum lot size and width requirements for the respective R2 & R3 zoning districts.

3. The applicant has demonstrated that building pads on the proposed lots can meet the minimum front, side, and rear setback requirements.

And with the following conditions:

1. The applicant must enter into a Developer's Agreement with the City of Elko New Market as a condition of plat approval.
2. Approval is granted in accordance with Ridgeview Estates plan set dated April 16, 2020 containing 12 sheets, and subject to City staff comments as noted on the plan set and dated April 20, 2020; in accordance with the landscaping plan submitted April 22, 2020 containing 3 sheets, and subject to City staff comments noted on the plan set and dated April 23, 2020; and subject to City Engineer comments and conditions as stated in review memorandum dated March 13, 2020, version 3.
3. Lots in proposed Block 4 must meet the required structure-to-wetland setback of 40' for the R3 zoning district.
4. A conservation easement, covering the wetland buffer area in proposed Block 3, shall be granted to the City. The conservation easement may coincide with the drainage and utility easement on the southerly boundary of proposed Block 3.
5. The plans shall be revised to include a Signage and Lighting Plan, meeting the recommendation of the City Engineer. The sign plan must contain the following: a) Type III barricades and Future Street Extension signs at the west ends of Park Street and Street A; b) Wetland buffer sign markers along all lot lines at wetland buffer locations; c) a sign identifying a future trail will be located between proposed Lots 2 and 3 Block 1.
6. A temporary cul-de-sac is required at the west end of Street A. Temporary roadway easements may be required if the temporary cul-de-sac encroached into adjacent lots. The plans shall be revised to depict the required temporary cul-de-sac.
7. A permit will be needed from the MnDNR for any new stormwater outfalls. Pretreatment of stormwater is needed before stormwater is routed to the DNR Protected Wetland.
8. The existing residential driveway on the property shall be removed as a condition of the plat. Any temporary construction access at the existing residential driveway location requires the approval of Scott County. No construction access shall be permitted without an approved access permit through Scott County.
9. The existing well and septic system on the property shall be properly abandoned in accordance with State and County regulations.
10. A park dedication fee is recommended in lieu of land dedication.
11. A future trail location has been identified for the area between proposed Lots 2 & 3, Block 1, which will connect the sidewalk system within the plat to the future trail on the south side of CSAH 2. A public trail easement along this common lot line shall be dedicated to the City.
12. The developer shall contribute financially to the construction of a future trail along the south side of CSAH 2.
13. Curbing within the development must be B618 as required by City Code. The plans shall be amended to depict the B618 curbing.
14. The landscaping plan must be amended to meet the requirement for two or more rows of screening trees, to meet the requirements of Section 11-5-4(B)(1) of the City Code.

And noting that:

1. The applicant has depicted dedication of additional CSAH 2 right-of-way as requested by Scott County.
2. Drainage and utility easements have been provided throughout the plat as required by City Code.

By Roll Call Vote:

Commissioner Hanson – Unavailable during vote

Commissioner Humphrey – Aye

Commissioner Kruckman – Aye

Commissioner Schuenke – Aye

Commissioner Smith - Aye

Motion carried: (4-0)

B. Consider Proposed Zoning Ordinance Amendment – Administration and Enforcement

Planner Sevening presented the agenda item, which was proposed amendments to the City's Zoning Ordinance regarding the process for abatement procedures for public nuisances and enforcement of the zoning ordinance.

Sevening explained that based on the most citywide survey along with the number of complaints being received by City staff, there seems to be changing expectations in the community regarding the condition and maintenance of residential properties. Based on this, staff is planning to complete a citywide inspection and inventory of properties in the community in early May to determine compliance with City codes. Prior to completing the citywide inspection, staff has reviewed the City's ordinances regarding the processes for enforcement. Sevening explained the changes that are being recommended to Section 11-3 of the City code which will shorten and simplify the enforcement procedures and she reviewed the proposed changes.

Sevening explained that a public hearing is required to amend the zoning ordinance. Sevening opened the public hearing for consideration of the zoning ordinance amendments at 9:30 p.m. With no comments from the public, the hearing was closed at 9:31 p.m.

The Commission offered the following comments:

- Humphrey stated that he was very appreciative of simplification of City ordinances, and is supportive of the proposed amendment.

It was then moved by Hanson and seconded by Humphrey to recommend approval of the following:

- Delete Section 11-3-1 (I) of the existing City Code in its entirety
- Add Section 11-3-10 of the City Code containing the following language:

- A. Enforcing officer: This title shall be administered and enforced by the Zoning Administrator in accordance with its terms, who shall not permit any construction, use, or change of use that does not conform to this Title. The City Administrator shall designate the Zoning Administrator. The Zoning Administrator may designate such additional persons as may be necessary or convenient to assist in administering and enforcing this chapter.

- B. Duties of the Zoning Administrator: The Zoning Administrator's duties shall include the following:
 - 1. Determine that all building permits comply with the terms of this title;
 - 2. Conduct inspections of buildings and uses of land to determine compliance with the terms of this title;
 - 3. Maintain records of all zoning maps, amendments, conditional uses permits, variances, appeals, and other matters regulated by this title;
 - 4. Administer all applications under this title;
 - 5. Institute appropriate enforcement proceedings and actions against violators;
 - 6. Serve as staff advisor to the Planning Commission;
 - 7. Prepare reports and information for the Planning Commission and City Council, and may attend their meetings and participate in their hearings and discussions, but shall not vote on any item before the Planning Commission and City Council; and
 - 8. Perform such other functions as may be necessary to enforce and administer this title.

- C. In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this title, the zoning administrator, in addition to other remedies, may institute in the name of the city, any appropriate action or proceeding to prevent, restrain, correct or abate such building structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Aye
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith - Aye

Motion carried: (5-0)

9. GENERAL BUSINESS

A. Consider Grading Permit – R & F Properties

Christianson presented the agenda item, which is a request for grading permit for R & F properties, noting that the exact same permit had been applied for and issued approximately one year ago but the work was never completed. The owner is now reapplying for the exact same permit. She stated the property is currently home to the Elko Speedway and Ryan Contracting and zoned PUD which is a special zoning district that allows for a variety of specific uses. The owner is proposing to bring in fill to level off an area on the property. The area proposed for fill is currently designated as an overflow parking area in the approved PUD, and guided by the City's Comprehensive Plan to future residential uses. A site drawing was displayed showing the location of the proposed fill.

It was moved by Kruckman and seconded by Hanson to recommend approval of grading permit #G1-2020 to the City Council with the following conditions:

1. Approval is based on the grading plan containing 1 sheet, prepared by Probe Engineering, dated 4/10/19 and revised 4/16/19.
2. Approval is based on the Storm Water Pollution Prevention Plan containing 10 sheets, prepared by Probe Engineering, and dated 4/16/19.
3. The applicant shall comply with all recommendations of the City Engineer, and conditions contained in his review memorandum dated April 22, 2019.
4. The applicant shall enter into a Grading Authorization Permit with the City.
5. Fill shall be stockpiled until it can be equally spread over the entire overflow area, so the required overflow parking area is maintained.
6. All access to the site for purposes of filling and grading shall be via France Avenue through the R & F Properties property. No access to the site shall occur on Whispering Hills Lane.
7. Fill shall be leveled and the site shall be fully stabilized by the end of the construction season, 2020.
8. The permit shall be granted for a period not to exceed one-year in length.

And noting the following:

1. The City's Comprehensive Plan depicts a future extension of Whispering Hills Lane, easterly, into the area proposed to be filled to eventually connect with France Avenue / Main Street. Future extension of the roadway will likely require removal or moving of some of the proposed fill at applicant / developer's expense.

Commissioner Schuenke asked what the property has been used for in the past and what the future plans are for the property. Christianson explained that the uses on the site have evolved over time; at one time the area was utilized as a motocross track, and it is currently used for parking of construction equipment for Ryan Contracting and overflow parking for Elko Speedway. Schuenke expressed concern over the use of the area, as at times the area is heavily lit up which causes concern for the residents. Christianson and Terry explained that the overflow parking and construction parking is already permitted by the land use approvals

and that bringing in fill on the site will not change that. Also noted was that the City Engineer has recommended approval of the grading plan.

After discussion there was a roll call vote on the motion:

Commissioner Hanson - Aye
Commissioner Humphrey – Aye
Commissioner Kruckman – Aye
Commissioner Schuenke – Aye
Commissioner Smith - Aye

Motion carried: (5-0)

10. MISCELLANEOUS

A. Tip of the Month – Meeting Conduct on Video

Christianson stated that Planning Commission meetings going forward will be videotaped and posted to the City's website, so miscellaneous tips regarding meeting conduct on video had been provided to the Planning Commission in a memorandum.

B. Roundabout Update

Scott County has awarded the construction contract for the CSAH 2 & 91 roundabout to local contractor Ryan Contracting. The original construction schedule is being moved up because of the decrease in overall traffic and elimination of school bus traffic through the intersection as a result of the Governor's stay-at-home orders. The intersection could close as early as May 18th and reopen in late July, all dependent upon weather conditions.

C. Police Department / City Campus Update

The City Council has authorized an addition onto city hall for police department office and garage space. The construction contract has been awarded to Greystone Construction from Shakopee. Information was also provided regarding the City master campus plan, which was adopted by the City in 2008 and used as a guiding document of the City. The plan identifies the area around the current city hall / fire station as the ultimate campus for police, fire, city offices, and possible community center locations.

D. Community Development Updates & Reports

A memorandum containing updates was included in the Planning Commission packet.

E. Planning Commission Questions and Comments

Commissioner Smith asked for additional information regarding the City cost for the roundabout. Additional detailed cost information will be included in the next Planning Commission packet.

Commissioner Smith asked about the delay in construction in Christmas Pines. Administrator Terry stated that the builder indicated there are some supply chain issues occurring, which is causing a delay.

11. ADJOURNMENT

It was moved by Humphrey and seconded by Anderson to adjourn the meeting at 9:56 p.m.

By Roll Call Vote:

- Commissioner Hanson - Aye
- Commissioner Humphrey – Aye
- Commissioner Kruckman – Aye
- Commissioner Schuenke – Aye
- Commissioner Smith – Aye

Motion carried: (5-0)

Submitted by:



Renee Christianson
Community Development Specialist



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

MEMORANDUM

TO: PLANNING COMMISSION
CC: MARK & LORI ROGERS
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
HALEY SEVENING, CITY PLANNER
RE: CONSIDER RIGHT-OF-WAY VACATION REQUEST
DATE: MAY 26, 2020

PLANNING COMMISSION MEETING: APRIL 28, 2020

CITY COUNCIL MEETING: UNKNOWN

60-DAY REVIEW DEADLINE: N/A

120-DAY REVIEW DEADLINE N/A

Background / History

The City has received the attached letters from Mark and Lori Rogers, who reside at 9711 265th Street E, indicating that they would like to purchase additional land adjacent to their property which is platted City street right-of-way in the plat of Elko Townsite. The Rogers own Lots 1 and 2 Block 1, Townsite of Elko, as depicted on the below plat and survey drawing. Their current lot size is 15,330 square feet. They have indicated that they would like to purchase a triangular shaped portion of the existing Railway Street right-of-way which contains 4,270 square feet so that they can construct a detached accessory structure on their property. Conveying the requested area to the Rogers would require that the right-of-way be officially vacated by resolution of the City Council. The City may vacate easements or right-of-way pursuant to Minnesota Statute 412.851 after conducting a public hearing preceded by two published and posted notices and mailed notice to abutting property owners.

The purpose of this agenda item is to obtain preliminary feedback from the Planning Commission regarding the requested vacation; such feedback will be forwarded to the City Council for their consideration.

Public Utilities (Sanitary Sewer / Water / Stormsewer)

Staff is not aware of any existing sanitary sewer, water, or stormsewer lines in the area where the vacation is being requested.

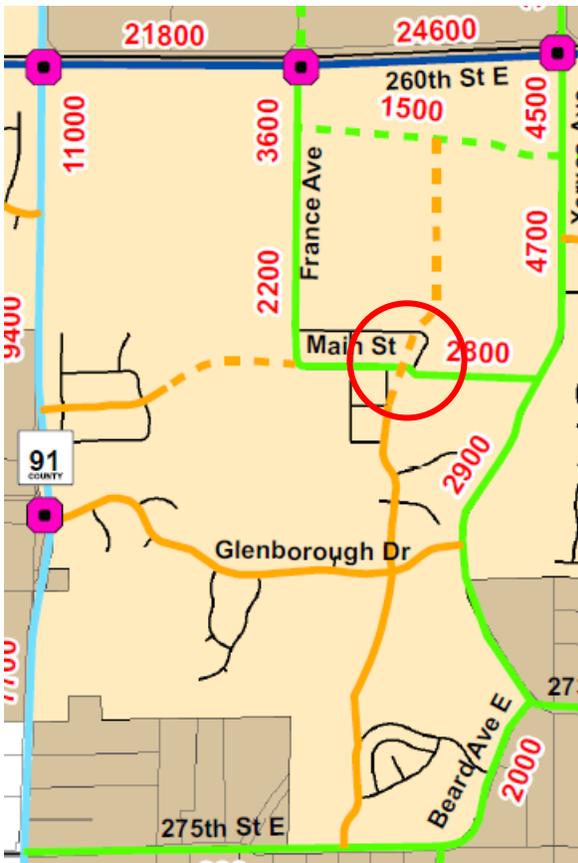
Access / Roads / Transportation Issues

The City's adopted Transportation Plan, as well as the draft 2040 Transportation Plan, does show a future road corridor running within the platted Railway Street right-of-way. There is a large undeveloped property to the north and east of the Roger's property. Vacating the requested right-of-way and conveying to the Rogers may likely reduce the City's ability to construct a road within this right-of-way in the future.

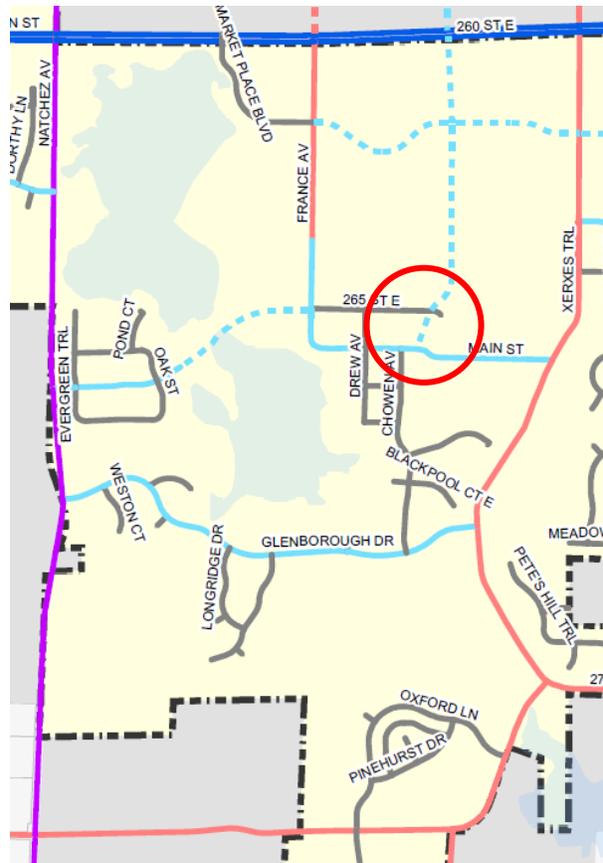
Staff Recommendation

Staff would not recommend that the City Council vacate the requested road right-of-way for the purposes of conveying property to the Rogers for construction of a detached accessory structure for the following reasons:

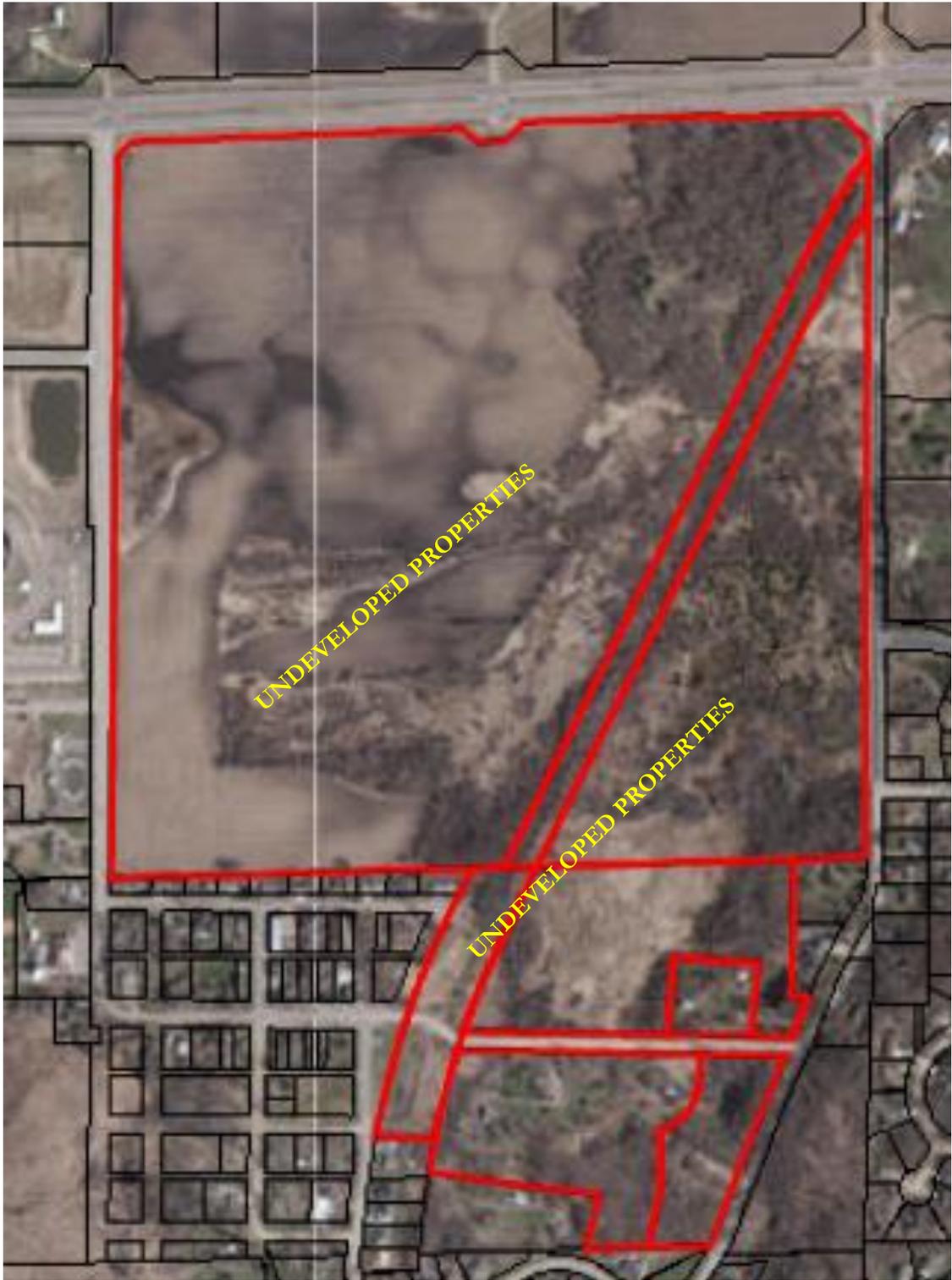
1. The City’s adopted Transportation Plan shows a future road corridor within the Railway Street right-of-way, and therefore the area should be preserved for possible future roadway extensions.
2. There is a significant amount of undeveloped land located to the north and east of the subject property. Until the surrounding property develops into its highest and best use, the City should not consider vacating the right-of-way which may be determined necessary during development of the surrounding property.
3. The Rogers have more than 20’ located along the westerly side of their existing attached garage to create additional attached garage space.
4. The Rogers have sufficient room on the southerly side of their property to construct a detached accessory structure within setback requirements.



2030 Transportation Plan Map



Draft 2040 Transportation Plan Map





LAND SURVEYORS • CIVIL ENGINEERS
LAND PLANNERS • LANDSCAPE ARCHITECTS

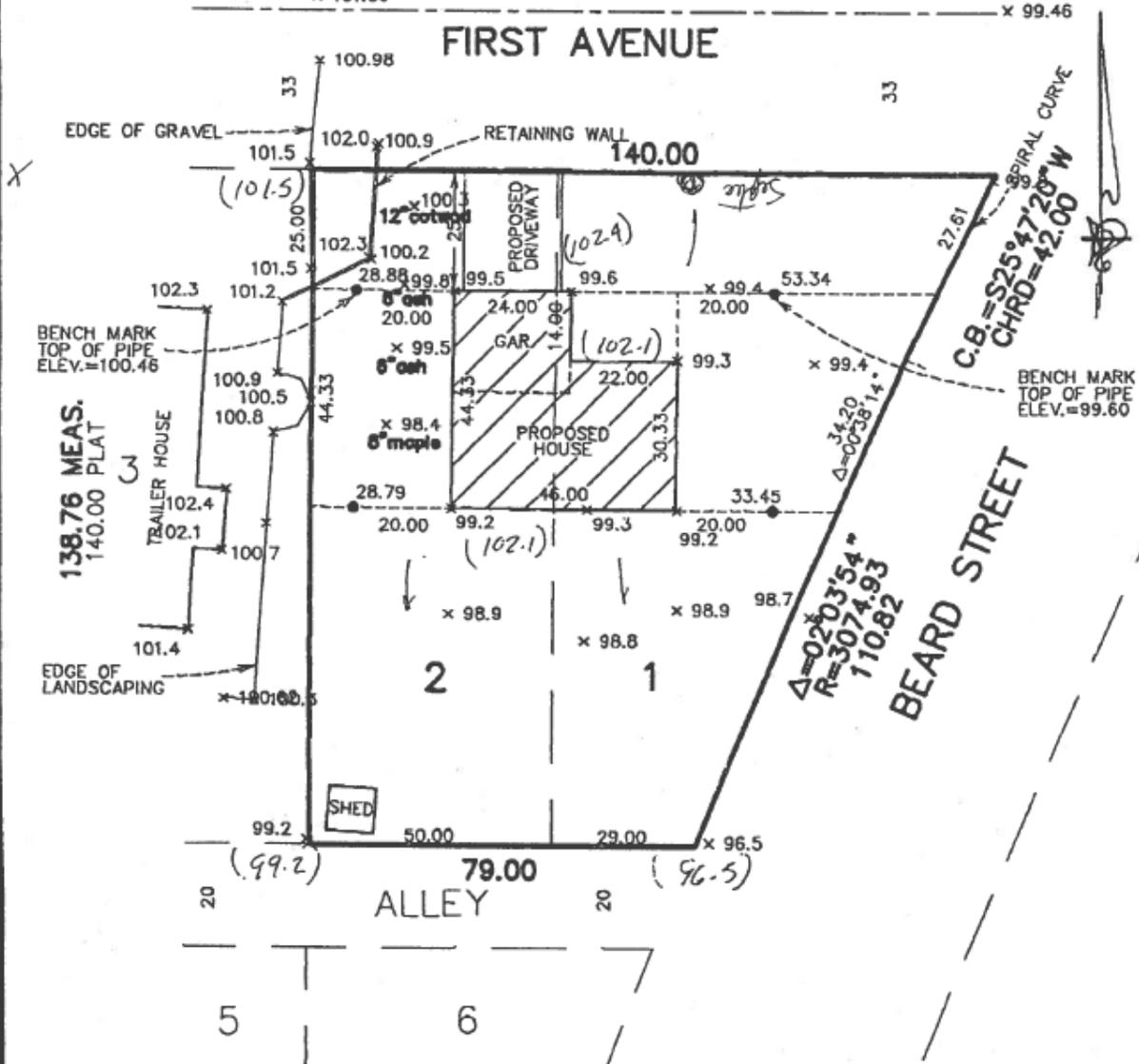
2422 Enterprise Drive
Mendota Heights, MN 55120
(612) 681-1914 FAX: 881-9488

625 Highway 10 N.E.
Blaine, MN 55434
(612) 783-1880 FAX: 783-1883

Certificate of Survey for: **KEYLAND HOMES**

3642 - II A

NOTE: CONTRACTOR TO VERIFY SEWER SERVICE ELEVATION PRIOR TO CONSTRUCTION.
x 101.80 x 100.36



NOTE: PROPOSED GRADES SHOWN PER GRADING PLAN BY:

NOTE: BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL AND VERTICAL LOCATION OF STRUCTURES ONLY. SEE ARCHITECTURAL PLANS FOR BUILDING AND FOUNDATION DIMENSIONS.

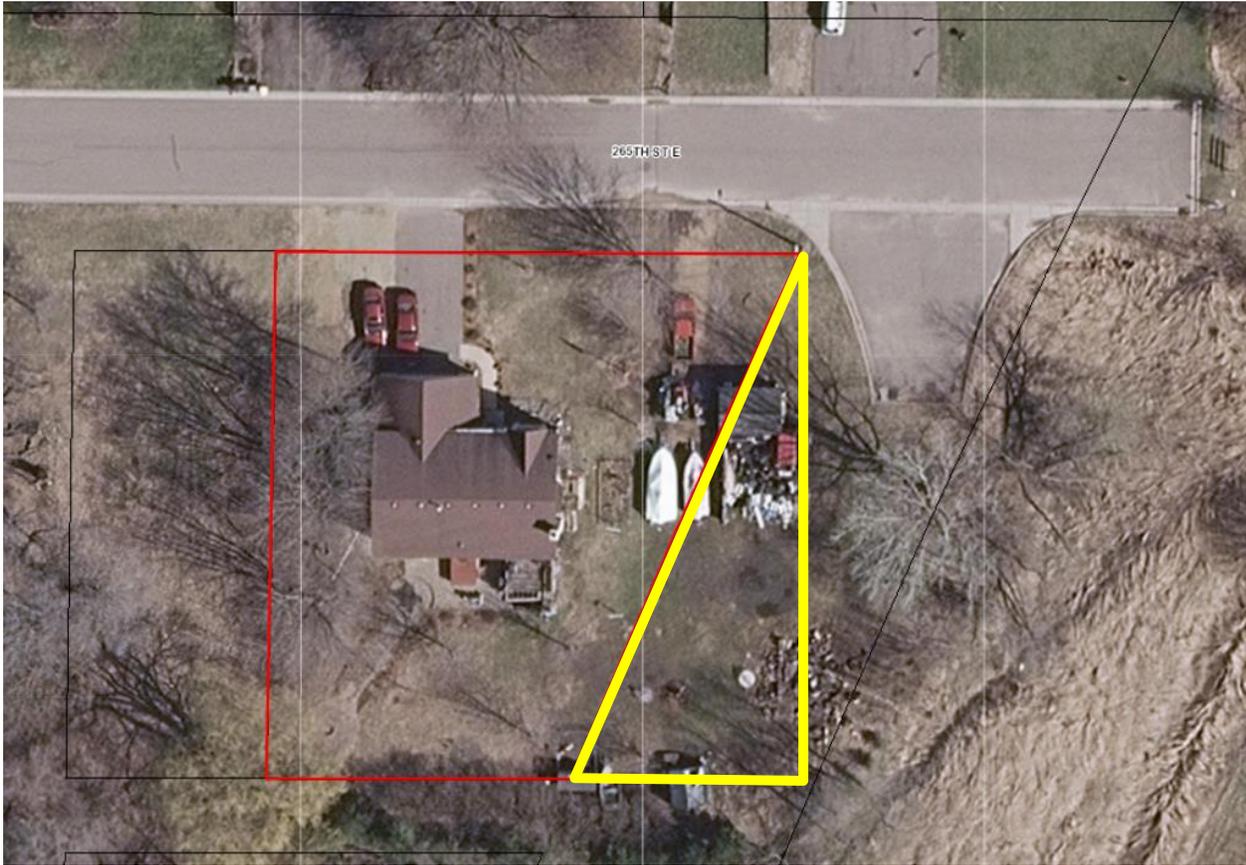
NOTE: NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY THE SURVEYOR. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC HOUSE PROPOSED IS NOT THE RESPONSIBILITY OF THE SURVEYOR.

NOTE: THIS CERTIFICATE DOES NOT PURPORT TO SHOW EASEMENTS OTHER THAN THOSE SHOWN ON THE RECORDED PLAT.

PROPOSED HOUSE ELEVATION

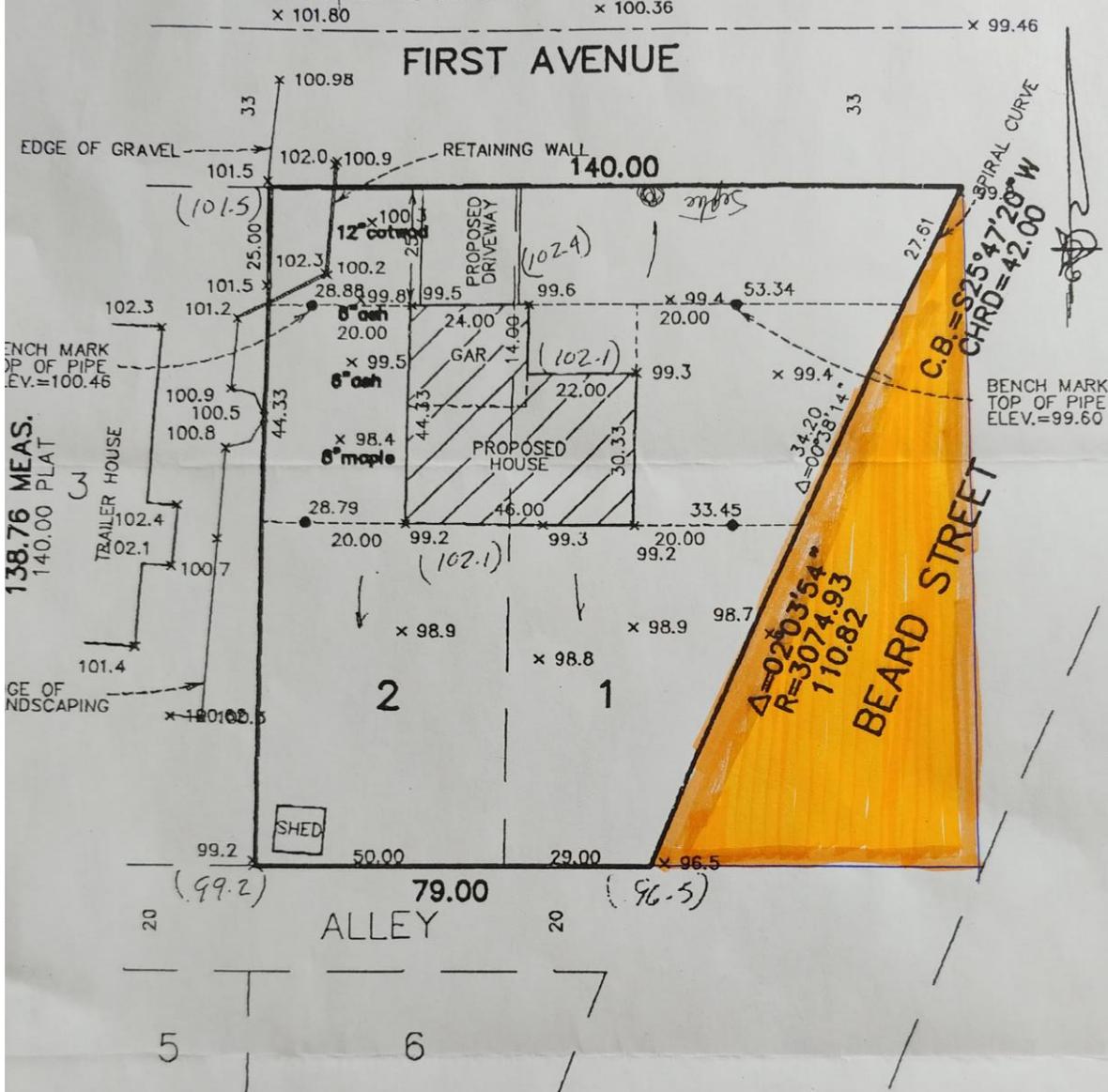
LOWEST FLOOR ELEVATION: 99.6
TOP OF BLOCK ELEVATION: 102.8
GARAGE SLAB ELEVATION: 102.9

x 000.00 DENOTES EXISTING ELEVATION
(000.00) DENOTES PROPOSED ELEVATION
DENOTES EASEMENT AND UTILITY EASEMENT





NOTE: CONTRACTOR TO VERIFY SEWER SERVICE ELEVATION PRIOR TO CONSTRUCTION.



PROPOSED GRADES SHOWN PER GRADING PLAN BY:

BUILDING DIMENSIONS SHOWN ARE FOR HORIZONTAL AND VERTICAL LOCATION OF STRUCTURES ONLY. SEE ARCHITECTURAL PLANS FOR BUILDING AND FOUNDATION DIMENSIONS.

NO SPECIFIC SOILS INVESTIGATION HAS BEEN COMPLETED ON THIS LOT BY THE SURVEYOR. THE SUITABILITY OF SOILS TO SUPPORT THE SPECIFIC HOUSE PROPOSED IS NOT THE RESPONSIBILITY OF THE SURVEYOR.

THIS CERTIFICATE DOES NOT PURPORT TO SHOW EASEMENTS OTHER THAN THOSE SHOWN ON THE RECORDED PLAT.

CONTRACTOR MUST VERIFY DRIVEWAY DESIGN.

BEARINGS SHOWN ARE BASED ON AN ASSUMED DATUM

WE HEREBY CERTIFY TO KEYLAND HOMES THAT THIS IS A TRUE AND CORRECT REPRESENTATION OF A COPY OF THE BOUNDARIES OF:

1&2, BLOCK 1, TOWNSITE OF ELKO
 1&2, BLOCK 1, TOWNSITE OF ELKO
 COUNTY, MINNESOTA

PROPOSED HOUSE ELEVATION
 LOWEST FLOOR ELEVATION: 99.6
 TOP OF BLOCK ELEVATION: 102.8
 GARAGE SLAB ELEVATION: 102.4

- x 000.00 DENOTES EXISTING ELEVATION
- (000.00) DENOTES PROPOSED ELEVATION
- DENOTES DRAINAGE AND UTILITY EASEMENT
- DENOTES DRAINAGE FLOW DIRECTION
- DENOTES MONUMENT
- DENOTES UTILITY HOLES

Mark & Lori Rogers

9711 265th St E

Elko, MN 55020

May 12th, 2020

To: City of Elko New Market Council

We would like to buy the additional land on the East side of our house to square off the property. I have attached a copy of our property from when we built our house in Nov 1996. I have shaded in the additional land we would like to purchase to square off lot 1.

I would appreciate if someone would get back to us so we could move forward on this. You can reach us at 612-875-9191.

Thank you,

Mark and Lori Rogers

Mark & Lori Rogers

9711 265th St E

Elko, MN 55020

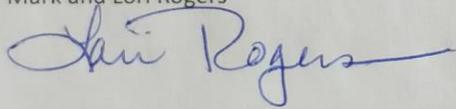
May 16th, 2020

Dear Haley:

We would like to purchase the additional land shaded on the East side of our lot to square this off so we can build an additional garage/shed. We run a small business and could use the extra garage/shed to put our equipment/material in there. I have attached a copy of the letter and plot map that I dropped off to Renee last week. Please let me know what our next step would be.

Thanks,

Mark and Lori Rogers

A handwritten signature in blue ink that reads "Mark Rogers". The signature is written in a cursive style with a long horizontal flourish extending to the right.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: HALEY SEVENING, PLANNER I
RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
RE: THE HOUSING MARKET AND HOUSING AFFORDABILITY
DATE: MAY 26, 2020

Background / History

In February of 2019, Housing First Minnesota's Housing Affordability Institute released a report titled *Priced Out: The True Cost of Minnesota's Broken Housing Market*. The report argues that local, state, and federal rules and regulations in Minnesota are increasing the cost of housing and making it less affordable for many homebuyers. The report does not suggest that the rules and regulations are inappropriate, but rather highlights the impacts that they have on Minnesota's housing market. The report prompted discussion within the City about what steps could take to make housing more affordable.

At the meeting, Staff will be presenting general information about housing. The presentation will cover key terms and definitions in the affordable housing industry, the current market in the Minneapolis-St. Paul metropolitan area, and an affordable housing "toolbox" with programs and policies that could help foster more affordable housing. Staff are seeking a recommendation from the Commission regarding what tools, if any, the Commission would be interested in pursuing further.



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
HALEY SEVENING, PLANNER
RE: TEMPORARY OUTDOOR CUSTOMER SERVICE AREAS
DATE: MAY 26, 2020

On May 13, 2020 Governor Walz signed Executive Order 20-56 which provides for Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency. The Governor directed the Commissioner of Health, Employment and Economic Development, and Labor and Industry to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning on June 1, 2020. On May 21, 2020 these state agencies published the guidance by which the phased reopening can occur. A chart/table containing their guidance is attached, and shows that restaurants and bars may reopen with outdoor dining only, with a maximum of 50 customers, beginning on June 1, 2020.

Under current City Code, establishments that want to create outdoor dining or customer service areas are required to obtain either an administrative permit or a conditional use permit, depending on the size of the outdoor area, and also comply with all applicable City codes. Based on the challenges that these establishments have had to endure over the past two months, staff is working with the City Attorney and City Council to pass a resolution that would essentially temporarily waive most typical City Code requirements regarding outdoor customer service areas.

Requested Action

No action is required by the Planning Commission regarding this item. Staff wants the Planning Commission to be aware that the City Council is considering granting temporary regulatory flexibility to allow the outdoor expansion of existing business operations without requiring zoning approvals. A resolution is being drafted for consideration by the City Council which will likely allow businesses to use adjacent and City property for customer seating, the display of products for sale, or other flexibilities to City regulations as the City Administrator determines is appropriate to reasonably allow a business to conduct its business in a manner that maximizes its operations while complying with the Governor's emergency orders, and applicable guidelines.

Attachments:

Executive Order 20-56
Stay Safe MN Guidance Document

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-56

Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. Since the World Health Organization (“WHO”) characterized the COVID-19 outbreak as a pandemic on March 11, 2020, confirmed cases of COVID-19 in Minnesota have rapidly increased. On March 15, 2020, Minnesota detected the first confirmed cases caused by “community spread”—infections not epidemiologically linked to overseas travel. By March 17, 2020, all fifty states had reported a confirmed case of COVID-19, and on March 21, 2020, the Minnesota Department of Health (“MDH”) announced the first confirmed fatality due to COVID-19 in Minnesota.

Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

The need to slow the spread of the virus required the closure of certain non-critical businesses in our economy. Consistent with national trends, over 650,000 Minnesotans have applied for unemployment insurance since March 16, 2020. In Executive Order 20-33, seeking to balance public health needs and economic considerations, I directed the Commissioners of Health, Employment and Economic Development, and Labor and Industry to begin planning to allow more Minnesota workers to return to work when it is safe to do so. I explained that such a plan must include guidelines and requirements for appropriate social distancing, hygiene, and public health best practices. Executive Order 20-38 expanded exemptions related to outdoor recreational activities and facilities. Executive Orders 20-40 and 20-48 allowed for certain non-critical businesses to reopen after they had planned for and provided a safe work environment.

In light of our increased preparedness to treat those most vulnerable to COVID-19 and mitigate these ongoing economic impacts, this Executive Order continues our plan to safely reopen our economy by allowing even more non-critical businesses to reopen, provided that they follow guidance from MDH, the Department of Employment and Economic Development (“DEED”), and the Department of Labor and Industry (“DLI”). In particular, such businesses must ensure compliance with the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 (“Minnesota OSHA Standards”), in addition to guidelines related to COVID-19 set forth by MDH and the Centers for Disease Control and Prevention (“MDH and CDC Guidelines”).

Despite the progress we have made since declaring the COVID-19 peacetime emergency, certain establishments—including those in which people gather and linger, those with communal facilities, and those in which close physical contact is expected—continue to pose a public health risk. We must continue to carefully consider and prepare for the reopening of such businesses.

Likewise, certain non-work activities outside of the home are conducive to social distancing and hygiene, while others raise significant public health risks. Large social and other gatherings of people for extended time periods raise the risk of COVID-19 transmission from household to household. The risks of such transmission are diminished in transitory settings, such as retail establishments, where individual interactions and contact are more limited in duration.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers “in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state.” Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state’s emergency management as well as carry out the provisions of Minnesota’s Emergency Management Act.

Minnesota Statutes 2019, section 12.21, subdivision 3(7), authorizes the Governor to cooperate with federal and state agencies in “matters pertaining to the emergency management of the state and nation.” This includes “the direction or control of . . . the conduct of persons in the state, including entrance or exit from any stricken or threatened public place, occupancy of facilities, and . . . public meetings or gatherings.” Pursuant to subdivision 3 of that same section, the Governor may “make, amend, and rescind the necessary orders and rules to carry out the provisions” of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency

For these reasons, I order as follows:

1. Executive Order 20-48 is rescinded as of Sunday, May 17, 2020 at 11:59 pm.
2. Paragraphs 6 through 8 of this Executive Order are effective as of Sunday, May 17, 2020 at 11:59 pm and remain in effect through Sunday, May 31, 2020 at 11:59 pm.
3. **Masks and face coverings strongly encouraged.** I strongly encourage all Minnesotans to wear a manufactured or homemade cloth face covering when they

leave their homes and travel to any public setting where social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) and to follow face covering guidelines issued by MDH and the CDC until this Executive Order is rescinded. Such face masks and coverings are for source control (to help limit the person wearing the covering from infecting others). They are not yet known to be protective of the wearer and therefore are not personal protective equipment.

4. **At-risk persons.** All persons currently living within the State of Minnesota who are at risk of severe illness from COVID-19, as defined by Executive Order 20-55, are strongly urged to stay at home or in their place of residence and follow the provisions of Executive Order 20-55.

5. **Definitions.**

- a. “Home” and “homes” and “residence” and “residences” are broadly defined to include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.
- b. “Worker” and “workers” are broadly defined to include owners, proprietors, employees, contractors, vendors, volunteers, and interns.
- c. “Business” and “businesses” are broadly defined to include entities that employ or engage workers, including private-sector entities, public-sector entities, non-profit entities, and state, county, and local governments.
- d. “Critical Businesses” are all businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48.
- e. “Non-Critical Businesses” are all businesses that are not Critical Businesses and are not closed under Executive Orders 20-04, as amended by Executive Orders 20-08 and 20-18.

6. **Activities outside of the home.** Mindful that we must continue to limit social interactions to protect public health, individuals may leave their homes for activities, subject to the requirements and guidelines set forth below. These requirements may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans. Clarifications will be available for public review at the State’s COVID-19 website (<https://mn.gov/covid19/>).

- a. **Guidelines.** Individuals engaging in activities outside of the home must follow the requirements of this Executive Order and MDH and CDC Guidelines. Individuals engaging in outdoor activities must follow the Minnesota Department of Natural Resources (“DNR”) and MDH guidelines on outdoor recreation and guidelines for facilities and the public (“Outdoor Recreation Guidelines”) available at DNR’s website (<https://www.dnr.state.mn.us/covid-19.html>).

- b. **Unnecessary travel strongly discouraged.** Consistent with federal guidance and to protect our neighbors, Minnesotans are encouraged to stay close to home and are strongly discouraged from engaging in unnecessary travel.
- c. **Gatherings.** All gatherings of more than 10 people are prohibited. Gatherings are groups of individuals, who are not members of the same household, congregated together for a common or coordinated social, civic, community, faith-based, leisure, or recreational purpose—even if social distancing can be maintained. This prohibition includes planned and spontaneous gatherings, public and private gatherings, and indoor and outdoor gatherings. Examples of prohibited gatherings include, but are not limited to, social, civic, community, faith-based, or leisure events, sporting or athletic events, performances, concerts, conventions, fundraisers, parades, fairs, and festivals that bring together more than 10 people from more than one household. Prohibited gatherings do not include commercial activity by workers and customers of Critical and Non-Critical Businesses.
 - i. **Legislative and other governmental meetings.** The limits on gatherings in this Executive Order do not apply to legislative and other governmental meetings. Remote meetings are strongly encouraged whenever possible.
 - ii. **The Judicial Branch.** The limits on gatherings in this Executive Order do not apply to proceedings held by the Minnesota Judicial Branch. Proceedings held by the Judicial Branch are subject to the policies established by the chief justice and will occur as directed by court order. Individuals may appear as directed by a Minnesota state court, including to serve as a juror, appear as a party, as a witness, or as legal counsel on behalf of a party, or otherwise to comply as directed by a court order, subpoena, or summons.
 - iii. **Federal activities.** Nothing in this Executive Order will be construed to limit, prohibit, or restrict in any way the operations of the federal government or the movement of federal officials in Minnesota while acting in their official capacity, including federal judicial, legislative, and executive staff and personnel.
 - iv. **Drive-in gatherings.** To enable safe congregation of more than 10 people, drive-in gatherings are permitted, provided that all participants remain within their own vehicles and follow guidelines provided by MDH and available at MDH’s website (<https://www.health.state.mn.us/diseases/coronavirus/>).

d. **Tribal Activities and Lands.**

- i. Activities by tribal members within the boundaries of their tribal reservations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- ii. Activities within the boundaries of federal land held in trust for one of the 11 Minnesota Tribal Nations are exempt from the restrictions in this Executive Order but may be subject to restrictions by tribal authorities.
- iii. Activities by tribal members to exercise their federal treaty rights within the boundaries of their treaty territory (also known as “ceded territory”) are exempt from the restrictions in this Executive Order but may be subject to restrictions by applicable tribal authorities.
- iv. Tribal members may travel to and from their tribal reservations in accordance with applicable tribal law.

7. **Workers and businesses.** Workers and businesses are subject to the requirements set forth below.

- a. **Extension of temporary closure of bars, restaurants, and other places of public accommodation.** The closure of bars, restaurants, and other public accommodations set forth in Executive Order 20-04, as amended by Executive Orders 20-08 and 20-18, is extended until May 31, 2020 at 11:59 pm. Barbershops and salons may continue to conduct retail product sales in accordance with the requirements for Non-Critical Businesses set forth below.
- b. **Plan to reopen bars, restaurants, and other places of public accommodation.** The Commissioners of Health, Employment and Economic Development, and Labor and Industry are directed to develop a phased plan to achieve the limited and safe reopening of bars, restaurants, and other places of public accommodation beginning on June 1, 2020. This plan will be ready for presentation to the public no later than May 20, 2020.
- c. **Continue to work from home whenever possible.** Any worker who can work from home must do so.
- d. **Critical Businesses.** Businesses whose workers qualified for a Critical Sector exemption under paragraph 6 of Executive Order 20-48 may continue to operate in the same manner as provided in Executive Order 20-48.
 - i. **Child care businesses and youth programming.** Child care providers and other businesses providing care and programming to children and youth of Critical Businesses, including workers in child care centers, family child care, certified centers, youth summer programming (including day camps but not overnight camps), and

other activities and facilities, are Critical Businesses. These businesses are encouraged to prioritize enrollment for workers in Critical Businesses according to guidance provided by the Children’s Cabinet and other agencies. This category continues to include workers in a personal home, such as family, friend, and neighbor care necessary for workers to continue to perform their duties. These settings must adhere to MDH and CDC Guidelines.

- e. **Non-Critical Businesses.** If it has not done so already, a Non-Critical Business choosing to open or remain open must establish and implement a COVID-19 Preparedness Plan (“Plan”). Each Plan must provide for the business’s implementation of Minnesota OSHA Standards and MDH and CDC Guidelines in their workplaces. These requirements are set forth in guidance published by DEED and DLI (“Plan Guidance”) available on DEED’s website (<https://mn.gov/deed/safework/>).

 - i. **Required Plan content.** As set forth in the Plan Guidance, at a minimum, each Plan must adequately address the following areas:
 - A. **Require work from home whenever possible.** All Plans must ensure that all workers who can work from home continue to do so.
 - B. **Ensure that sick workers stay home.** All Plans must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
 - C. **Social distancing.** All Plans must establish social distancing policies and procedures.
 - D. **Worker hygiene and source control.** All Plans must establish hygiene and source control policies for workers.
 - E. **Cleaning, disinfection, and ventilation protocols.** All Plans must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.
 - ii. **Customer facing businesses.** All Non-Critical Businesses that are customer facing (*i.e.*, businesses that have in-person customer interactions) must include additional Plan provisions to keep the public and workers safe as set forth in the Plan Guidance available on DEED’s website (<https://mn.gov/deed/safework/>). This includes requirements that workers and customers must maintain physical distancing of 6 feet and that store occupancy must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal. In customer facing businesses that share common areas, such as malls, all Plans must similarly include a facility occupancy that

must not exceed 50 percent of the normal occupant capacity as determined by the fire marshal and provide an enhanced sanitizing, cleaning, and disinfecting regimen consistent with Minnesota OSHA Standards and MDH and CDC Guidelines for those common areas. All Plans must also include signage in common areas to discourage gathering.

- iii. **Household services businesses.** All Non-Critical Businesses that provide household services (*e.g.*, housecleaning, maid services, and piano tuners) must also develop Plan provisions intended to keep customers and workers safe as set forth in the Plan Guidance available on DEED’s website (<https://mn.gov/deed/safework/>).
- iv. **Optional template.** A template COVID-19 Preparedness Plan, which covers the above requirements, is available as part of the Plan Guidance, available on DEED’s website (<https://mn.gov/deed/safework/>).
- v. **Certification and signature.** Senior management responsible for implementing the Plan must sign and certify the Plan, affirming their commitment to implement and follow the Plan.
- vi. **Dissemination and posting.** Each Non-Critical Business must provide its Plan, in writing, to all workers, and the Plan must be posted at all of the business’s workplaces in locations that will allow for the Plan to be readily reviewed by all workers. Where physical posting is impracticable, the Plan can be posted electronically, provided that the Plan is received by all workers and remains available for their review.
- vii. **Training.** Each Non-Critical Business must ensure that training is provided to workers on the contents of its Plan and required procedures, so that all workers understand and are able to perform the precautions necessary to protect themselves and their co-workers. This training should be easy to understand and available in the appropriate language and literacy level for all workers. Businesses should also take steps to supervise workers and ensure that workers understand and adhere to necessary precautions to prevent COVID-19 transmission. Documentation demonstrating compliance with this training requirement must be maintained and made available to regulatory authorities and public safety officers, including DLI, upon request.
- viii. **Compliance.** Employees and management must work together to ensure compliance with the Plan, implement all protocols, policies, and procedures, and create a safe and healthy work environment.
- ix. **Availability to regulatory authorities and public safety officers.** Non-Critical Businesses do not need to submit their Plans for

preapproval. Upon request, Non-Critical Businesses must make their Plans available to regulatory authorities and public safety officers, including DLI.

x. In the event of a complaint or dispute related to a Non-Critical Business's Plan, DLI is authorized to determine whether the Plan adequately implements Minnesota OSHA Standards and MDH and CDC Guidelines in its workplaces.

f. Executive Order 20-54 remains in full force and effect. All work must be conducted in a manner that adheres to Minnesota OSHA Standards and MDH and CDC Guidelines, including social distancing and hygiene practices. Under existing law and authority, DLI may issue citations, civil penalties, or closure orders to places of employment with unsafe or unhealthy conditions, and DLI may penalize businesses that retaliate against employees who raise safety and health concerns.

8. **Outdoor recreational activities and associated facilities.** Notwithstanding Executive Orders 20-04, 20-08, and 20-18, the below facilities are permitted to be open and do business, provided that they adhere to paragraph 6 of this Executive Order and the Outdoor Recreation Guidelines available at DNR's website (<https://www.dnr.state.mn.us/covid-19.html>). This permission **does not extend to** charter boats, launches, or facilities that involve prohibited gatherings or people in groups or close proximity (*e.g.*, mini golf, pools, commercial outdoor racetracks, and concert venues). **Indoor facilities** associated with outdoor recreational facilities covered by Executive Orders 20-04, 20-08, and 20-18, must comply with those Executive Orders, and all indoor facilities associated with outdoor recreational facilities must also conform with the provisions of paragraph 7 of this Executive Order. I encourage public outdoor recreational facilities be open for families and children, and direct all individuals utilizing such facilities to follow the Outdoor Recreation Guidelines. All outdoor recreational activities and facilities must comply with Minnesota law, including but not limited to license and permit requirements, invasive species regulations, and park rules.

- a. Minnesota State Parks, Trails, State Forests, State Recreation Areas, Wildlife Management Areas, Scientific and Natural Areas, and other State managed recreational lands.
- b. Locally, regionally, and privately managed parks and trails.
- c. State, regional, or local public water accesses.
- d. Public and private marinas and docks that provide storage, docking, and mooring services to slip owners, seasonal renters, and the general public, as well as facilities that provide safety-related services including fueling, emergency dockage, and sanitary pump-out stations.

- e. Public and private golf courses and outdoor driving ranges.
 - f. Ski areas.
 - g. Off-highway vehicles, snowmobiles, and watercraft repair shops, sales facilities, and showrooms.
 - h. Lake service providers to install, repair, and remove docks, boatlifts, and other water related equipment or deliver boats.
 - i. Bait and tackle shops.
 - j. Outdoor shooting ranges and game farms.
 - k. Outdoor recreational equipment rental outlets. Equipment may be rented but only if the equipment can be effectively sanitized between uses. Such outlets must implement clear check-in and check-out procedures that minimize contact between customers and workers. Any rentals must be conducted in accordance with the Outdoor Recreation Guidelines.
 - l. Dispersed and remote camping sites for single household use. A dispersed campsite is a single campsite, not in a developed campground, used for overnight camping. A remote campsite is a designated backpack or watercraft campsite, not in a developed campground, used for overnight camping. Both private and public developed campgrounds remain closed to recreational camping.
 - m. Outdoor tournaments, competitions, practices, and sports that allow for social distance, do not require group gatherings prohibited by paragraph 6.c, and that adhere to the Outdoor Recreation Guidelines.
 - n. Small one-on-one or one-on-two person guided and instructional activities such as guided fishing, birding, or outdoor fitness training. Guided and instructional activities must be conducted in accordance with the Outdoor Recreation Guidelines.
 - o. Any other outdoor recreation activities and facilities that may be designated in the Outdoor Recreation Guidelines.
9. Minnesotans must respect the efforts of employers or businesses to protect the safety of their workers and customers by complying with those businesses' social distancing and hygiene instructions. Employers must post social distancing and hygiene instructions at entrances and in locations that can be easily seen by customers and visitors.
10. I urge all Minnesotans to voluntarily comply with this Executive Order. Pursuant to Minnesota Statutes 2019, section 12.45, an individual who willfully violates this Executive Order is guilty of a misdemeanor and upon conviction must be punished by

a fine not to exceed \$1,000 or by imprisonment for not more than 90 days. Any business owner, manager, or supervisor who requires or encourages any of their employees, contractors, vendors, volunteers, or interns to violate this Executive Order is guilty of a gross misdemeanor and upon conviction must be punished by a fine not to exceed \$3,000 or by imprisonment for not more than a year. In addition to those criminal penalties, the Attorney General, as well as city and county attorneys, may seek any civil relief available pursuant to Minnesota Statutes 2019, section 8.31, for violations of this Executive Order, including civil penalties up to \$25,000 per occurrence from businesses and injunctive relief. Nothing in this Executive Order is intended to encourage or allow law enforcement to transgress individual constitutional rights.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 13, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on May 13, 2020:



Alice Roberts-Davis
Secretary, Executive Council

Filed May 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon

RESOLUTION

RESOLVED, by the Executive Council of the State of Minnesota, at its emergency meeting on May 13, 2020, that it approves Emergency Executive Order 20-56 pursuant to Minnesota Statutes 12.31 and 12.32.

Safely Reopening Minnesota's Economy and Ensuring Safe Non-Work Activities during the COVID-19 Peacetime Emergency.

Approved by Executive Council

DATE: May 13, 2020

BY: *A Roberts Davis*

Filed May 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon

STAY SAFE MN

Setting	Stay Home MN March 26 – May 17	Stay Safe MN Phase I May 18 – June 1	Stay Safe MN Phase II Beginning June 1	Stay Safe MN Phase III	Stay Safe MN Phase IV
Social Settings	Stay at home except for essential activities	Gatherings of 10 or less Drive-in gatherings per MDH guidelines	Gatherings of 10 or less Drive-in gatherings per MDH guidelines	Gatherings of 20 or less Drive-in gatherings per MDH guidelines	TBD
Critical Businesses	Open (must telework if you can)	Open (must telework if you can)	Open (must telework if you can)	Open (must telework if you can)	Open (must telework if you can)
Non-critical Businesses (non-customer facing)	Open (must telework if you can, must have COVID-19 preparedness plan)	Open (must telework if you can, must have COVID-19 preparedness plan)	Open (must telework if you can, must have COVID-19 preparedness plan)	Open (must telework if you can, must have COVID-19 preparedness plan)	Open (must telework if you can, must have COVID-19 preparedness plan)
Retail	Curbside pickup	Open (50% capacity, must have COVID-19 preparedness plan)	Open (50% capacity, must have COVID-19 preparedness plan)	+ increased capacity	+ increased capacity
Restaurants and Bars	Delivery and Take Out Only	Delivery and Take Out Only	Outdoor dining Capacity: 6 ft of distance must be maintained, not to exceed 50 customers Reservations: Required Masks: Required for workers, strongly recommended for customers	+ indoor dining	+ increased capacity
Personal services (salons, tattoos, barbershops)	Closed	Closed	Capacity: 6 ft of distance (max 25%) Appointments: Required Masks: Required for workers and customers	+ increased capacity	+ increased capacity
Gyms, personal fitness and yoga studios, martial arts	Closed	Closed	Closed	Potential for phased opening with capacity restrictions and social distancing requirements	+ increased capacity
Entertainment (bowling alleys, movie theaters, arcades, theaters)	Closed	Closed	Closed	Closed	Potential for phased opening with capacity restrictions and social distancing requirements
Outdoor entertainment (movies in the park, concerts, etc.)	Closed	Drive-in events per MDH Guidelines	Drive-in events per MDH Guidelines	Potential for phased opening with capacity restrictions and social distancing requirements	+ increased capacity
School Buildings	Closed, except for school-age care for critical sector workers	Closed, except for school-age care for critical sector workers	Open with hybrid model for summer learning per CDC and MDH guidance	Open with hybrid model for summer learning per CDC and MDH guidance	+ increased capacity
Child Care	Open per CDC guidance, prioritizing workers in critical sectors	Open per CDC and MDH guidance	Open per CDC and MDH guidance	Open per CDC and MDH guidance	Open per CDC and MDH guidance
Youth Programming	Open for workers in critical sectors	Open per MDH guidance	Open per MDH guidance	Open with guidance	Open with guidance
Organized Youth Sports	Closed	Closed	Open per MDH guidance (no games)	Open with guidance	Open with guidance
Outdoor Recreation Activities and Facilities	Open per DNR's Outdoor Recreation Guidelines	Open per DNR's Outdoor Recreation Guidelines	Open per DNR's Outdoor Recreation Guidelines	Open per DNR's Outdoor Recreation Guidelines	Open per DNR's Outdoor Recreation Guidelines
Places of Worship, religious services, weddings, and funerals	Gatherings of 10 or less for funerals and weddings	Indoors: 10 or less Outdoors: 10 or less, or drive-in services per MDH guidelines	Indoors: 10 or less Outdoors: 10 or less, or drive-in services per MDH guidelines	Indoors: 20 or less Outdoors: 6 ft of distance, max of 100, must follow MDH guidance Masks: Required for workers and attendees	+ increased capacity
Campgrounds and charter boats	Closed	Closed except remote sites	Open with guidance	Open with guidance	Open with guidance
Large public gatherings (festivals, sporting events, large concerts)	Closed	Closed	Closed	Closed	Closed
Pools	Closed	Closed	Closed	Potential for phased opening with capacity restrictions and social distancing requirements	+ increased capacity



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
 HALEY SEVENING, PLANNER I
RE: UPDATE ON CSAH 2 & CSAH 91 ROUNDABOUT PROJECT COSTS
DATE: MAY 26, 2020

At the April, 2020 Planning Commission meeting staff advised the Commission that Scott County has awarded the contract for construction of the CSAH 2 & 91 roundabout project to Ryan Contracting of Elko New Market. The Planning Commission requested additional information regarding the estimated cost of the roundabout and how the cost would be paid. Below is a table outlining the overall project costs totaling \$3,057,961.90. Approximately \$1.05 million of this amount will be paid by the City of Elko New Market. The City portion does include some additional items outside of the scope of the roundabout itself. The City Council elected to include a multi-use bituminous trail and the south side of CSAH 2 and the east side of CSAH 91 which added approximately \$300,000 to the project cost. The City Council also elected to include decorative lighting, from the roundabout to and through the downtown area, which added approximately \$320,000 to the project costs.

Roundabout Estimated Cost Breakdown 3/5/20	Amount
Ryan Contracting Bid Price	\$2,087,309.50
5% Construction Contingency	\$104,365.48
Roundabout, Corridor, & Downtown Lighting (Xcel Contract Amount)	\$319,523.00
Engineering (concept, prelim, final design - contract prices)	\$295,126.00
Additional Engineering Fees	\$36,300.00
3% Administrative Fee to County	\$62,619.29
Right-of-Way - Total (3 parcels)	\$132,651.50
Right-of-Way Agent Services & Appraisals	\$16,055.34
Legal for easement prep - CK	\$4,011.80
Total Estimated Project Costs	\$3,057,961.90
Project Credits	
HSIP Federal Grant	-\$1,792,800.00
County Trail Contribution	-\$178,000.00
County Seal Coat Contribution	-\$38,497.00
Total Estimated City Cost as of 3/5/20	\$1,048,664.90



Roundabout Layout



Proposed Trails (shown in red) To Be Included with Roundabout Project



Proposed Lighting To Be Included With Roundabout Project



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: MAY 22, 2020

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 – There are a few items left to complete in this residential subdivision including landscaping, street signs, and installing a second/final layer of pavement. The development is eligible for two building permits at this time. The City has issued a building permit for one home in the development.

Boulder Heights – Streets have now been paved in this 53 lot residential subdivision. Natural gas and electric installation are in progress. An additional part needed to be ordered to complete the final installation of the sanitary sewer lift station. The developer is working with two potential contractors to complete paving of 275th Street between CSAH 91 and Oxford Lane. The City is hopeful that the development will be ready for building permits in the spring of 2020.

Dakota Acres 2nd Addition / Global Properties – The City Council approved the plat of Dakota Acres 2nd Addition containing one 3.1 acre lot, and a 68-unit apartment development is currently planned on this lot. The first phase would consist of one 28-unit building and the second phase would contain one 40-unit building. The property is zoned High Density Residential and apartments are a permitted use. The plat has not yet been filed with the County Recorder's Office but the developer indicates they still plan to move forward with an apartment project in the summer of fall of 2020.

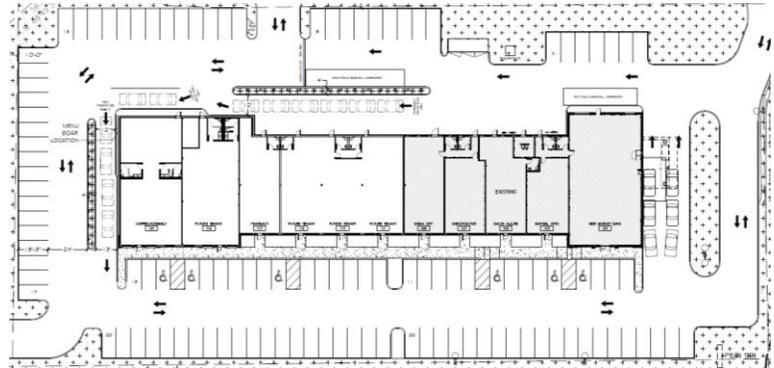
Dakota Acres 1st Addition / Syndicated Properties – This plat, which contains 28 attached townhome units, has been recorded with Scott County. One 4-unit townhome building is under construction and nearing completion. A private street is being constructed within the development. All water and sanitary sewer infrastructure has been installed. The contractor is finishing construction of the private street and some stormsewer. Additional townhome units are planned for the summer of 2020, beginning with construction of a 7-unit building.

Adelmann Property – City staff has been working with the Adelmann family and their consultants in the preparation of an AUAR (environmental study) for their 242.5 acres located on the west side of the I-35 / CSAH 2 interchange. As part of the AUAR and preparation for development, several studies have been completed, including a wetland delineation, traffic impact study, tree inventory, Phase I ESA, and geotechnical work. An open house regarding the AUAR was held on February 26th, 2020. Public comment

regarding the AUAR closed on March 4th, 2020. Consultants and city staff are currently preparing responses to the comments received during the comment period. Final adoption of the AUAR is expected after the adoption of the 2040 Comprehensive Plan.

Elko New Market Commerce Center –

Construction is underway on Phase II of the Elko New Market Commerce Center. The building permit has been issued on the “shell” building, and also permits for the interior finishes of three units including a chiropractic office, a martial arts studio and a pharmacy. Two new tenants are currently planning to locate in the first phase of the building, including a real estate office and a smoothie/nutrition shop. The shell building completion is expected in June of 2020.



Degross Property – City staff has had contact with a developer regarding possible development of the Degross property located between France & Xerxes Avenues, on the south side of CSAH 2. A wetland delineation has been completed and the City has approved the wetland boundaries for the site. The developer has indicated that they are preparing concept plans for the property and working through some title issues. The City has not received any concept plans for review.



Ridgeview Estates – The Planning Commission has reviewed and recommended approval of a request for rezoning and preliminary plat approval of Ridgeview Estates, containing 29 residential lots. The application is scheduled for review by the City Council on May 28, 2020.



Pete’s Hill – Construction continues on this 45 lot residential development. Installation of street curbing is currently planned for June 1st, with paving of the streets to follow within the next several weeks. Lots are expected to be available for construction in the spring/summer of 2020.

Business Leads – Community Development staff are working on the following business leads (no official development applications have been received.)

- Kwik Trip - City staff is currently working with Kwik Trip to review a preliminary site plan for a potential development at the southwest corner of CSAH 2 and France Avenue. A Development Review Team meeting was held on March 27th to review the project. Revised concept plans have been submitted since that meeting and are currently under review by City staff. If the project proceeds, Kwik Trip has indicated construction would begin in 2021.

Building Permits – The City issued no building permits for new housing units in April, 2020.

Ordinance Updates –

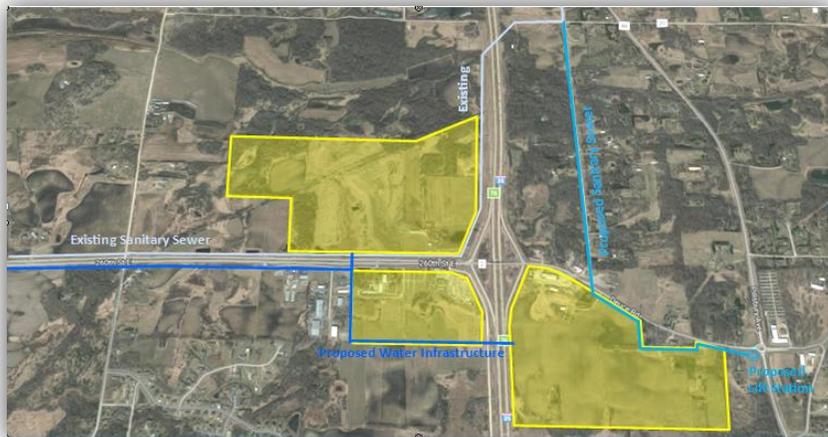
- Flexibility to Local Businesses – Staff is currently working with the City Council to allow flexibility to local businesses that want to provide for temporary outdoor customer service areas. Based on Emergency Executive Order 20-56 certain businesses including bars and restaurants are allowed to reopen with outdoor customer areas, not to exceed 50 customers. The proposed temporary flexibility would waive typical City requirements for such areas. The City Council is expected to take formal action on the matter prior to June 1st.

2040 Comprehensive Plan – City staff has been working on the draft 2040 Comprehensive Plan. The City Council authorized the draft Plan be distributed for review by adjacent jurisdictions on January 9th, 2020. A community open house which had been planned for early April has been delayed due to COVID-19. Adjacent jurisdictions have until July 8th to submit comments to the City. Adoption of the final plan is anticipated in 2020.



Infrastructure Extension to I35/CSAH 2 Interchange Area

City staff continues to work with Scott County and the Scott County CDA regarding possible extension of municipal utilities to the interchange area. A technical committee has been formed to continue to evaluate the feasibility of the project. If constructed, the utility extensions would open up property that is guided to commercial/industrial development.



Roundabout Project – Scott County authorized construction of a roundabout at the intersection of CSAH 2 & 91, and awarded construction of the project to Ryan Contracting. Construction has begun, and the intersection is scheduled to be fully closed to traffic beginning on approximately June 15th. Scott County received a \$1.8 million safety grant to construct the roundabout.



Active Projects and/or Discussion
 May 22, 2020

Dakota Acres 1st Addition:
 28 townhome units.
 Under construction.

Dakota Acres 2nd Addn:
 68-unit apartment development.
 Approved by City.

Addition to existing
 Elko New Market Retail Center
 Under construction, nearing completion.

Ridgeview Estates:
 29 residential lots.
 Application for rezoning and
 preliminary plat approval received.
 Approval recommendation by Planning Commission
 Pending City Council review.

Christmas Pines:
 Residential subdivision containing
 20 detached townhome units.
 Construction mostly complete.

Proposed Roundabout:
 Construction proposed in 2020.
 Design complete; project to be bid
 in February/March 2020.

Degross Property:
 Wetland application approved.
 In preliminary discussions with developer.

Adelmann Property:
 Environmental study in process.

Kwik Trip:
 In discussions with City
 regarding development of site.

Pete's Hill:
 Residential subdivision containing
 45 residential lots.
 Under construction.

Boulder Heights:
 Residential subdivision containing
 53 single family residential lots.
 Under construction.

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