

**CITY OF ELKO NEW MARKET  
CITY COUNCIL AGENDA  
ELKO NEW MARKET CITY HALL  
601 MAIN STREET  
ELKO NEW MARKET, MINNESOTA 55054  
THURSDAY, FEBRUARY 13, 2020**

**BUSINESS MEETING  
6:00 PM**

**REVISED AGENDA**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Adopt/Approve Agenda**

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

- a. Donation of Fire Relief

**5. Public Comment**

*Individuals may address the Council about any item not contained on the regular agenda. The Council may limit the time allotted to each individual speaker. A maximum of 15 minutes will be allotted for Public Comment. If the full 15 minutes are not needed for Public Comment, the City Council will continue with the agenda. The City Council will not normally take any official action on items discussed during Public Comment, with the exception of referral to staff or commission for future report.*

**6. Consent Agenda**

*All matters listed under consent agenda are considered routine by the City Council and will be acted on by one motion in the order listed below. There may be an explanation, but no separate discussion on these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.*

- a. Approve January 23, 2020 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 20-10 Extension of Plat Approval – Dakota Acres 2<sup>nd</sup> Addn.
- d. Adopt Resolution 20-11 Approving a One Day Temporary On-Sale Liquor License for St. Nicholas Catholic Church
- e. Adopt Resolution 20-12 Approving a Gambling Permit for St. Nicholas Catholic Church
- f. Adopt Resolution 20-13 Approving a One Day Off-Site Gambling Permit for N.E.W. Lions
- g. Approve Change Order To Professional Service Agreement with Braun Intertec Corporation for Soil Borings for Police Department Addition
- h. Adopt Resolution 20-14 Relating To Financing Of Certain Proposed Projects To Be Undertaken By The City Of Elko New Market; Establishing Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code

**7. Public Hearings**

## **8. General Business**

- a. Recreational Vehicle & Garbage/Refuse Ordinance Amendment
  - i. Ordinance No. 208 Amending Sections 11-4-3, 11-2-2, 11-8-8 & 11-9-8 of the City Code
  - ii. Ordinance No. 209 Summary Ordinance
- b. Motor Vehicle Parking Ordinance Amendment
  - i. Ordinance No. 210 Amending Section 7-2-3 of the City Code related to on-street motor vehicle parking prohibitions

## **9. Reports**

- a. Administration
  - i. Draft 2019-2023 Street Reconstruction and Capital Improvement Plan
- b. Public Works
  - i. Monthly Report - January 2020
- c. Police Department
  - i. Monthly Report – January 2020
  - ii. Traffic Mitigation Plan for Roundabout Project
- d. Fire Department
- e. Engineering
- f. Community Development
  - i. Draft Economic Development Authority Minutes of the January 23, 2020 Meeting
  - ii. Draft Planning Commission Minutes of the January 22, 2020 Meeting
- g. Parks Department
  - i. Monthly Parks & Recreation Update – January 2020
- h. Community & Civic Events Committee (CCEC)
  - i. Draft Community & Civic Events Committee Minutes of the January 21, 2020 Meeting
- i. Other Committee and Board Reports
  - i. Scott County Association for Leadership and Efficiency (SCALE)
    - Executive Committee
    - Service Delivery Committee
    - Unified Transit Plan Steering Committee
  - ii. Minnesota Valley Transit Authority (MVTA)
  - iii. I35 Solutions Alliance
  - iv. Chamber of Commerce

## **10. Discussion by Council**

## **11. Adjournment**

**1) CALL TO ORDER**

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

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

Members Absent: Councilmember Timmerman

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

**2) PLEDGE OF ALLEGIANCE**

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

**3) ADOPT/APPROVE AGENDA**

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

**APIF, MOTION CARRIED**

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

None.

**5) PUBLIC COMMENT**

Scott County Commissioner Tom Wolf updated the City Council on County projects/events including:

- Commissioner Wolf had been hearing some concerns with Highway 2 and Xerxes Avenue; Commissioner Wolf will have County Engineer look into that intersection.
- On February 4, 2020 Scott County will be hosting Health and Human Services from the State to talk about the Refugee Program.
- Scott County, CDA and City of Elko New Market will hold a meeting on Monday, January 27, 2020 to discuss the extension of water and sewer utilities to I-35 interchange area in Elko New Market.

Bryce Schuenke from the Elko New Market, Chamber of Commerce updated the City Council on Chamber Events including:

- Elected new Board Members.
- Fee changes.
- Partnering with Lakeville Chamber of Commerce.
- Scholarship Committee.
- Goals for the year include:
  - Provide more value to businesses and new ambassadors be more effective.
  - Events – new staff to help coordinate events.
  - Golf Tournament
  - Ladies night out in April; may see some changes.

Jon Olson, candidate for Minnesota Senate District 20 introduced himself to the City Council and gave a brief background on himself.

**6) CONSENT AGENDA**

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

- a) Approve January 9, 2020 Minutes of the City Council Meeting
  - b) Approve January 10, 2019 Minutes of the City Council Work Session
  - c) Approve February 28, 2019 Minutes of the City Council Work Session
  - d) Approve April 25, 2019 Minutes of the City Council Work Session
  - e) Approve July 11, 2019 Minutes of the City Council Work Session
  - f) Approve August 22, 2019 Minutes of the City Council Work Session
  - g) Approve September 12, 2019 Minutes of the City Council Work Session
  - h) Approve October 24, 2019 Minutes of the City Council Work Session
  - i) Approve November 21, 2019 Minutes of the City Council Work Session
  - j) Approve Payment of Claims and Electronic Transfer of Funds
  - k) Approve Employment Agreement
  - l) Adopt Resolution 20-06 Ordering the Release and Distribution of the Adelman Draft AUAR
  - m) Adopt Resolution 20-07 Appointing Election Judges For The March 3, 2020 Presidential Nomination Primary, August 11, 2020 Primary And November 3, 2020 General Elections
  - n) Authorize Purchase of Snowplows
  - o) Adopt Resolution 20-08 Approving Application for Voting Equipment
  - p) Adopt Resolution 20-09 Amending the City of Elko New Market Employee Handbook
- APIF, MOTION CARRIED**

**7) PUBLIC HEARINGS**

None

**8) GENERAL BUSINESS**

Police Department Addition

City Administrator/Clerk Terry presented the background and history of the Police Department building. Mr. Todd LaVold, from Leo A. Daly, presented the design plan, which included the interior and exterior for the Police Department Addition to City Hall.

**MOTION** by Councilmember Seepersaud, second by Mayor Julius to approve plans and authorize bids for Police Department Addition to City Hall.

**APIF, MOTION CARRIED**

Authorize Posting of Planning Commission Vacancies and Appoint Interview Committee

Community Development Specialist Christianson discussed openings for two Planning Commissioners and one Parks Commissioner due to terms expiring on March 31, 2020. City Council has advised that all open positions for Commissioners be advertised.

Community Development Specialist Christianson is looking for Council to appoint members of the City Council to be on the interview committee for each of the Commissions. Councilmember Novak volunteered to be on the interview panel for the Parks Commission and Mayor Julius volunteered to be on the interview panel for the Planning Commission.

## 9) **REPORTS**

### a) Administration

City Administrator/Clerk Terry updated the Council on the Planning Commission Meeting last night regarding ordinance regarding the storage of garbage cans and RV's. The Planning Commission Board will be recommending greater flexibility than the current ordinance.

City Administrator/Clerk Terry informed the Council that he had participated in a Scott County performance measurement program event related to roads within the County. Elko New Market was asked to sit in on the Expert Panel that presented to the Board.

### b) Public Works

None.

### c) Police Department

Police Chief Juell updated Council that the new hire candidate turned in his background packet. Tentative target start date will be beginning of March.

### d) Fire Department

None.

### e) Engineering

City Engineer Revering updated Council on receiving an email from Xcel Energy regarding the cost for the decorative lighting for the roundabout and downtown project. The cost is about \$45,000 less for the plug in option than what was estimated.

### f) Community Development

Community Development Specialist Christianson highlighted information in Council packet for the Council on the following items:

- i) 2019 Building Permit Report
- ii) 2019 Planning Commission Year in Review
- iii) 2020 Planning Commission Goals and Priorities
- iv) 2020 Vacant Lot Inventory
- v) Public Health Nuisance Ordinance
- vi) Community Development Updates

Councilmember Berg addressed what businesses are lined up in 2<sup>nd</sup> phase of the new development for the mall. Community Development Specialist Christenson updated Council that the property owner addressed that a pharmacy, coffee shop and smoothie shop are

scheduled. However, the City has not received any permit applications for interior finishes at this time.

- g) Parks Department  
Written Monthly Parks & Recreation update included in Council Packet.
- h) Community & Civic Events Committee (CCEC)  
Councilmember Seepersaud updated Council that the meeting on January 21, 2020 discussed planning the Easter Egg Hunt.
- i) Other Committee and Board Reports
  - i) Scott County Association for Leadership and Efficiency (SCALE)
    - Executive Committee  
None
    - Service Delivery Committee  
None
    - Unified Transit Plan Steering Committee  
City Administrator/Clerk Terry attended meeting for Unified Transit Plan Steering Committee Council discussed appointment for this committee and appointed City Administrator/Clerk Terry.
  - ii) Minnesota Valley Transit Authority (MVTA)  
Councilmember Novak will be attending meeting on January 29, 2020..
  - iii) I35 Solutions Alliance  
None
  - iv) Chamber of Commerce  
None

#### **10) DISCUSSION BY COUNCIL**

Councilmember Berg discussed not appointed to Metro Cities for Board but will continue to submit applications in the future.

#### **11) ADJOURNMENT**

**MOTION** by Councilmember Berg, second by Councilmember Novak to adjourn the meeting at 8:18 p.m.

**APIF, MOTION CARRIED**

Respectfully submitted by

---

Lynda Jirak, Deputy Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Presentation of Elko New Market Claims and Electronic Transfer of Funds
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Stephanie Fredrickson, Administrative Assistant
<b>REQUESTED ACTION:</b>	Approve Payment of Current Claims

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

**BACKGROUND**

Each City Council meeting the Administrative Assistant presents for approval the Elko New Market Claims and Electronic Transfer of Funds.

A detail listing of work performed is being provided below for invoices by Consultants of City of Elko New Market. The invoices below are included for payment on the attached Check Summary Register.

Bolton & Menk, Inc.	<u>Amount</u>
• Wastewater General:	\$171.60
• Stormwater General	\$747.00
• Stormwater Roundabout	\$175.50
• Stormwater Degross Wetland	\$175.50
• Stormwater 2040 Comp Plan	\$489.60
• Stormwater Webster Wetland	\$257.40
• Water General	\$171.60
• Streets General	\$5,521.20
• Streets PD Addition	\$1,646.40
• Streets Trans 2040 Comp Plan	\$343.20
• Woodcrest Sanitary Sewer	\$2,564.40
• Boulder Heights	\$3,397.50
• Christmas Pines	\$142.50
• Pete's Hill	\$9,904.50
• 2019 Pavement Rehab	\$984.40
• Webster Wetland	\$701.40
• <u>Stand-by Lift Stations</u>	<u>\$129.00</u>
Total	\$27,522.70

**BUDGET IMPACT:**

Budgeted

Attachments:

- Check Summary Register

**\*Check Summary Register©****February 13, 2020**

Name	Check Date	Check Amt	
<b>AUTOPAYS</b>			
Paid Chk# 006530E VISA	10/31/2019	\$119.50	Radio Mic Ear Piece
Paid Chk# 006531E VISA	10/31/2019	\$1,091.77	Building Maintenance
Paid Chk# 006532E VISA	10/31/2019	\$1,057.50	Water Repairs
Paid Chk# 006533E VISA	10/31/2019	\$96.07	Front Door Security Battery
Paid Chk# 006534E VISA	10/31/2019	\$375.00	Intox Train- Steve H
Paid Chk# 006535E VISA	10/31/2019	\$1,052.20	Chief's Conference
Paid Chk# 006536E VISA	10/31/219	\$165.44	Badge Stickers
Paid Chk# 006537E NEW MARKET BANK	12/31/2019	\$45.00	Bank Fees Checking
Paid Chk# 006538E NEW MARKET BANK	1/20/2020	\$37.53	Deposit Slips
Paid Chk# 006539E MN DEPT OF REVENUE	12/31/2019	\$328.00	Q4 Sales & Use Tax
Paid Chk# 006540E MN DEPT OF LABOR & INDUSTRY	1/22/2020	\$925.68	Q4 Building Surcharge Report
Paid Chk# 006541E PERA	1/24/2020	\$9,769.32	PERA- PR 2 012320
Paid Chk# 006542E MN DEPT OF REVENUE	1/24/2020	\$2,103.51	State Taxes PR 2 012320
Paid Chk# 006543E INTERNAL REVENUE SERVICE	1/24/2020	\$20,541.23	Federal Taxes PR 2 012320
Paid Chk# 006544E VANTAGEPOINT TRANSFER	1/24/2020	\$245.00	2020 PR 2 012320
Paid Chk# 006545E VISA	12/31/2019	\$15.00	Annual Finance Charge
Paid Chk# 006546E VISA	12/31/2019	\$1,293.16	Dog Waste Stations at Park
Paid Chk# 006547E VISA	12/31/2019	\$14.00	Active 911
Paid Chk# 006548E VISA	12/31/2019	\$181.41	Parks Repairs
Paid Chk# 006549E VISA	12/31/2019	\$191.43	Rifle Magazine Couplers
Paid Chk# 006550E VISA	12/31/2019	\$483.64	TLD Data Search Site
Paid Chk# 006551E VISA	12/31/2019	\$197.36	Fleet
Paid Chk# 006552E HEALTH EQUITY, INC.	2/5/2020	\$7,634.19	Employee Contributions
Paid Chk# 006553E DELTA DENTAL OF MINNESOTA	2/5/2020	\$1,283.95	Delta Dental- Feb
Paid Chk# 006554E VANTAGEPOINT TRANSFER	2/5/2020	\$565.00	2020 PR 2
Paid Chk# 006555E UNUSED NUMBER	N/A	\$0.00	VOID UNUSED NUMBER
Paid Chk# 006556E MN VALLEY ELECTRIC COMPANY	1/22/2020	\$126.00	268X Xerxes Water Tower, Elko
Paid Chk# 006557E XCEL ENERGY	2/3/2020	\$4,627.18	601 Main Street
Paid Chk# 006558E PSN	2/4/2020	\$1,154.65	Webstore/Credit Card Processin
Paid Chk# 006559E MINNESOTA ENERGY RESOURCES	2/18/2020	\$345.85	26518 France Avenue
Paid Chk# 006560E MINNESOTA ENERGY RESOURCES	2/18/2020	\$68.15	26518 France Avenue
Paid Chk# 006561E XCEL ENERGY	2/21/2020	\$258.55	Storage
Paid Chk# 006562E XCEL ENERGY	2/24/2020	\$179.49	Lift Station / 10010 Ptarmigan
Paid Chk# 006563E XCEL ENERGY	2/25/2020	\$2,800.69	25499 Natchez Ave - Water Trea
Paid Chk# 006564E XCEL ENERGY	2/24/2020	\$913.41	Wellhouse - 26460 France Ave
Paid Chk# 006565E XCEL ENERGY	2/24/2020	\$989.71	26536 France Ave
Paid Chk# 006566E MN VALLEY ELECTRIC COMPANY	2/9/2020	\$24.10	City of Elko Park, Elko
Paid Chk# 006567E XCEL ENERGY	2/24/2020	\$628.44	Library - 100 J Roberts Way
Paid Chk# 006568E MN VALLEY ELECTRIC COMPANY	2/22/2020	\$1,408.27	Streetlights, Elko
Paid Chk# 006569E MN VALLEY ELECTRIC COMPANY	2/9/2020	\$75.40	Glenborough Dr & Chowen
Paid Chk# 006570E MN VALLEY ELECTRIC COMPANY	2/22/2020	\$45.64	27059 Beard Ave Lift Pump
Paid Chk# 006571E MINNESOTA ENERGY RESOURCES	2/20/2020	\$20.15	408 Carter Street
Paid Chk# 006572E MINNESOTA ENERGY RESOURCES	2/20/2020	\$19.33	359 James Parkway
Paid Chk# 006573E MINNESOTA ENERGY RESOURCES	2/20/2020	\$262.59	110 J Roberts Way - Library
Paid Chk# 006574E MINNESOTA ENERGY RESOURCES	2/18/2020	\$36.64	26518 France Avenue
Paid Chk# 006575E MINNESOTA ENERGY RESOURCES	2/18/2020	\$832.16	PW Facility - Gas Utilities
Paid Chk# 006576E MINNESOTA ENERGY RESOURCES	2/18/2020	\$1,071.12	25499 Natchez Ave - WTP
Paid Chk# 006577E PERA	2/7/2020	\$9,327.77	PERA Payroll
Paid Chk# 006578E MN DEPT OF REVENUE	2/7/2020	\$2,079.37	State Taxes Payroll Liability
Paid Chk# 006579E INTERNAL REVENUE SERVICE	2/7/2020	\$10,640.36	Federal Taxes Payroll Liabilit
Paid Chk# 006580E SUN LIFE FINANCIAL	2/7/2020	\$1,382.44	Life Insurance
Paid Chk# 006581E HEALTH PARTNERS	2/7/2020	\$19,309.23	MEDICAL INS
Paid Chk# 006582E HEALTH EQUITY, INC.	2/7/2020	\$38.35	HSA Monthly Fees
Paid Chk# 006583E HEALTH EQUITY, INC.	2/7/2020	\$44.25	HSA Monthly Fees
Paid Chk# 006584E HEALTH EQUITY, INC.	2/7/2020	\$1,100.03	HSA PR 2
Paid Chk# 006585E HEALTH EQUITY, INC.	2/7/2020	\$1,180.03	HSA PR 3
Paid Chk# 006586E VANTAGEPOINT TRANSFER	2/7/2020	\$565.00	ICMA- Employee Contributions
Paid Chk# 006587E UNUSED NUMBER	N/A	\$0.00	VOID UNUSED NUMBER
Paid Chk# 006588E VANTAGEPOINT TRANSFER	2/7/2020	\$245.00	ICMA- Roth PR 3
<b>TOTAL</b>		<b>\$111,611.24</b>	
<b>PRE-PAIDS</b>			
Paid Chk# 040608 IUOE LOCAL #49	1/20/2020	\$175.00	Union Dues Jan 2020
Paid Chk# 040609 METROPOLITAN COUNCIL	1/22/2020	\$27,234.90	QTR 4 SAC Charges
Paid Chk# 040610 PAYROLL	1/23/2020	\$2,418.44	
Paid Chk# 040611 PAYROLL	1/23/2020	\$2,603.41	
Paid Chk# 040612 PAYROLL	1/23/2020	\$2,534.15	

**\*Check Summary Register©****February 13, 2020**

	<b>Name</b>	<b>Check Date</b>	<b>Check Amt</b>		
Paid Chk#	040613	PAYROLL	1/23/2020	\$2,453.15	
Paid Chk#	040614	PAYROLL	1/23/2020	\$3,096.99	
Paid Chk#	040615	PAYROLL	1/23/2020	\$2,973.87	
Paid Chk#	040616	PAYROLL	1/23/2020	\$2,383.72	
Paid Chk#	040617	PAYROLL	1/23/2020	\$46.17	
Paid Chk#	040618	PAYROLL	1/23/2020	\$2,430.01	
Paid Chk#	040619	PAYROLL	1/23/2020	\$1,990.29	
Paid Chk#	040620	PAYROLL	1/23/2020	\$2,025.01	
Paid Chk#	040621	PAYROLL	1/23/2020	\$2,071.29	
Paid Chk#	040622	PAYROLL	1/23/2020	\$2,013.44	
Paid Chk#	040623	PAYROLL	1/23/2020	\$46.17	
Paid Chk#	040624	PAYROLL	1/23/2020	\$1,897.72	
Paid Chk#	040625	PAYROLL	1/23/2020	\$2,001.86	
Paid Chk#	040626	PAYROLL	1/23/2020	\$2,163.70	
Paid Chk#	040627	PAYROLL	1/23/2020	\$2,117.58	
Paid Chk#	040628	PAYROLL	1/23/2020	\$3,054.87	
Paid Chk#	040629	PAYROLL	1/23/2020	\$2,268.01	
Paid Chk#	040630	CITY OF SAVAGE	2/3/2020	\$9,668.58	2019 MIS Outlays 9/16-12/31
Paid Chk#	040631	DKJ APPRAISAL LLC	2/3/2020	\$4,000.00	Appraisal for Rouncabout Proje
Paid Chk#	040632	MAMA-METRO AREA MGMT ASSN	2/3/2020	\$25.00	MAMA Jan 23 Tom Luncheon
Paid Chk#	040633	UNITED STATES POSTAL SERVICE	2/5/2020	\$346.86	Issue #1 Newsletter Postage
Paid Chk#	040634	MN DEPT OF HEALTH	2/6/2020	\$23.00	Marty D- License Renewal Water
Paid Chk#	040635	ANDERSON, CRAIG A	2/6/2020	\$624.66	
<b>TOTAL</b>				<b>\$84,687.85</b>	

**CHECK REGISTER**

Paid Chk#	040636	A&B AUTO ELECTRIC INC	2/13/2020	\$155.00	PW - Fleet Maint & Equip
Paid Chk#	040637	ACE HARDWARE & PAINT	2/13/2020	\$27.95	Building Maintenance
Paid Chk#	040638	AFFINITY PLUS TITLE CO.	2/13/2020	\$127.01	Utility Billing Credit Refund
Paid Chk#	040639	ANCHOR SOLAR INVESTMENTS, LLC.	2/13/2020	\$586.60	PW Solar Panel Lease
Paid Chk#	040640	ANCOM COMMUNICATIONS, INC.	2/13/2020	\$261.50	FD - Pager Repair
Paid Chk#	040641	ASPEN EQUIPMENT CO.	2/13/2020	\$5,478.00	Fleet Maint & Equip
Paid Chk#	040642	BAKER TILLY MUNICIPAL	2/13/2020	\$3,365.00	2013A Arbitrage Calc
Paid Chk#	040643	BOLTON & MENK	2/13/2020	\$27,522.70	T15.100716 - Wastewater System
Paid Chk#	040644	CANON FINANCIAL SERVICES, INC.	2/13/2020	\$34.40	PD Copier
Paid Chk#	040645	CENTURY COLLEGE	2/13/2020	\$1,050.00	Fire CEU Program 2020
Paid Chk#	040646	CHARLEY, NICHOLAS & JULIE	2/13/2020	\$17.95	Utility Billing Credit Refund
Paid Chk#	040647	CINTAS CORPORATION	2/13/2020	\$84.21	PW UNIFORMS
Paid Chk#	040648	CITY OF SAINT PAUL	2/13/2020	\$170.00	PDI Training - Report Writing/Steve
Paid Chk#	040649	CULLIGAN BOTTLED WATER	2/13/2020	\$67.97	Bottled Water
Paid Chk#	040650	E.A.T.I.	2/13/2020	\$9,777.26	Squad 313 Build
Paid Chk#	040651	FASTENAL COMPANY	2/13/2020	\$255.19	PW - Fleet Maint & Equip
Paid Chk#	040652	FIRST FINANCIAL TITLE AGENCY	2/13/2020	\$118.67	Utility Billing Credit Refund
Paid Chk#	040653	FP MAILING SOLUTIONS	2/13/2020	\$120.00	Postbase Rental 1/24/20-4/23/20
Paid Chk#	040654	FRONTLINE PLUS FIRE & RESCUE	2/13/2020	\$1,000.00	Annual Warning Siren Maint
Paid Chk#	040655	FUZIONPRINT	2/13/2020	\$528.43	Issue #1 2020 Newsletter
Paid Chk#	040656	GOPHER STATE ONE CALL	2/13/2020	\$71.60	2020 Annual Facility Operator
Paid Chk#	040657	GOVERNMENT FORMS AND SUPPLIE	2/13/2020	\$258.61	Office Supplies - Logo Envelopes
Paid Chk#	040658	HAWKINS, INC.	2/13/2020	\$5.00	PW - Water Chemicals
Paid Chk#	040659	I-35W SOLUTIONS ALLIANCE	2/13/2020	\$2,000.00	2020 Membership Dues
Paid Chk#	040660	INDELCO PLASTICS CORPORATION	2/13/2020	\$312.13	PW - Water Repairs
Paid Chk#	040661	INNOVATIVE OFFICE SOLUTIONS	2/13/2020	\$645.33	Office Supplies
Paid Chk#	040662	JEFFERSON FIRE & SAFETY, INC.	2/13/2020	\$846.37	FD - Fire & Rescue Gloves
Paid Chk#	040663	JIRAK, LYNDA	2/13/2020	\$85.93	Chips, Pop, Cookies for CC
Paid Chk#	040664	KASH CA, INC.	2/13/2020	\$2,203.26	PD - Ammo
Paid Chk#	040665	KELLEY FUELS, INC.	2/13/2020	\$2,582.83	PW - Fuel
Paid Chk#	040666	LEAGUE OF MN CITIES	2/13/2020	\$540.00	PD - Patrol Subscription
Paid Chk#	040667	LEAGUE OF MN CITIES INS TRUST	2/13/2020	\$4,565.00	Claim 98290
Paid Chk#	040668	LEO A DALY	2/13/2020	\$38,886.74	PD Addition Prof Svcs thru 1/24/20
Paid Chk#	040669	LOFFLER COMPANIES - PD COPIER	2/13/2020	\$47.52	PD Copier
Paid Chk#	040670	MACHABY, JOHN	2/13/2020	\$75.00	Data Master Training Reimburse
Paid Chk#	040671	MAMA - METRO AREA MGMT ASSN	2/13/2020	\$45.00	2020 Membership Dues
Paid Chk#	040672	MENARDS - 1 DUNDAS	2/13/2020	\$73.65	Building Maintenance
Paid Chk#	040673	MENARDS - APPLE VALLEY	2/13/2020	\$234.36	Building Maintenance
Paid Chk#	040674	METRO CITIES	2/13/2020	\$2,155.00	2020 Annual Dues
Paid Chk#	040675	MIDLAND EQUIPMENT CO.	2/13/2020	\$108.00	Fleet Maint & Equip
Paid Chk#	040676	MN CRITTER GETTERS, INC.	2/13/2020	\$1,200.00	Monthly Animal Control
Paid Chk#	040677	MN PUBLIC FACILITIES AUTHORITY	2/13/2020	\$40,545.00	PFA Loan Interest
Paid Chk#	040678	MUNICIPAL INSPECTIONS, INC.	2/13/2020	\$1,203.63	Building Inspections
Paid Chk#	040679	MVTL LABORATORIES	2/13/2020	\$95.00	PW - Water Testing

**\*Check Summary Register©****February 13, 2020**

	<b>Name</b>	<b>Check Date</b>	<b>Check Amt</b>	
Paid Chk#	040680	NAPA AUTO PARTS	2/13/2020	\$349.70 PW - Fleet Maint & Equip
Paid Chk#	040681	NEW MARKET TOWNSHIP	2/13/2020	\$1,400.00 Boulder Heights Annexation 2020
Paid Chk#	040682	PREMIER TITLE INSURANCE AGENCY	2/13/2020	\$104.41 Utility Billing Credit Refund
Paid Chk#	040683	RDO EQUIPMENT CO.	2/13/2020	\$427.35 PW - Fleet Maint & Equip
Paid Chk#	040684	RIGID HITCH INCORPORATED	2/13/2020	\$64.05 PW - Fleet Maint & Equip
Paid Chk#	040685	SCHLOMKAS PORTABLE	2/13/2020	\$420.00 Portable Restrooms
Paid Chk#	040686	SCOTT COUNTY 1 - TREASURER	2/13/2020	\$5,332.00 2020 SCALE RTF Member Contribution
Paid Chk#	040687	SCOTT COUNTY ATTORNEY OFFICE	2/13/2020	\$1,944.70 4th Qtr Fines
Paid Chk#	040688	SHRED RIGHT	2/13/2020	\$15.00 Shredding
Paid Chk#	040689	SOUTH SIDE ELECTRIC, INC.	2/13/2020	\$3,150.00 Building Maintenance
Paid Chk#	040690	STREICHERS POLICE EQUIPMENT	2/13/2020	\$39.99 PD - Uniforms
Paid Chk#	040691	THOMAS TERRY	2/13/2020	\$186.18 2019 Mileage 10/2019-12/2019
Paid Chk#	040692	TITLESMART, INC.	2/13/2020	\$38.30 Utility Billing Credit Refund
Paid Chk#	040693	TUNNING, CHRISTOPHER &	2/13/2020	\$57.75 Utility Billing Credit Refund
Paid Chk#	040694	VANGUARD CLEANING SYSTEMS	2/13/2020	\$845.00 Cleaning
Paid Chk#	040695	VERIZON WIRELESS	2/13/2020	\$927.26 Cell Phones
Paid Chk#	040696	WERNER IMPLEMENT CO., INC.	2/13/2020	\$77.00 PW - Fleet Main & Equip
Paid Chk#	040697	WIN-911 SOFTWARE	2/13/2020	\$495.00 SCADA Software Annual Fee
Paid Chk#	040698	WUNDERLICH, MIA & SHAWN	2/13/2020	\$58.80 Utility Billing Credit Refund
Paid Chk#	040699	ZIEGLER CAT	2/13/2020	\$1,644.42 PW - Fleet Maint & Equip
<b>TOTAL</b>				<b>\$167,109.71</b>

**DIRECT DEPOSIT**

Paid Chk#	503040E	Bi-Weekly ACH	1/23/2020	\$52,783.88
Paid Chk#	503062E	Bi-Weekly ACH	2/6/2020	\$34,345.43
<b>TOTAL</b>				<b>\$87,129.31</b>



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Extension of Deadline for Filing the Final Plat for Dakota Acres 2nd Addition
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Haley Sevening, Planner I
<b>REQUESTED ACTION:</b>	Approve Resolution No. 20-10 Granting Approval of Extending the Deadline for Filing the Final Plat for Dakota Acres 2nd Addition.

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND**

On November 21, 2019 the City Council adopted Resolution 19-88 Granting Approval of the Preliminary and Final Plat and Development Contract for Dakota Acres 2<sup>nd</sup> Addition. The development consists of one lot (68 apartment units) on 3.19 acres. Section 12-8-5 (C) of the City Code states:

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

The developer, Global Properties LLC, is still working through financing and therefore, did not record the plat/mylars. The developer hopes to move the project forward this Spring and has requested an extension of the deadline for filing the plat until December 31, 2020.

## **DISCUSSION:**

City fees and ordinances pertaining to approval of the development have not changed since the original approvals in November of 2019. Staff has no concerns with extension of the original approvals as adopted in Resolution 19-88.

## **BUDGET IMPACT:**

The only budget impact for this item is the cost of Staff time. An escrow is in place to cover the cost of consultant expenses.

## **REQUESTED ACTION:**

Staff is requesting that the Council approve Resolution No. 20-10 granting approval of extending the deadline for filing the final plat for Dakota Acres 2<sup>nd</sup> Addition.

## **Attachments:**

November 21, 2019 City Council Memorandum  
Resolution No.19-88  
Resolution No. 20-10

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

**RESOLUTION NO. 20-10**

**RESOLUTION OF THE ELKO NEW MARKET CITY COUNCIL  
APPROVING EXTENSION OF THE DEADLINE FOR FILING THE FINAL PLAT  
FOR DAKOTA ACRES 2<sup>nd</sup> ADDITION**

**WHEREAS**, on November 21<sup>st</sup>, 2019, the City of Elko New Market passed Resolution No. 19-88 Approving the Preliminary and Final Plat and Development Contract for Dakota Acres 2<sup>nd</sup> Addition pursuant to the application by Global Properties, LLC (“Developer”);

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

**WHEREAS**, the Developer has now requested an extension until December 31, 2020 to record the final plat;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elko New Market that an extension to record the final plat for Dakota Acres 2<sup>nd</sup> Addition is hereby granted until December 31, 2020.

**PASSED, ADOPTED AND APPROVED** this 13<sup>th</sup> day of February, 2020.

**CITY OF ELKO NEW MARKET**

\_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Thomas Terry, City Administrator/Clerk

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

**RESOLUTION NO. 19-88**

**RESOLUTION OF THE ELKO NEW MARKET CITY COUNCIL  
GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT FOR DAKOTA  
ACRES 2<sup>ND</sup> ADDITION AND APPROVAL OF DEVELOPMENT CONTRACT**

**WHEREAS**, Global Properties, LLC, a Minnesota Limited Liability Company (“Developer”) is the fee owner of real property in the County of Scott legally described as follows:

Outlot D, Dakota Acres, according to the recorded plat thereof, Scott County, Minnesota

AND

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

**WHEREAS**, Developer is requesting preliminary and final plat approval of Dakota Acres 2<sup>nd</sup> Addition consisting of one lot on 3.19 acres, which is located on the above real estate; and,

**WHEREAS**, the Elko New Market Planning Commission has completed a review of the Preliminary Plat application with a required public hearing on August 27, 2019, preceded by the required published and mailed notices, and reviewed the staff report pertaining to the request, a copy of said report has been presented to the City Council with a recommendation for approval, subject to conditions and findings contained in said meeting minutes; and,

**WHEREAS**, the City Engineer and City Planner have recommended approval of the Development Contract, Preliminary and Final Plat for Dakota Acres 2<sup>nd</sup> Addition, under the conditions provided herein; and

**WHEREAS**, Developer has requested that the City defer certain development costs associated with Phase 2 of development including park dedication, sanitary sewer trunk fees and water trunk fees, in the amount of \$386,840.00 as provided in the terms of the Development Contract;

**WHEREAS**, City Council has reviewed the Development Contract and Preliminary and Final Plat for Dakota Acres 2<sup>nd</sup> Addition; and finds:

1. The proposed use of the property for high density residential purposes meets the intent of the current and future guided land use for the area.
2. The proposed plat complies with the purposes of the Zoning and Subdivision Ordinances and the 2030 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Preliminary and Final Plat for Dakota Acres 2<sup>nd</sup> Addition consisting of one lot on 3.19 acres is hereby approved, subject to the following:
  - a. Developer enter into the Development Contract with the City of Elko New Market;
  - b. Developer providing all deeds, easements and encroachment agreements (if any) required under the Development Contract; and
  - c. Developer paying all fees and providing the security required under the terms of the Development Contract.

**PASSED, ADOPTED AND APPROVED** this 21<sup>st</sup> day of November, 2019.

**CITY OF ELKO NEW MARKET**

  
\_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Tom Terry, City Administrator/Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	One Day Temporary Liquor License
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Lynda Jirak, Deputy Clerk
<b>REQUESTED ACTION:</b>	Adopt Resolution 20-11 Approving a One Day Temporary On-Sale Liquor License for St. Nicholas Catholic Church

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

**BACKGROUND:**

Jackie Berry, on behalf of St. Nicholas Catholic Church, has submitted an application and permit for a One Day to Four Day Temporary On-Sale Liquor License for the church's annual Chicken Cookout to be held on Sunday, June 21, 2020. Per City Code, no person shall directly or indirectly, deal in, sell, keep for sale or deliver any intoxicating liquor, 3.2 percent malt liquor, or wine as part of a commercial transaction or upon any pretense or by any device, allow the consumption or display of alcoholic beverages or serve any liquid for the purpose of mixing with intoxicating liquor without first obtaining a permit from the City.

**DISCUSSION:**

St. Nicholas Catholic Church has submitted all required documentation and associated fees for a One Day Temporary On-Sale Liquor License. Previously, St. Nicholas Catholic Church has been granted One Day Temporary Liquor Licenses allowing them to serve intoxicating liquor at church related events. There have been no violations and the City has never received any complaints regarding the events serving intoxicating liquor at St. Nicholas Catholic Church.

Staff recommends that City Council approve Resolution 20-11 granting St. Nicholas Catholic Church to be approved for a One Day Temporary On-Sale Liquor License to serve intoxicating liquor at their annual Chicken Cookout on Sunday, June 21, 2020.

**ATTACHMENTS:**

- Resolution 20-11 Approving a One Day Temporary On-Sale Liquor License for St. Nicholas Catholic Church.

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**RESOLUTION NO. 20-11**

**RESOLUTION APPROVING A ONE DAY TEMPORARY ON-SALE LIQUOR  
LICENSE FOR ST. NICHOLAS CATHOLIC CHURCH**

**WHEREAS;** St. Nicholas Catholic Church, Elko New Market has submitted an application for a One Day Temporary On-Sale liquor license to serve intoxicating liquor at St. Nicholas Catholic Church, located at 51 Church St., Elko New Market, Minnesota, 55054;

**WHEREAS;** St. Nicholas Church meets the requirements for issuance of the On-Sale Liquor License to serve intoxicating liquor under Minnesota Statute Chapter 340A;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Elko New Market, Minnesota, that a One Day Temporary On-Sale liquor license to serve intoxicating liquor be issued to St. Nicholas Catholic Church for the premises located at 51 Church St., Elko New Market, Minnesota 55054, for an event to be held on June 21, 2020 contingent upon the following:

1. Compliance with the provisions of Minnesota Statutes Chapter 340A in the sale of liquor; and
2. Providing proof of liquor liability insurance required by Minnesota Statutes § 340A.409 and attaching a certificate of insurance to the application listing the City of Elko New Market as an additional insured.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of February, 2020.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Lynda Jirak, Deputy Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	One Day Gambling Permit for St. Nicholas Catholic Church
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Lynda Jirak, Deputy Clerk
<b>REQUESTED ACTION:</b>	Adopt Resolution 20-12 Approving One Day Gambling Permit for St. Nicholas Catholic Church

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

**BACKGROUND:**

Jackie Berry, on behalf of St. Nicholas Catholic Church, has submitted an application for a One Day Gambling Permit for an event to be held on Sunday, June 21, 2020 at 51 Church Street, Elko New Market, Minnesota. Per City Code, no organization shall conduct lawful gambling excluded or exempted from State licensure requirements by Minnesota statutes section 34.166, as it may be amended from time to time, without a valid local permit.

**DISCUSSION:**

St. Nicholas Catholic Church has submitted all required documentation and associated fees for a One Day Gambling Permit to include a raffle and bingo. This is an annual fund raiser for St. Nicholas Catholic Church. The City has never received any complaints regarding the events for gambling at St. Nicholas Catholic Church in the previous years.

Staff recommends that City Council approve Resolution 20-12 granting St. Nicholas Catholic Church to be approved for a One Day Gambling Permit at their annual Chicken Cookout on Sunday, June 21, 2020.

**ATTACHMENTS:**

- Resolution 20-12 Approving a One Day Gambling Permit for St. Nicholas Catholic Church.

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**RESOLUTION NO. 20-12**

**RESOLUTION APPROVING A GAMBLING PERMIT FOR  
ST. NICHOLAS CATHOLIC CHURCH**

**WHEREAS;** St. Nicholas Church, Elko New Market has submitted an application for a gambling permit for St. Nicholas Catholic Church, located at 51 Church St., Elko New Market, Minnesota, 55054;

**WHEREAS;** St. Nicholas Catholic Church meets the requirements for issuance of the one day gambling permit under Minnesota Statute Chapter 349;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Elko New Market, Minnesota, that a gambling permit be issued to St. Nicholas Catholic Church for the premises located at 51 Church St., Elko New Market, Minnesota 55054, for a One Day Gambling Permit for June 21, 2020. Types of gambling activity the organization will be conducting are raffles and bingo. This is a religious non-profit organization and previous applications are on file with the Gambling Control Board.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of February, 2020.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Lynda Jirak, Deputy Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	One Day Gambling Permit for N.E.W. Lions
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Lynda Jirak, Deputy Clerk
<b>REQUESTED ACTION:</b>	Adopt Resolution 20-13 Approving an Off-Site Gambling Permit for New Market-Elko-Webster Lions Club

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

**BACKGROUND:**

New Market-Elko-Webster (N.E.W.) Lions Club is applying for an Off-Site Gambling Permit for an event to be held at Wagner Park Pavilion, 121 Todd Street, Elko New Market, Minnesota on Friday, May 1, 2020. Per City Code, no organization shall conduct lawful gambling excluded or exempted from State licensure requirements by Minnesota statutes section 34.166, as it may be amended from time to time, without a valid local permit.

**DISCUSSION:**

The N.E.W. Lions Club has been granted Off-Site Gambling Permits allowing N.E.W. Lions to conduct raffles for fund raising for their organization many times in accordance with State law. N.E.W. Lions Club is requesting City Council approval to hold a raffle at Wagner Park Pavilion on May 1, 2020. This is an annual fund raiser for the N.E.W. Lions organization for the services that they provide for the betterment of the community. The City has never received any complaints regarding the events conducting lawful gambling by the N.E.W. Lions Club.

N.E.W. Lions Club has submitted all required documentation required by State law and associated fees.

Staff recommends that City Council approves the Off-Site Gambling Permit for N.E.W. Lions Club for their annual fund raiser, so that they can continue their good work on behalf of area citizens, by passing the attached Resolution for submittal to the Minnesota Gambling Control Board.

**ATTACHMENTS:**

- Resolution 20-13 Approving an Off-Site Gambling Permit for New Market-Elko-Webster Lions Club on Friday, May, 1, 2020.

CITY OF ELKO NEW MARKET  
SCOTT COUNTY, MINNESOTA

**RESOLUTION NO 20-13**

**RESOLUTION APPROVING A ONE DAY OFF-SITE GAMBLING PERMIT  
FOR N.E.W. LIONS**

**WHEREAS;** N.E.W. Lions, Elko New Market has submitted an application for an off-site gambling permit for Wagner Park Pavilion, located at 121 Todd Street, Elko New Market, Minnesota, 55054;

**WHEREAS;** N.E.W. Lions, Elko New Market meets the requirements for issuance of the one day off-site gambling permit under Minnesota Statute Chapter 349.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Elko New Market, Minnesota, that an off-site gambling permit be issued to N.E.W. Lions for the premises located at Wagner Park Pavilion, 121 Todd Street, Elko New Market, Minnesota 55054, for a One Day Gambling Permit for May 1, 2020. Types of gambling activity the organization will be conducting are Raffles. This is a non-profit organization and previous applications are on file with the Gambling Control Board.

**APPROVED AND ADOPTED** this 13<sup>th</sup> day of February, 2020.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Lynda Jirak, Deputy Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Authorize Geotechnical Services Agreement with Braun Intertec
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Mark Nagel, Assistant City Administrator
<b>REQUESTED ACTION:</b>	Approve Change Order To Professional Service Agreement with Braun Intertec Corporation for Soil Borings for Police Department Addition

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

**INTRODUCTION:**

The City Council is being asked to authorize the attached Change Order #1 from Braun Intertec Corporation for assistance to conduct two (2) additional soil borings, for the Police Department Addition to ENM City Hall.

**DISCUSSION:**

As part of the contract with Leo A Daly, the City is required to provide soil borings to evaluate the impact of subsurface conditions on the design and construction of the expansion of City Hall to include an addition for City Hall. The City has soil borings from the time City Hall was constructed, but they do not include the area where the addition will be constructed. The previous three (3) soil borings were completed by Braun Intertec and they showed that soil corrections would be required. Two (2) additional soil borings closer to the existing City Hall will be needed to more accurately determine the scope and cost of costs for correction of poor soils. As the contract notes, it is expected that the work would be completed as soon as possible to provide a timely addendum to the bid specs for the addition.

The Agreement has been reviewed by the City Attorney and approved as to form.

**BUDGET IMPACT:**

Authorize the City Administrator to sign a Change Order #1 with Braun Intertec Corporation for an amount not to exceed \$3,995 for the two (2) additional soil borings. The total cost of the geotechnical evaluation is now \$10,495.

The study would be expensed to General Professional Services (41600-300).

Please contact the City Administrator with any questions regarding the matter in this memorandum (952-461-2777).

**ATTACHMENT:**

1. Professional Services Agreement with Braun Intertec Corporation to conduct a Geotechnical Evaluation of the Police Department Addition
2. Change Order #1 for Additional Soil Borings from Braun Intertec

## PROFESSIONAL SERVICES AGREEMENT

**AGREEMENT** made this 19<sup>th</sup> day of December, 2019, by and between the **CITY OF ELKO NEW MARKET**, a Minnesota municipal corporation ("City") and **BRAUN INTERTEC CORPORATION** ("Consultant").

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

**1. CONTRACT DOCUMENTS.** The Contract consists of the following documents. In the event of conflict among the documents, the conflict shall be resolved by the order in which they are listed, with the document listed first having the first priority and the document listed last having the last priority:

- A. This Professional Services Agreement;
- B. Consultant's Proposal # QTB112343 for a Geotechnical evaluation of the site for the Elko New Market Police Department Addition dated December 6, 2019 ("Proposal").

**2. SCOPE OF SERVICES.** The City retains Consultant to provide the professional services described in the Proposal. Consultant agrees to complete the services under this Agreement substantially within the time frames identified in the Proposal with a final completion date of February 1, 2020.

**3. COMPENSATION.** Consultant shall be paid Six Thousand, Five Hundred and no/100 Dollars (\$6,500.00) by the City pursuant to the Proposal upon completion and acceptance of the work identified in the Proposal. The City will normally pay an invoice within 35 days of receipt.

**4. CHANGE ORDERS.** All change orders, regardless of amount, must be approved in advance and in writing by the City. No payment will be due or made for work done in advance of such approval.

**5. DOCUMENTS.** All reports, plans, models, software, diagrams, analyses, and information generated in connection with performance of this Agreement shall be the property of the City upon payment by the City. The City may use the information for its purposes. The City shall be the copyright owner. The vesting of the City's ownership of the copyright in materials created by the Consultant shall be contingent upon the City's fulfillment of its payment obligations hereunder. The Consultant shall be allowed to use a description of the services provided hereunder, including the name of the City, and photographs or renderings of any projects which develop from the planning or other services provided by the Consultant, in the normal course of its marketing activities.

**6. COMPLIANCE WITH LAWS AND REGULATIONS.** In providing services hereunder, Consultant shall abide by all statutes, ordinances, rules and regulations pertaining to the provisions of services to be provided.

**7. STANDARD OF CARE.** Consultant shall exercise the same degrees of care, skill, and diligence in the performance of the services as is ordinarily possessed and exercised by a professional consultant under similar circumstances. No other warranty, expressed or implied, is included in this

Agreement. City shall not be responsible for discovering deficiencies in the accuracy of Consultant's services.

**8. INDEMNIFICATION.** Except to the extent caused by the negligence or intentional misconduct of the City, its officers, agents or employees, Consultant shall indemnify and hold harmless the City, its officers, agents, and employees, of and from any and all claims, demands, actions, causes of action, including costs and attorney's fees, arising out of or by reason of the execution or performance of the work or services provided for herein and further agrees to defend at its sole cost and expense any action or proceeding commenced for the purpose of asserting any claim of whatsoever character arising hereunder. Notwithstanding any other provisions, Consultant's aggregate liability for all claims arising out of its Professional or Pollution Incident Liability and its defense obligation is limited to the lesser of those damages actually incurred as a result of Consultant's negligence or the maximum insurance amount required under Paragraph 9 of this Agreement.

**9. INSURANCE.** Consultant shall secure and maintain such insurance as will protect Consultant from claims under the Worker's Compensation Acts, automobile liability, and from claims for bodily injury, death, or property damage which may arise from the performance of services under this Agreement. Such insurance shall be written for amounts not less than:

Commercial General Liability	\$1,000,000 each occurrence/aggregate
Automobile Liability	\$1,000,000 combined single limit
Excess/Umbrella Liability	\$1,000,000 each occurrence/aggregate*

The required minimum of umbrella coverage shall be \$2,000,000, or the policy limits, whichever is greater. The City shall be named as an additional insured on the general liability and umbrella policies on a primary and noncontributory basis.

The Consultant shall secure and maintain a professional liability insurance policy. Said policy shall insure payment of damages for legal liability arising out of the performance of professional services for the City, in the insured's capacity as Consultant, if such legal liability is caused by a negligent act, error or omission of the insured or any person or organization for which the insured is legally liable. The policy shall provide minimum limits of One Million Dollars (\$1,000,000.00) per occurrence and Three Million Dollars (\$3,000,000) aggregate with a deductible maximum of One Hundred Thousand Dollars (\$100,000.00).

Before commencing work, the Consultant shall provide the City a certificate of insurance evidencing the required insurance coverage in a form acceptable to City.

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

**12. SUBCONTRACTORS.** With the exception of the individuals identified in the Proposal, Consultant shall not enter into subcontracts for services provided under this Agreement without the express

written consent of the City. Consultant shall comply with Minnesota Statutes §471.425. Consultant must pay subcontractors for all undisputed services provided by subcontractors within ten (10) days of Consultant's receipt of payment from City. Consultant must pay interest of one and five-tenths (1.5%) percent per month or any part of a month to subcontractors on any undisputed amount not paid on time to subcontractors. The minimum monthly interest penalty payment for an unpaid balance of One Hundred Dollars (\$100.00) or more is Ten Dollars (\$10.00).

**13. ASSIGNMENT.** Neither party shall assign this Agreement, nor any interest arising herein, without the written consent of the other party.

**14. WAIVER.** Any waiver by either party of a breach of any provisions of this Agreement shall not affect, in any respect, the validity of the remainder of this Agreement.

**15. ENTIRE AGREEMENT.** The entire agreement of the parties is contained herein. This Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter hereof as well as any previous agreements presently in effect between the parties relating to the subject matter hereof. Any alterations, amendments, deletions, or waivers of the provisions of this Agreement shall be valid only when expressed in writing and duly signed by the parties, unless otherwise provided herein.

**16. CONTROLLING LAW/VENUE.** This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota. In the event of litigation, the exclusive venue shall be in the District Court of the State of Minnesota for Scott County.

**17. COPYRIGHT.** Consultant shall defend actions or claims charging infringement of any copyright or patent by reason of the use or adoption of any designs, drawings or specifications supplied by it, and it shall hold harmless the City from loss or damage resulting there from.

**18. PATENTED DEVICES, MATERIALS AND PROCESSES.** If the contract requires, or Consultant desires, the use of any design, device, material or process covered by letters, patent or copyright, trademark or trade name, Consultant shall provide for such use by suitable legal agreement with the patentee or owner and a copy of said agreement shall be filed with the City. If no such agreement is made or filed as noted, Consultant shall indemnify and hold harmless the City from any and all claims for infringement by reason of the use of any such patented designed, device, material or process, or any trademark or trade name or copyright in connection with the services agreed to be performed under the contract, and shall indemnify and defend the City for any costs, liability, expenses and attorney's fees that result from any such infringement.

**19. RECORDS.** Consultant shall maintain complete and accurate records of time and expense involved in the performance of services.

**20. AUDIT DISCLOSURE AND DATA PRACTICES.** Any reports, information, data, etc. given to, or prepared or assembled by the Consultant under this Agreement which the City requests to be kept confidential, shall not be made available to any individual or organization without the City's prior written approval. The books, records, documents and accounting procedures and practices of the Consultant or other parties relevant to this Agreement are subject to examination by the City and either the Legislative Auditor or the State Auditor for a period of six (6) years after the effective date of this Agreement. This Agreement is subject to the Minnesota Government Data Practice Act, Minnesota Statutes Chapter 13 (Data Practices Act). All government data, as defined in the Data Practices Act Section 13.02, Subd. 7, which is created, collected, received, stored, used, maintained, or disseminated by Consultant in performing any of the functions of the City during performance of this Agreement is subject to the requirements of the Data Practice Act and

Consultant shall comply with those requirements as if it were a government entity. All subcontracts entered into by Consultant in relation to this Agreement shall contain similar Data Practices Act compliance language.

**21. NON-DISCRIMINATION.** The Consultant agrees during the life of this Agreement not to discriminate against any employee, application for employment, or other individual because of race, color, sex, age, creed, national origin, sexual preference, or any other basis prohibited by federal, state, or local law. The Consultant will include a similar provision in all subcontracts entered into for performance of this Agreement.

**22. TERMINATION OF THE AGREEMENT.** The City may terminate this Agreement or any part thereof at any time, upon written notice to Consultant, effective upon delivery including delivery by facsimile or email. In such event, Consultant will be entitled to compensation for work performed up to the date of termination based upon a pro rata basis.

Dated: Jan. 23, 2020.

**CITY OF ELKO NEW MARKET**

BY:   
\_\_\_\_\_  
Joe Julius, Mayor

AND   
\_\_\_\_\_  
Thomas Terry, City Administrator/City Clerk

Dated: Jan. 8, 2020.

**BRAUN INTERTEC CORPORATION**

BY:   
\_\_\_\_\_  
Name: Bryan C. Field

ITS: Account leader, Senior Engineer

# Change Order Authorization

B2000326 - Change Order 1

Elko New Market City Hall Expansion

Date: 2/7/20

<b>Client:</b>	<b>Work Site Address:</b>	<b>Service Description:</b>
City of Elko New Market Mark Nagel 601 Main St PO Box 99 New Market, MN 55020 (612) 781-2188	601 Main St Elko New Market, MN 55020	Additional Soil Borings and Evaluation

Change Order as requested in lieu of previously submitted proposal QTB114753 for additional soil borings at the Elko New Market City Hall.

Change Order Details								
Description	Action	Total Quantity		Sales Price		Total Sales Amount		CO Total
		Orig	New	Orig	New	Orig	New	
<b>Project: B2000326 - Elko New Market City Hall Expansion</b>						<b>\$6,500.00</b>	<b>\$10,495.00</b>	<b>\$3,995.00</b>
<b>Phase: 1 -Geotechnical Evaluation</b>						<b>\$6,500.00</b>	<b>\$10,495.00</b>	<b>\$3,995.00</b>
<b>Activity: 1.1 -Site Layout - Staking - Utility Clearance - CADD</b>						<b>\$1,100.00</b>	<b>\$2,055.00</b>	<b>\$955.00</b>
205 -Site layout and utility clearance	Update	4.00	7.00	90.00		360.00	630.00	270.00
1862 -Utility Trip Charge	Update	1.00	2.00	45.00		45.00	90.00	45.00
288 -Project Assistant	Update	1.00	2.00	80.00		80.00	160.00	80.00
371 -CADD/Graphics Operator	Update	1.50	2.50	110.00		165.00	275.00	110.00
5099 -Trimble R8 Rover (horizontal and vertical), per hour	Update	4.00	7.00	50.00		200.00	350.00	150.00
1051 -Private locate services	Update	1.00	2.00	250.00	275.00	250.00	550.00	300.00
<b>Activity: 1.2 -Drilling Services</b>						<b>\$2,510.00</b>	<b>\$4,110.00</b>	<b>\$1,600.00</b>
9000 -Truck Mounted Drilling Services, per hour	Update	8.00	13.00	280.00		2,240.00	3,640.00	1,400.00
9730 -Grout with bentonite, materials per foot	Update	60.00	85.00	2.00		120.00	170.00	50.00
1073 -Sealing Records, each	Update	1.00	2.00					
9903 -Sealing Record Reporting	Update	1.00	2.00	150.00		150.00	300.00	150.00
<b>Activity: 1.3 -Geotechnical Soil Tests</b>						<b>\$615.00</b>	<b>\$880.00</b>	<b>\$265.00</b>
1156 -Atterberg Limits LL and PL, Single-Point, per sample	No change	3.00		100.00		300.00		
1166 -Loss by Washing Through #200 Sieve, per sample	Update	3.00	5.00	75.00		225.00	375.00	150.00
1152 -Moisture content, per sample	Update	9.00	13.00	10.00		90.00	130.00	40.00
1174 -Organic Content, per sample	Update		1.00	75.00			75.00	75.00
<b>Activity: 1.4 -Evaluation/Analysis/Reports</b>						<b>\$2,275.00</b>	<b>\$3,450.00</b>	<b>\$1,175.00</b>
138 -Project Assistant	Update	3.00	5.00	80.00		240.00	400.00	160.00
126 -Project Engineer	Update	10.00	14.00	140.00		1,400.00	1,960.00	560.00
128 -Senior Engineer	Update	3.00	5.00	180.00		540.00	900.00	360.00
125 -Project Manager	Update	1.00	2.00	95.00		95.00	190.00	95.00



The Science You Build On.

# Change Order Authorization

B2000326 - Change Order 1

Elko New Market City Hall Expansion

Date: 2/7/20

## Budget Summary

	Amount
<b>Original Contract Amount:</b> Geotechnical Evaluation	\$6,500.00
<b>Change Order 1 - Pending:</b> Additional Soil Borings and Evaluation	\$3,995.00
<b>Revised Budget:</b> The new total budget after pending change orders	\$10,495.00

## Authorization

Braun Intertec Corporation	Customer
<p>Dear Mr. Nagel,</p> <p>As requested, above is our change order request for performing two additional soil borings for the proposed City Hall expansion as previously discussed with you and your consultant, Leo A. Daly Company. The new borings will be performed adjacent to the existing build to depths of 15 to 25 feet below existing grade. The results of our additional borings will be provided in an addendum letter.</p> <p>Sincerely, BRAUN INTERTEC CORPORATION</p>  Kevin S. Zalec, PE Project Engineer	<p>The proposal is accepted, and you are authorized to proceed.</p> <hr/> <p>Authorizer's Firm</p> <hr/> <p>Authorizer's Signature</p> <hr/> <p>Authorizer's Name (please print or type)</p> <hr/> <p>Authorizer's Title</p> <hr/> <p>Date</p>



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Resolution Relating To Financing Of Certain Proposed Projects To Be Undertaken By The City Of Elko New Market; Establishing Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Thomas Terry, City Administrator
<b>REQUESTED ACTION:</b>	Adopt Resolution 20-14 Relating To Financing Of Certain Proposed Projects To Be Undertaken By The City Of Elko New Market; Establishing Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code

<b>COMMUNITY VISION:</b>	
<input type="checkbox"/>	A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
<input type="checkbox"/>	Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
<input checked="" type="checkbox"/>	Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
<input type="checkbox"/>	A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
<input type="checkbox"/>	An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
<input checked="" type="checkbox"/>	Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers
<b>5 YEAR GOALS:</b>	
<input type="checkbox"/>	Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
<input type="checkbox"/>	Advance "shovel ready" status of areas guided for commercial and industrial development
<input type="checkbox"/>	Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
<input type="checkbox"/>	Enhance quality of life through parks, trails, recreational programming and cultural events
<input type="checkbox"/>	The development of residential lots and an increase in residential building permit activity
<b>COMMUNITY ORIENTED LOCAL GOVERNMENT:</b>	
<input type="checkbox"/>	Community Involvement
<input type="checkbox"/>	Organizational Improvement
<input type="checkbox"/>	Problem Solving
<input type="checkbox"/>	Performance Measurement
<input type="checkbox"/>	Professionalism

## **BACKGROUND**

In January, the City Council authorized the purchase of the chassis and truck builds for a total cost of \$465,329.98, plus tax and licensing for the chassis. The intent was to finance the plow trucks with the upcoming debt issuance with other projects and capital purchases this spring. The rationale is that to optimize the financing for the projects, opportunities may present themselves to “bundle” the financing to achieve better rates in the market and/or reduce the relative overhead cost of the issuance. Internal Revenue Service Regulations require that the City make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds.

## **DISCUSSION:**

The City Council is being asked to adopt Resolution 20-14 Relating To Financing Of Certain Proposed Projects To Be Undertaken By The City Of Elko New Market; Establishing Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code. The Resolution must identify the projects or purchases that the City will be reimbursed for and the amount of the reimbursement. The City may not reimburse itself for more than the amount for each project/purchase in the Resolution. The Maximum Amount of Bonds Expected to be Issued for purchase listed in the Resolution includes a healthy contingency and is notably greater than current budget.

## **BUDGET IMPACT:**

None. Adoption of the Resolution has no cost to the projects. It simply provides the ability to make expenditures or “cash flow” the projects prior to receiving proceeds from financing.

## **Attachments:**

- Resolution 20-14 Relating To Financing Of Certain Proposed Projects To Be Undertaken By The City Of Elko New Market; Establishing Compliance With Reimbursement Bond Regulations Under The Internal Revenue Code

RESOLUTION NO. 20-14

RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS TO BE UNDERTAKEN BY THE CITY OF ELKO NEW MARKET; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

BE IT RESOLVED by the Board of the City of Elko New Market, Minnesota (the “City”), as follows:

1. Recitals.

(a) The Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the “Regulations”) dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance.

(b) The Regulations generally require that the City make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds.

(c) The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

2. Official Intent Declaration.

(a) The City proposes to undertake the following project or projects and to make original expenditures with respect thereto prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for such project or projects in the maximum principal amounts shown below:

<u>Project</u>	<u>Maximum Amount of Bonds Expected to be Issued for Project</u>
Plow Trucks	\$500,000

(b) Other than (i) de minimis amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(1) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the City will not seek reimbursement for any original expenditures with respect to the foregoing projects paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be capital expenditures or costs of issuance of the reimbursement bonds.

3. Budgetary Matters. As of the date hereof, there are no City funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

4. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the City to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 45 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the City maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

**PASSED AND DULY ADOPTED** by the Elko New Market City Council this 13<sup>th</sup> day of February, 2020.

---

Joe Julius, Mayor

ATTEST:

---

Thomas Terry, City Administrator/Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Exterior Storage of Garbage Cans and Recreational Vehicles
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Haley Sevening, Planner I
<b>REQUESTED ACTION:</b>	Adopt Ordinance #208 Amending City of Elko New Market City Code Title 11, Chapter 4 Concerning Garbage and Refuse, Title 11, Chapter 2 Concerning Recreational Vehicle Definitions, Title 11, Chapter 8 Concerning Recreational Vehicle Parking, and Title 11, Chapter 9 Concerning Surfacing and Maintenance of Off Street Parking Areas Adopt Summary Ordinance #209

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND:**

In March of 2019, we received a code enforcement complaint regarding recreational vehicle (trailers, campers, boats, etc.) parking and garbage can storage in The Farm and the Rowena Ponds neighborhoods. Upon a preliminary inspection, Staff found that approximately one third of the properties in the two neighborhoods were in violation of one or both of the following sections of the City Code:

- Section 11-4-3: Garbage and Refuse
- Section 11-8-2: Recreational Vehicle Parking

Section 11-4-1 of the City Code generally states that in all districts, garbage containers shall be kept in an enclosed building, or if stored outside, shall be screened from view using wood or brick materials. Similarly, Section 11-8-2 generally states that recreational vehicles can only be parked in the side or rear yard, upon a hard surface, and must be screened from view. Folding tent campers and small utility trailers (5' x 8' or smaller) may be parked in the driveway, but only between April 1<sup>st</sup> and October 31<sup>st</sup>.

Following receipt of the complaint and preliminary inspection, Staff decided to conduct a City wide inventory to document code violations related to the above ordinances. Through the inventory, Staff found that:

- 741 properties (44% of properties in Elko New Market) had violations related to garbage cans.
- 274 properties (16% of properties in Elko New Market) had violations related to recreational vehicle parking.

Due to the large number of properties in noncompliance, Staff decided not to enforce these ordinances until the Council could make a determination regarding whether or not community values have changed and if the ordinances should be amended to better reflect current practice or if the ordinances should be enforced as currently written.

On September 12, 2019, the City Council directed Staff to bring the ordinances to the Planning Commission for review. Generally, the Council felt that the ordinances should be amended to be less restrictive, but should take into consideration the visual impacts of both garbage cans and recreational vehicles.

On September 24, 2019, the Planning Commission began discussions related to garbage can storage and recreational vehicle parking on residential properties. Discussion on the topics was spurred by results of a City wide inventory of code violations related to garbage cans and recreational vehicles. Results of the inventory indicated that current practice does not reflect what is required by the City Code. Based on these results, Staff recommended that the code be amended to better reflect current practice and allow more flexibility in the storage of garbage cans and parking of recreational vehicles.

Following discussion, the Planning Commission directed Staff to draft an ordinance amendment based on Staff's recommendation. The Commission also directed Staff to complete an inventory of properties with gravel side parking areas to establish a baseline for properties that would be grandfathered, or exempt, from parking surface requirements in the draft

recreational vehicle parking ordinance. For reference, the September 24, 2019 Planning Commission Meeting Minutes are included as an attachment.

On October 29, 2019 Staff presented the draft ordinance amendments to the Planning Commission. The Commission discussed the topics and provided feedback to Staff. A summary of the items discussed are outlined in the October 29, 2019 Planning Commission Meeting Minutes, which is included as an attachment. Two significant items to be noted are that during discussion the Planning Commission:

1. Questioned whether or not trailer tongues are included in the allowable length of recreational vehicles, and;
2. Requested that the City Attorney provide an opinion about allowing recreational vehicles to be parked within the public right-of-way.

Staff discussed the above items with the City Attorney. Both Staff and the City Attorney recommend that trailer tongues be included in the allowable length of recreational vehicles. Including all parts of the recreational vehicle in the allowable length reduces confusion for residents and makes enforcement of the ordinance more straightforward. Staff and the City Attorney also recommend that recreational vehicles not be allowed to park within public right-of-way. Recreational vehicles owned by residents should be located entirely on private property. Included as an attachment is a memo from the City Attorney outlining why recreational vehicles should not be parked within the public right-of-way.

The City Attorney also recommended that Section 11-9-8 (E) of the zoning ordinance, which regulates the surfacing of off-street parking areas, be amended to include the exemption for existing gravel side parking areas. Section 11-9-8 (E) states:

*“Surfacing: All parking spaces and driveways shall be surfaced with concrete, bitumen, or pavers in all zoning districts except in the UR district. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited. This requirement also applies to open sales lots, open rental lots, and outdoor storage or display areas. All parking areas and driveways shall be maintained in a safe and proper manner. The owner shall not allow weeds or surface materials to become deteriorated.”*

The proposed amendment for Section 11-9-8 (E) is included in the draft ordinance.

### **DISCUSSION:**

On January 22, 2020 the Planning Commission held a public hearing in consideration of the proposed ordinance amendments. There were a total of 19 public comments received at the meeting. Seven were received in person and 12 were received via email or phone call and read into the record at the meeting. A majority of the comments were in support of even greater flexibility in the amendments, especially related to garbage cans. However, a few comments were supportive of the amendments as proposed and some comments even suggested the amendments were too flexible. The draft Planning Commission Meeting Minutes from January 22, 2020 are included for reference.

Following discussion, the Planning Commission recommended approval of the draft ordinance amendment on a 3-2 vote, subject to the following changes:

1. Remove the maximum length restriction for recreational vehicles.
2. Expand the warm and cold weather season months so that they are overlap.

It should be noted that the split Planning Commission recommendation is specific to the amendments related to the Garbage/Refuse ordinance (Section 11-4-3) and reflects the opposing comments received. With exception to the two changes noted above, three of the Commissioners recommended approval of the amendments as drafted and two felt that the placement of garbage cans should not be regulated on residential property. The Commission had consensus (5-0) on the proposed amendments related to definitions, recreational vehicle parking, and surfacing of off-street parking areas.

**REQUESTED ACTION:**

At this time, Staff is asking the Council to:

- Adopt Ordinance #208 Amending City of Elko New Market City Code Title 11, Chapter 4 Concerning Garbage and Refuse, Title 11, Chapter 2 Concerning Recreational Vehicle Definitions, Title 11, Chapter 8 Concerning Recreational Vehicle Parking, and Title 11, Chapter 9 Concerning Surfacing and Maintenance of Off Street Parking Areas
- Adopt Summary Ordinance #209

If adopted, Staff will begin an informational campaign to inform residents about the adopted ordinance amendments. Staff plans to begin enforcement of the ordinances this Spring.

**BUDGET IMPACT:**

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

**Attachments:**

Minutes – Planning Commission Meeting September 24, 2019  
Minutes – Planning Commission Meeting October 29, 2019  
Draft Minutes – Planning Commission Meeting January 22, 2020  
City Wide Inventory Results  
Research Summary  
Properties with Existing Gravel Side Parking  
Memo from City Attorney  
Draft Ordinance 208  
Draft Summary Ordinance 209

## **A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking**

Planner Sevening introduced the agenda item and explained that City staff had recently conducted a citywide inventory of properties to determine the extent of compliance with Section 11-4 and 11-8 of the City code, which regulate garbage and refuse, and recreational vehicle parking. The results of the inventory, which showed significant noncompliance, were presented to the City Council on September 12<sup>th</sup>. The City Council was asked if they wanted staff to enforce the City code as currently written, or whether the code should be amended to determine if updates were needed. The City Council directed staff to bring the matter to the Planning Commission to determine if changes to the ordinance should be considered.

Sevening reviewed the current codes. In regards to garbage and refuse, she explained that the code currently requires that all garbage containers be kept within an enclosed building, or if stored outside, they shall be completely screened from view. Sevening displays examples of what the required screening could look like. On the date of the inspection, 44% of the properties in the City had violations related to storage of garbage cans. Of those, approximately 50% had garbage cans stored in front of their home and 50% had them stored on the side of their home.

In regards to the storage of recreational vehicles, Sevening explained that the current code requires that recreational vehicles be stored on a hard dust free surface, and that screening is required to the height of the recreational vehicle, or 6', whichever is less. On the date of the inspection, 16% of the properties in the City had violations related to the storage of recreational vehicles. Violations were primarily related to storing them in unpermitted locations, and without screening. She noted that the storage of recreational vehicles on properties may have a greater visual impact on neighborhoods.

Sevening explained that the City Council generally indicated that amendments to these sections should be considered. She stated that as part of the research, ten community codes were reviewed. She stated that, related to garbage can storage, nine of the ten communities allowed garbage cans to be stored outside. Half of those cities require screening of garbage containers.

All of the communities researched allow recreational vehicles to be parked in the driveway. Some permitted that seasonally, while some allowed year-round driveway parking. Some cities had size limitations, limitations on the number allowed, and most required recreational vehicles to be parked on a hard surface. Two of the cities required screening.

Sevening explained that, following completion of the citywide inventory and research of other community codes, staff had provided some preliminary recommendations for code amendments for discussion purposes. The Commission held discussion on the individual items.

Feedback from the Planning Commission regarding the storage of garbage cans was as follows:

- Kruckman stated that she does not believe the City should regulate the location of garbage cans on residential properties.
- Hanson stated that she cares about how her neighboring properties look and where garbage cans are placed. She stated it can affect the salability of a home and has visual impacts on the neighborhood.
- Humphrey stated that he is interested to know how the peer communities are regulating garbage cans, and would like to provide some consistency.
- Kruckman stated she is not in favor of requiring screening for garbage cans.
- Smith and Humphrey supported a requirement that that garbage cans be placed within an enclosed structure or if stored outside, they must be placed on the side or the rear of the home.

Following discussion regarding garbage cans, the Commission took an informal vote on the matter. It was moved by Humphrey, seconded by Hanson to recommend that the City code be amended to state that garbage cans must be placed in an enclosed structure, or in the side yard, or in the rear yard of a home, and that garbage cans will not be permitted in the front yard of a home. Motion carried: 3 – 1, with Kruckman placing the dissenting vote. Christianson noted that any change requires a formal public hearing, and action by the City Council.

Discussion was then held regarding recreational vehicle parking, as follows:

- There was discussion regarding the allowable parking surface. Christianson explained that in one section of the City code it clearly states that all driveway and parking surfaces in all residential, commercial and industrial zoning districts must be constructed with a concrete, bituminous, or paver surface. The recreational vehicle section of the code states that parking areas must be constructed with a “hard, dust-free surface”. She further explained that there was a period of time when a former consultant had opined that a gravel surface was a permissible surface for recreational vehicle parking. She explained that current City staff’s interpretation of the code is that gravel surfaces are not permitted because it contradicts the requirement that in all residential, commercial and industrial zoning districts must be constructed with a concrete, bituminous, or paver surface.
- Kruckman expressed concern about existing gravel parking spaces that may have been constructed during a previous time period. She did not want to place a financial burden on those property owners that have existing gravel surfaces by requiring them to upgrade the surface. Christianson stated that an inventory could be completed to determine how many gravel parking surfaces exist and when they were constructed. The City could include a grandfathering clause in any new ordinance to account for the existing gravel parking surfaces.

- Commissioner Humphrey commented on recreational vehicles that are allowed to be stored seasonally, and he recommended that a definition for “seasonally” be very clearly defined.
- Humphrey stated that vehicles that are over a certain size do have a visual impact on surrounding properties, and therefore, he does not believe that vehicles exceeding a certain size should be permitted in a driveway. He recommends that there be a length limit included in the ordinance.
- Commissioner Humphrey stated concern over future enforcement of the ordinance. He wanted to ensure that it would be enforced going forward.
- Hanson stated that there should be a limit on the length of a recreational vehicle parked in a driveway, and stated that the longer recreational vehicles can cause a safety issue based on impaired sightlines.
- Kruckman stated that recreational vehicles should not be allowed to encroach into the street right-of-way.
- Christianson noted that not all properties accommodate side yard parking of recreational vehicles. The majority of homes are constructed 10’ off of the side property line, and the majority of lots have a 5’ drainage and utility easement, leaving only 5’ for side yard parking.

Following discussion on the item, the Commission tentatively recommended that staff schedule a public hearing regarding amendments to the recreational vehicle section of the zoning ordinance at the October Planning Commission meeting. General items to be included in the revised ordinance include the following: restrict the number of recreational vehicles allowed to be parked on a property, restrict the size/length of recreational vehicles to be parked on a property, remove the screening requirement for recreational vehicle parking, and clarify the surfacing requirements for parking of recreational vehicles.

## 9. MISCELLANEOUS

### A. Community Development Updates

Christianson noted that a report containing Community Development updates was included in the Planning Commission Packet. Specifically reviewed was the status of the Pete’s Hill and Boulder Heights developments, and the Elko New Market Commerce Center. Commissioner Hanson asked if there were plans for a Kwik Trip in the community. Christianson stated that Kwik Trip is currently in a due diligence period on a property in the community. Christianson noted that staff is currently collected traffic data throughout the community.

### B. Planning Commission Questions and Comments

There were no further comments or questions from the Planning Commission.

1. The style of homes to be constructed on the lots, and the corresponding locations of driveways, has not yet been determined.
2. The lots in the townhome portion of the development are narrower than a typical single-family lot.

Motion carried (4-0).

## 8. GENERAL BUSINESS

### A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking

Planner Sevensing presented the agenda item, which was a continuation from the September Planning Commission meeting. She introduced the topic noting that a citywide inventory had been conducted in August regarding the storage of garbage cans and recreational vehicles on residential lots in the City. She noted that 44% of the properties in the City had violations related to storage of garbage cans, and 16% of the properties in the City had violations related to the storage of recreational vehicles. She stated that staff had decided at that time not to enforce the ordinances as currently written because there were more than 900 homes in violation of these Codes. Alternatively, staff inquired with the City Council regarding the matter to determine if they wanted staff to enforce the ordinances as written, or if they wanted to consider an amendment to the ordinance. The City Council requested that the Planning Commission review the City Code related to these two items. At the September Planning Commission meeting there was discussion on the matter which resulted in the Planning Commission directing staff to draft a zoning ordinance amendment.

Sevensing reviewed current ordinance language regarding storage of garbage containers and recreational vehicle parking. She then reviewed the proposed amendments as follows:

#### Section 11-4-1 - Storage of garbage and refuse containers:

- Distinguishes commercial, industrial, and multi-family residential properties from single family residential properties
- Replaces wood with maintenance free material as an acceptable screening material (for commercial, industrial, and multi-family residential properties)
- Single family residential properties can store garbage cans in side yard adjacent to garage, do not need to be screened from view
- Dumpsters or refuse containers used for construction purposes are exempt from location and screening requirements

#### Section 11-8-2 - Recreational Vehicle Parking:

- Adds ATVs, dirt bikes, dune buggies, go-karts, golf carts, ice houses, jet skis, snowmobiles, and UTVs as recreational vehicles
- Exempts non-motorized watercrafts from section and regulates them as exterior storage (canoes, kayaks, paddleboards)
- Identifies three seasonal classifications (warm weather season, cold weather season, or year-round) for recreational vehicles

- Permits up to 2 recreational vehicles to be parked in the driveway during periods of seasonal use
- Requires that all recreational vehicles be emptied of refuse, debris, junk, or other materials
- Limits recreational vehicles to 30 feet in length
- Prohibits recreational vehicles from extending into or obstructing the public sidewalk or public right-of-way
- Allows only one recreational vehicle exceeding 24 feet to be parked on residential property
- Removes the screening requirement for recreational vehicles
- Permits recreational vehicles to be parked in the rear or side yard on a surface of concrete, bitumen, or pavers entirely outside of the drainage and utility easement with a five (5) foot setback from property lines
- Includes exception for properties with existing gravel side parking areas
- Note: Staff completed an inventory for residential properties with gravel side parking areas and found that 51 properties currently have them.
- Enumerates recreational vehicles parked on a trailer as 1 recreational vehicle
- Removes nonconforming location permit

Regarding recreational vehicle parking, feedback and discussion was as follows:

- Commissioner Priebe asked is the tongue of a trailer would be included in the maximum allowable (30') length, or if the length requirement would apply only to the recreational vehicle (such as a boat) and not the trailer.
- Vice-Chairman Humphrey stated that any portion of the trailer should not extend into the public right-of-way.
- Commissioner Kruckman stated that she felt the tongue of trailer should be allowed within the right-of-way because a person can see over the trailer tongue and it would not obstruct a person's view.
- There was much discussion by the Planning Commission about whether there should just be a minimum setback requirement from the curb within the entire City. City staff noted that the right-of-way width on streets within the City varies greatly; there is not uniformity in boulevard widths.
- Christianson stated that the City Attorney would need to render an opinion about allowing parking of recreational vehicles, and specifically the tongue of a trailer, within the City right-of-way/boulevards. The Planning Commission requested a legal opinion on the matter.
- Humphrey expressed his desire to have an easily understood ordinance and an enforceable ordinance.
- Sevenson stated that she had completed an inventory of all properties in the City which currently have gravel side parking areas alongside their garages. These would be considered grandfathered under the draft ordinance which requires a paved or concrete surface.

Regarding the storage of garbage cans, feedback and discussion was as follows:

- Kruckman expressed concern about people having to move landscaping along sides of homes to accommodate garbage can storage.
- Priebe expressed concern about people having to do extra snow removal to place garbage cans on the side of the home.
- Priebe stated that it was not a good use of City staff time to enforce codes related to storage of garbage cans.
- Kruckman stated that she felt the City Code should regulate overflowing garbage cans but not the placement/location of garbage can storage. Christianson stated this topic (overflowing garbage cans) is currently regulated under another section of the City Code.
- Christianson reviewed the statistics regarding storage of garbage cans, stating that of the 44% who were currently not complying with City Code, approximately 50% of those already had garbage cans stored on the side of the home. Therefore, approximately 22% of the homes in the City would not be complying with the proposed draft ordinance.
- Kruckman asked what the concern was about the storage garbage cans. Christianson stated that the concern was the visual impact on the neighborhood.
- Sevening stated that City staff has received complaints regarding where people store their garbage cans, which is what prompted the discussion on the topic.
- Hansen stated that she feels the current draft ordinance is a compromise between the current ordinance, which does not allow garbage cans to be stored outside, and not regulating their placement.
- Kruckman wants to concentrate on regulating overflowing trash and not garbage can placement.
- Hansen and Humphrey stated that they support the draft ordinance as presented, which allow outside storage of garbage cans on the side of the garage but not in the front yard.
- Kruckman and Priebe stated that they do not believe that the placement of garbage cans should be regulated by the City.
- Sevening reviewed Sections 5-1-5 and 11-4-3-A of the City Code that currently state garbage must be contained within enclosed containers.

Sevening explained that a public hearing is required for the proposed zoning ordinance amendments. She also explained how the City might advertise any proposed and/or adopted amendments to the ordinance such as Facebook posts, etc.

Christianson advised the Commission that City staff needed to advance two large projects being worked on so this ordinance amendment item may not be scheduled for discussion on the next Planning Commission meeting. Vice-Chairman Humphrey suggested that the most important projects be advanced as a priority, and that these possible ordinance amendments be processed before the spring of 2020. Staff indicated that they had enough information and feedback from the Commission to schedule a public hearing in the future.

## 9. MISCELLANEOUS

### A. Community Development Updates

## 7. APPROVAL OF MINUTES

- A. It was moved by Hanson and seconded by Humphrey to approve the minutes of the December 17, 2019 meeting. Motion carried: (5-0).

## 8. PUBLIC HEARINGS

### A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking

Planner Sevening presented the agenda item, which was a continuation from the September and October Planning Commission meetings. She introduced the topic noting that a citywide inventory had been completed in August regarding the storage of garbage cans and recreational vehicles on residential lots in the City. She noted that 44% of the properties in the City had violations related to storage of garbage cans, and 16% of the properties in the City had violations related to the storage of recreational vehicles. She stated that staff had decided at that time not to enforce the ordinances as currently written because there were more than 900 homes in violation of these Codes.

Alternatively, Staff inquired with the City Council regarding the matter to determine if they wanted Staff to enforce the ordinances as written, or if they wanted to consider an amendment to the ordinance. The City Council requested that the Planning Commission review the City Code related to these two items. At the September Planning Commission meeting there was discussion on the matter which resulted in the Planning Commission directing staff to draft a zoning ordinance amendment. At the October Planning Commission meeting the Commission reviewed the draft ordinance amendment and had concerns related to recreational vehicles in the right-of-way and how the length of recreational vehicles would be measured.

After Planner Sevening reviewed the history to date, she reviewed current ordinance language regarding storage of garbage containers and recreational vehicle parking. She then reviewed the proposed amendments as follows:

#### Section 11-4-3 – Garbage and Refuse:

- Distinguishes commercial, industrial, and multi-family residential properties from single family and two-family residential properties.
- Replaces wood with maintenance free material as an acceptable screening material (for commercial, industrial, and multi-family residential properties).
- Permits single family and two-family residential properties to store garbage cans in side or rear yard adjacent to garage without screening.
- Exempts dumpsters or refuse containers used for construction purposes from the location and screening requirements.

#### Section 11-2-2 – Zoning Ordinance Definitions:

- Removes definitions for specific types of recreational vehicles and defines recreational vehicle more broadly.

#### Section 11-8-2 - Recreational Vehicle Parking:

- Adds ATVs, dirt bikes, dune buggies, go-karts, golf carts, ice/fish houses, snowmobiles, and UTVs as recreational vehicles.
- Prohibits recreational vehicles from extending into or obstructing the public sidewalk or public right-of-way.
- Allows only one recreational vehicle exceeding 24 feet in length to be parked on a residential property and none exceeding thirty (30) feet in length.
- Identifies three seasonal classifications (warm weather season, cold weather season, or year-round) for recreational vehicles.
  - Permits up to two (2) recreational vehicles to be parked in the driveway during periods of seasonal use.
- Removes the screening requirement for recreational vehicles.
- Permits recreational vehicles to be parked in the rear or side yard on a surface of concrete, bitumen, or pavers entirely outside of buffer yards and public easements.
  - Exempts properties with existing gravel side parking areas from surfacing requirements.
- Requires recreational vehicles to be parked at least 5 feet from property lines or 10 feet from property lines on corner lots abutting a public right-of-way.
- Enumerates recreational vehicles parked on a trailer as one (1) recreational vehicle.
- Removes nonconforming location permit.

#### Section 11-9-8 (E) – Surfacing and Maintenance of Off Street Parking:

- Exempts properties with existing gravel side parking areas from surfacing requirements.

Chairman Smith opened the public hearing at 7:22 p.m.

Bryce Schuenke, 26645 Oak Street, thanked the Commission for their dedication and work. He asked the Commission if all sections of the City Code were punishable by misdemeanor. City Administrator Terry stated that yes, by definition any violation of City Code is automatically a misdemeanor. Schuenke stated that the amendments are well written and that being more open is good. He reiterated to the Commission that if sections are violated they are crimes and having that on their record could impact their lives. Commissioner Humphrey stated that the City's intent is not to charge residents, but rather seek compliance.

Deanna Adams, 2064 Wild Wings Pass, asked how many complaints the City has received on the topics. Planner Sevensing stated that she did not know the exact number but believes it to be between 10 to 15 complaints. Adams asked if the Commission had considered the costs associated with bring properties into compliance, especially related to screening. Commissioner Smith stated that the proposed amendments remove the screening requirement. Adams stated that screening may be more cost effective and feasible than dragging garbage cans through grass and snow. She also noted that her property is sloped on the side and would not be able to store them there. City Administrator Terry noted that under the current ordinance garbage cans would have to be in the garage and the proposed amendments allow greater flexibility. Adams asked the Commission when enforcement of the ordinances would begin. City Administrator Terry stated that the City would undergo an

informational campaign to provide time for properties to get into compliance and enforcement likely would not begin until Spring or Summer.

Eugene Meger, 41 West Louis Street, stated that he has lived in his home for 42 years. He noted that based on the Citywide inventory, 56% of residents are following current ordinances. He stated that he is not concerned about screening, but is concerned about open and overflowing garbage cans, when garbage cans are put out for pickup, and garbage cans being located in the street. He also asked that ordinances related to these topics also be looked at and enforced. Commissioner Smith suggested that when Staff begin the information campaign after adoption of the proposed ordinance, information regarding other ordinances related to garbage cans should also be included. Regarding recreational vehicles, he stated that there should be additional language added to clarify that vehicles cannot park on the grass. He also stated that the City should not grandfather properties with existing gravel side parking areas and should confirm that they are setback at least five feet from the property line.

Chris Weber, 336 Wagner Way, stated that he is against the garbage can amendments. He noted that he specifically poured an apron on his property to accommodate garbage cans and will not put them in his garage because they smell bad. In regards to recreational vehicles, he stated that there should not be a length restriction. He stated that if the driveway accommodates the recreational vehicle, it should be allowed. He also stated that the months within the warm and cold weather seasonal classifications should be expanded to overlap.

Mike Buck, 345 Wagner Way, stated that he currently stores his garbage cans in the driveway and that they would blow over if stored in the side yard. He also noted that he is an owner of a recreational vehicle and although it fits entirely within his driveway and does not extend into the right-of-way, he would not be able to have it on his property based on the length restrictions. He noted that he specifically moved to Elko New Market to get away from some of the regulations of City life. Buck suggested that the Commission should consider having a buffer space off of the right-of-way rather than a maximum length requirement.

Jaime Helgeson, 2081 Wild Wings Pass, stated that because residents are required to have garbage cans whereas recreational vehicles are a choice, the Commission should separate the topics when considering amendments. She noted that many properties have slopes in their side yards that would prevent the storage of garbage cans there. She said that she worries about the smell of garbage cans in the garage, the mice they would attract, and her kids who play in the garage during the winter.

Joe Julius, 10130 Ponds Circle, stated that the Planning Commission has a tough job when looking at and amending ordinances. He notes that most people will not be happy with the proposed changes, but that does not mean the changes should not happen. Julius thanked the Commission for their work as ordinances continue to be reviewed. Commissioner Humphrey stated that the Commission will continue to review ordinances.

Planner Sevensing stated that the City had received numerous formal comments via phone call and email. All comments received by 4:30 p.m. on January 22, 2020 were read into the record as follows:

Stacey Ireland, 1410 Overlook Court, stated that she currently keeps her garbage cans in the driveway and previously kept the garbage cans in the garage, but they attracted mice and rats. She also stated that she has safety concerns regarding her autistic son, who has in the past tipped garbage cans onto himself when stored in the garage. She stated that it should not matter where garbage cans are stored because it is private property and as long as garbage is not spilling out of garbage cans or blowing onto other properties the location should not be a problem. Finally, she stated that her property has landscaping in the side yard that would prevent her from storing the garbage cans there.

Kim Lewis, 610 Cedric Lane, stated that she is okay with garbage cans being stored in the driveway in front of the 3<sup>rd</sup> stall garage and that if the garbage/refuse ordinance is enforced, so should the recreational vehicle ordinance.

Abby Hanna, 200 Wagner Way, wrote that she was born and raised in Elko and has lived there her entire life. She noted that there are a few houses on Wager whose driveway and houses are angled. She wrote that her and her fiancé currently store their garbage cans in the front of our house but off to the side because they have an extra small two car garage and cannot fit their garbage cans inside of the garage, which essentially faces the street. She asked the Commission what their options would be.

Al Christensen, 316 Wagner Way, wrote that he does not support renewing or enforcing the garbage can ordinance as it is obviously not enforced and with over half of all houses leaving their cans visible, it would lead him to believe this is a common feeling amongst people in his neighborhood and that we are better off without it.

Margaret Lynch, 10389 Windrose Curve, wrote that most people in her neighborhood at have a three car garage for a reason - an actual 3<sup>rd</sup> car, storage for boats, and all the 'stuff' we have - bikes, snowblowers, lawnmowers, etc. She wrote that there is no room for garbage cans in that stall or the garage in general. She could not have her garbage cans on the side of her garage due to the slope. She noted that as others have expressed, putting them behind the garage and having to go across the back yard, up the side, in front of the house during the winter (or summer also for that matter) is just not feasible. She wrote as she looks and drives around other communities - Lonsdale, New Prague, Lakeville - she see's garbage cans sitting outside as well. She asked the Commission if they have looked into how those communities have their ordinances written. She also implored the Planning Commission and the City Council to approach the topic with common sense and by what would work for our community as a whole.

Barb Anderson, 10410 Windrose Curve, wrote that she agrees that there needs to be some type of ordinance regarding where garbage cans are stored. Every other city she has lived in has had an ordinance regarding garbage cans and it has never been an issue. She wrote that she works in Burnsville where this is enforced and it is totally different driving down the residential roads and not seeing garbage cans sitting out in front of

garages. She wrote that garbage cans sitting out in front of garages makes the neighborhood less appealing and that she has seen garbage cans overflowing with garbage bags sitting next to them which is totally unacceptable. She has lived in Elko New Market for 19 years and has always kept their garbage cans in their garage and they do not have a “stinky” garage and have never had any rodents in their garage.

Robinette Donahugh-Ralston, wrote that it is clear that the prior ordinance for garbage cans was not being enforced and that a quick drive through neighborhoods without separate associations makes it clear most people store their containers in front or to the side of the home. She wrote that given the recent response to the upcoming changes, she recommends having further debate on this topic. She wrote that the top issue needing addressed is what problem this ordinance is addressing. She agreed with removal of unneeded and unused ordinances, but noted that to replace them with additional unneeded and unused seems to be a waste of time and effort.

Sara Sprosty, 204 Maverick Avenue, wrote that she has lived at 204 Maverick for 9 years and takes pride in their home, but leaves their garbage cans in front of the 3rd stall and has never thought of these blue cans as blight, or an eyesore. She wrote that their garage is significantly higher than their neighbors, which means the slope of the yard is significant. It is not flat to walk on and is not built for storing trashcans, nor is there room for trashcans in the garage. She wrote that another issue is smell. Even with composting their fruit & veggie scraps, the cans inevitably stink. She also noted that she is concerned with the cost to the City to enforce this rule and the significant cost to make changes to her property to allow her to store them alongside or behind her garage. She wrote that she would love to see this removed as an ordinance, but if it is updated and enforced, she would appreciate more time to make changes.

Gordon Deuel, 2095 Wild Wings Pass, wrote that while he understands the desire for clean neighborhoods and potential concerns over trashcans being left out, driving through our residential streets he just does not see how this ordinance would be feasible in our community. He asked the Planning Commission to consider what is being reflected in our community as City ordinances are updated.

Marjorie Hilla, 340 Brady Street, wrote that her concern is more about recreational vehicles than garbage cans, although she does keep hers in the garage and thinks it looks best for the neighborhood if hidden somehow. She noted that there is a house two down from her and feels it really brings down the neighborhood to have a boat parked next to the front door. She wrote that she has a boat and pays a minimal fee to store it off-site.

Jesse Henchal, 1025 Theresa Marie Drive, asked questions regarding the enforcement of the proposed recreational vehicle parking ordinance and allowed length of recreational vehicles.

Heather Vetter, 9214 Fairway Hill Drive, wrote that she takes great pride in her property, neighborhood and City and believes that enforcing the current garbage/refuse ordinance, would keep the City aesthetically appealing for current and future citizens. She notes that aside from the aesthetics, if garbage cans are contained, there will be fewer chances

of attracting animals who use the cans as a food source, less trash that gets “spilled” throughout the neighborhood/City, and a reduction in illegal dumping, etc.

Chairman Smith closed the public hearing at 8:02 p.m.

Regarding the storage of garbage cans, discussion was as follows:

- Commissioner Humphrey acknowledged resident concerns about slope, but noted that creating an area for garbage cans does not have to be expensive. He stated that the primary purpose of this ordinance is to keep the City clean and limit aesthetic impacts of garbage cans.
- Commissioner Priebe stated that he is against regulating the placement of garbage cans. He stated that they do not cause blight and that he does not understand why we are considering amendments that will require residents to make changes to their property.
- Commissioner Smith reminded the Commission that the proposed amendments are all about lightening the requirements.
- Commissioner Kruckman agrees with lightening the requirements, but notes that certain provisions will still force people into noncompliance. She noted that the goal should be to reach compliance and that enforcing this ordinance would consume many resources. Commissioner Kruckman also stated that more focus should be on overflowing garbage.
- Commissioner Hanson states that the proposed changes will take care of a lot of the noncompliance that currently exists.
- City Administrator Terry advised the Commission that ultimately the discussion is about community values. He also stated that when a new ordinance is adopted greater resources and time will be spent on enforcement, but overtime that will decrease as compliance increases.
- Commissioner Humphrey notes that enforcement of ordinances is a culture. Commissioners agree that the culture is changing in Elko New Market. Commissioner Humphrey states that the Commission should continue to simplify ordinances.
- Commissioner Smith states that he is supportive of making the ordinance less obtrusive and that providing time to comply is good.
- Commissioner Kruckman states that violations related to garbage cans should not be a crime.
- City Administrator Terry states that if the City has a rule there has to be a consequence. Under City Code, that consequence would be a misdemeanor.
- Commissioner Humphrey suggested an informal vote on the topic. Commissioner Hanson, Humphrey, and Smith voted in support of the amendments as proposed. Commissioner Kruckman and Priebe were opposed.

Regarding recreational vehicle parking, discussion was as follows:

- Commissioner Hanson stated that the size limitations of recreational vehicles should be discussed.

- The Commission questioned whether there should be a length restriction or if there should be a setback from the right-of-way.
- City Administrator Terry stated that the Planning Commission needs to consider not just the size of recreational vehicles, but their scale within a neighborhood and visual impacts. He notes these considerations are all value questions.
- Commissioner Priebe suggested the Commission go through each provision of the proposed amendments one by one. He noted that the first change should be related to the warm and cold weather seasons. He also stated that grandfathering should stay in the ordinance.
- Commissioner Humphrey asked Staff to clarify the history behind the City allowing gravel side parking areas.
- Commissioner Smith noted that sometimes gravel is an intermediary step to asphaltting the side parking areas.
- All Commissioners stated that they support grandfathering of gravel side parking areas and changes in the warm and cold season months. Specifically, Commissioners directed Staff to change the warm weather season to April through November and the cold weather season to October through May.
- Commissioner Priebe asked for clarification on the length restrictions and asked City Administrator Terry to clarify the concerns related to the scale of recreational vehicles.
- Commissioner Smith noted that scale is innately regulated by the length of a property's driveway.
- City Administrator Terry advised the Commission that one method of minimizing the impacts of the scale or size of recreational vehicles is to have different length restrictions based on the size of the property.
- Commissioner Humphrey noted that even if a recreational vehicle fits in the driveway, it still impacts neighbors.
- Commissioner Hanson summarized proposed changes and asked if further discussion was necessary.
- Commissioner Humphrey noted that the Commission had not agreed on size restrictions of recreational vehicles. Commissioner Priebe asked the Commission if size restrictions should be included and how they would be determined.
- Commissioner Humphrey stated that there should be a length restriction, but what the length is needs to be discussed. He also asked if there should be a height restriction.
- Commissioner Priebe asked Mr. Buck what the typical height and length of recreational vehicles are. Mr. Buck stated that the tallest vehicle cannot exceed 13 ½ feet and almost none exceed 47 feet in length. Mr. Buck also stated that the maximum allowable length from bumper to bumper is 70 feet.
- The Commission discussed whether length should be measured based on the title of the vehicle or the actual physical dimensions. City Administrator Terry advised that the actual physical dimensions should be utilized.
- Commissioner Smith suggested a number of concepts that could be used for determining the size of recreational vehicles allowed: setback from property line, distance from right-of-way, and length of vehicle.

- City Administrator Terry advised that another method that could be used is conditional use permits. He also noted that if a setback from right-of-way was used it would greatly reduce the number of properties that would be able to park recreational vehicles in their driveway.
- The Commission agreed that making a resident get a conditional use permit for a recreational vehicle that fits in their driveway should not be required. They also noted that there is a substantial cost associated with a conditional use permit.
- The Commission continued discussions related to the maximum length of recreational vehicles and ultimately decided that length will be innately regulated based on the length of the property's driveway and thus no maximum length should be required.

It was moved by Hanson and seconded by Humphrey to recommend approval of the draft ordinance, subject to the following changes:

1. Expand the warm and cold weather season months so that they are overlap.
2. Remove the maximum length restriction for recreational vehicles.

Motion carried: (3-2)

The Planning Commission asked that it be noted that the two votes in opposition were specific to the amendments related to garbage cans. The Commission found consensus on all other items.

## 9. GENERAL BUSINESS

### A. Adopt Planning Commission Goals and Priorities for 2020

Planner Sevensing introduced the agenda item and explained that at the Commission was being asked to formally adopt goals and priorities for 2020 as discussed at the December 17, 2019 Planning Commission meeting. Staff provided a list of draft goals and priorities as follows:

- Continued incremental review and simplification of Zoning and Subdivision Ordinance
- Comprehensive and proactive code enforcement
- Housing affordability and diversity (Consideration of tools such as accessory dwelling units, inclusionary zoning, TIF, Tax Abatement, etc.)
- Final adoption of the 2040 Comprehensive Plan
- Final adoption of Adelman property AUAR

City Administrator Terry recommended that “comprehensive and proactive code enforcement” be removed from the list. He stated that although the Planning Commission reviews and amends the Zoning Ordinance, enforcement of the ordinance is an administrative action. The Planning Commission agreed with Staff, but requested occasional updates on enforcement actions and common violations. A motion was made by Kruckman and seconded by Hanson to adopt the goals and priorities with removal of the code enforcement goal. Motion carried: (5-0).

# Research Summary

## City Wide Inventory

On August 27 and August 29, 2019, Staff completed a code enforcement inventory related to storage of garbage cans and recreational vehicle parking across the entire City. The results of the inventory are included in the attached maps, which highlight the properties in violation of section 11-4-1 or 11-8-2.

**Garbage Can Storage.** Through the inventory, Staff found that 741 properties (44% of properties in Elko New Market) had violations related to garbage cans. All violations were for storing garbage cans outside without screening. Of the properties in violation of section 11-4-1, approximately 50% had garbage cans located on the side of the home and the other 50% had them located in front of the garage doors. Included below are two pictures showing examples of violations related to the storage of garbage cans.



**Recreational Vehicle Parking.** Compared to garbage cans, recreational vehicle parking violations were fewer in number, but have the potential to have a much greater visual impact. Through the inventory, Staff found that 274 properties (16% of properties in Elko New Market) had violations related to recreational vehicle parking. The majority of the violations were for parking recreational vehicles in a prohibited location (i.e. on the driveway) or on a prohibited surface (i.e. grass) or without proper screening (to the height of the vehicle or a height of 6', whichever is less). Although approximately 30% of the properties with a recreational vehicle present had it/them parked in a permissible location, only one provided screening in accordance with section 11-8-2. Included below are a variety of pictures showing examples of violations related to recreational vehicle parking.



It is worth noting that because the inventory was conducted the week before Labor Day weekend, there may have been an increased presence in recreational vehicles as compared to normal. However, despite the timing, Staff believes the inventory is a fairly accurate representation of recreational vehicle presence in Elko New Market.

### **Research – Area Cities**

In addition to completing the City wide inventory, Staff researched garbage can storage and recreational vehicle parking requirements in 10 other area cities: Apple Valley, Belle Plaine, Farmington, Jordan, Lakeville, Lonsdale, New Prague, Prior Lake, Savage, and Shakopee. A summary of the requirements for each city are included below. More detailed information about each city's requirements is included as attachments.

**Garbage Can Storage.** Generally, Staff found that most cities researched allow garbage cans to be stored outside in the side or rear yard. Only five of the cities researched require garbage cans to be screened from view when stored outside.

**Recreational Vehicle Parking.** Staff found that all of the cities researched allow recreational vehicles to be parked in driveways. Six of the cities allow them in the driveway year round and the remaining four allow them in the driveway seasonally, based on the type of recreational vehicle. However, some cities do have size limitations that prevent large vehicles (i.e. exceeding 34' in length) from being parked in the driveway unless granted a conditional use permit.

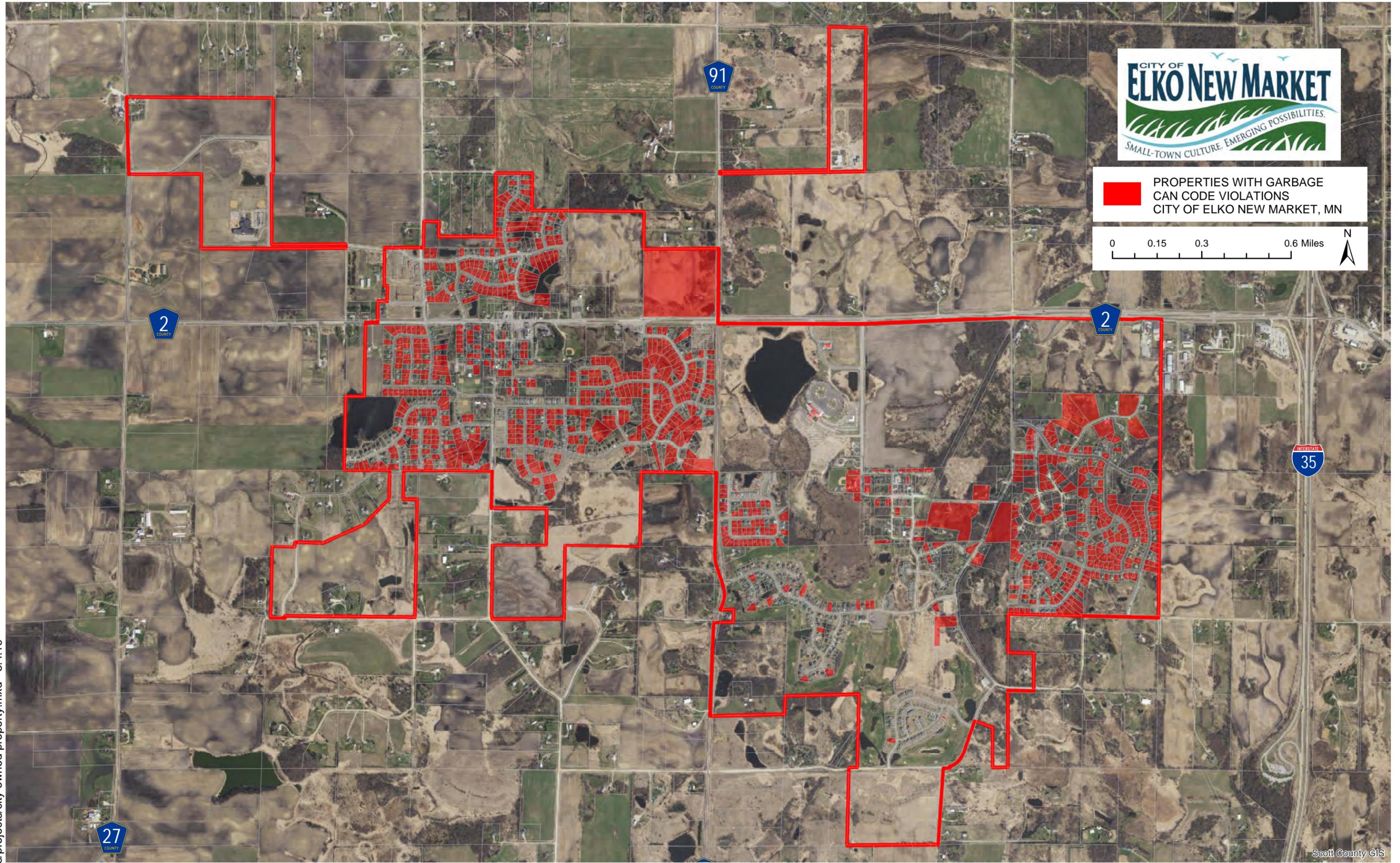
The majority of the cities also allowed recreational vehicles to be stored in the side or rear yard, without screening, but did require that they be parked on a hard or improved surface. The most common number of recreational vehicles that cities allow on a property is three, but some had a reduced number specific to the number of recreational vehicles allowed in the driveway.

### **Research – Gravel Side Parking Areas**

Following direction from the Planning Commission, Staff completed an inventory of properties with gravel side parking areas within the City. Staff found that 51 properties have existing gravel side parking areas. A list of properties with existing gravel parking areas is included as an attachment.

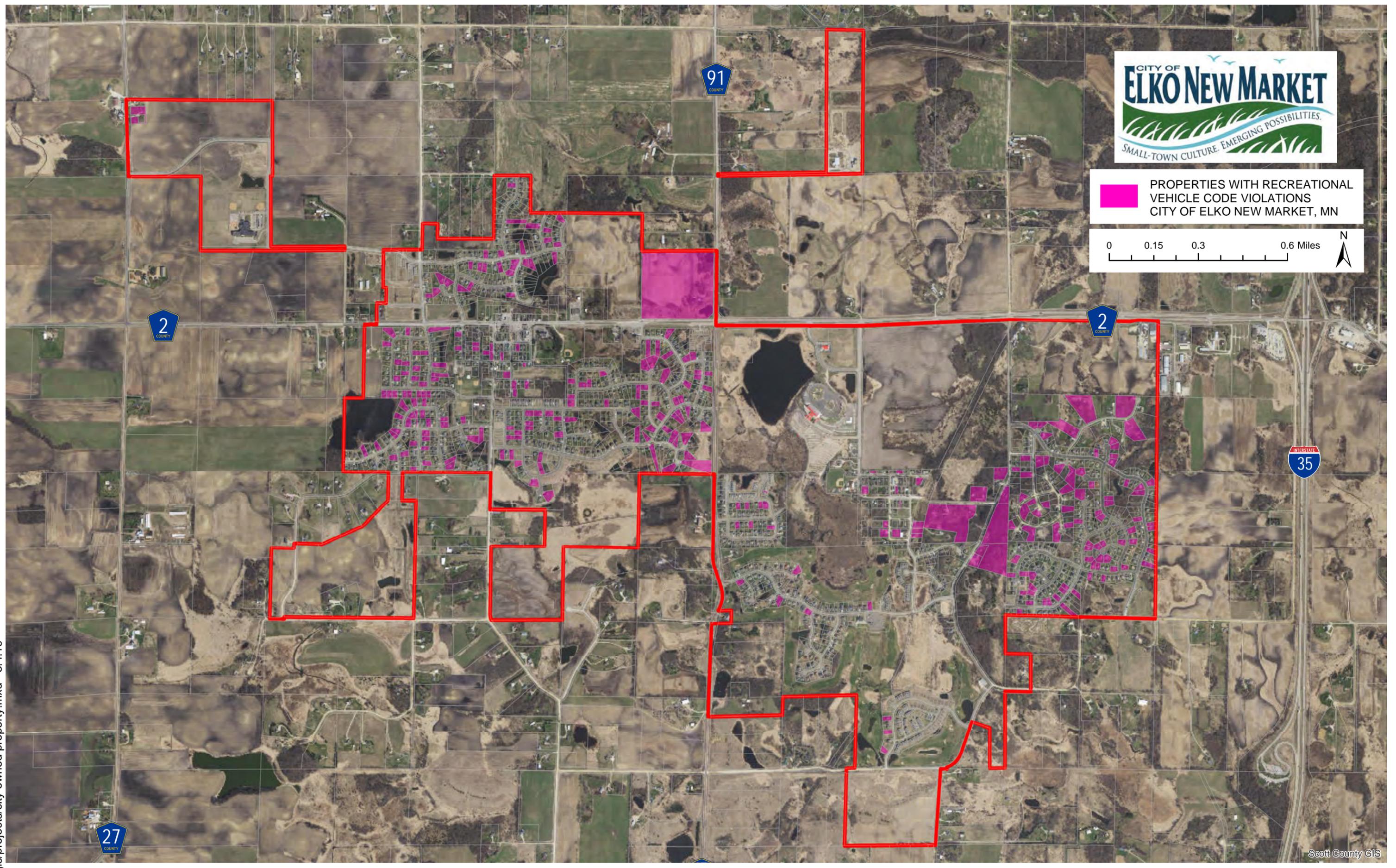


PROPERTIES WITH GARBAGE CAN CODE VIOLATIONS  
CITY OF ELKO NEW MARKET, MN





PROPERTIES WITH RECREATIONAL  
VEHICLE CODE VIOLATIONS  
CITY OF ELKO NEW MARKET, MN



## Garbage Can Storage Research Summary

	Allowed Outside?	Screening Required if Outside?	Requirements/Notes
<b>Elko New Market</b>	Yes	Yes	"In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a latching mechanism which keeps it closed/locked when not in use."
<b>Apple Valley</b>	Yes	Yes, in side yard, but not rear yard.	"When not placed for collection as specified in division (C) below, the containers, as relates to single-family dwellings, may be stored in the rear of the premises, may be stored in the sideyard setback if screened from the street and adjoining properties, or may be stored within any structure located on the premises. Containers stored outside shall be maintained in such a manner as not to permit entry of or harborage for animals, insects, or other vermin."
<b>Belle Plaine</b>	Yes	No	"Residential refuse and recycling containers shall be stored in rear or side yards or kept indoors. At no time shall residential refuse or recycling containers be stored in front yards."
<b>Farmington</b>	Yes	No	Farmington does not regulate the storage of garbage cans in single-family residential districts.
<b>Jordan</b>	Yes	No	Jordan does not regulate the storage of garbage cans in single-family residential districts.
<b>Lakeville</b>	Yes	No	"1. For detached single-family dwellings, waste and recycling receptacles not contained within principal structures shall be exempt from conformance with subsection B of this section, but shall comply with the following: a. Receptacles shall be located in side or rear yards, but not the side of a corner lot or rear yard of a double frontage lot abutting a public right of way. b. Receptacles shall be set back a minimum of five feet (5') from all property lines."
<b>Lonsdale</b>	No	N/A	"The following are hereby declared to be a nuisance affecting health: ...Accumulation of garbage, trash, yard waste or refuse not stored inside the dwelling unit, garage or at a point behind the front of the dwelling unit or garage, except between the hours of 6:00 p.m. the night before collection and 10:00 p.m. on the designated collection day, during which time all garbage, trash, yard waste or refuse, properly contained may be deposited at the curb;"
<b>New Prague</b>	Yes	Yes	"In all districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or property, contained in a closed container designed for such purposes. All dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view. Acceptable methods of screening include enclosures made of wood fencing material, brick or a combination thereof."
<b>Prior Lake</b>	Yes	Yes, if visible from public view (from street/sidewalk).	"Garbage cans and other garbage and refuse containers shall be so located as to be out of the public view except on the day of the pickup."
<b>Savage</b>	Yes	Yes, if visible from public view (from street/sidewalk).	"Refuse and recycling containers shall be stored in a location as to be out of the public view except for collection. All containers shall be kept in good repair and in sanitary condition."
<b>Shakopee</b>	Yes	Yes, if visible from front curb line.	"...Receptacles shall be removed by 7:00 p.m. on the designated day of collection and shall not otherwise be stored in areas of the front yard visible from the front curb line."

## Recreational Vehicle Parking Research Summary

	Permitted in Driveway?	Seasonally Permitted in Driveway?	Permitted in Side Yard? (1')	Permitted in Side Yard? (5')	Permitted in Rear Yard?	Screening Required?	Parked on Hard Surface?	Maximum # Allowed?	Notes
<b>Elko New Market</b>		Folder tent campers and small utility trailers only.	Folder tent campers and small utility trailers only.	Yes	Yes	Yes	Yes	3	
<b>Apple Valley</b>	Yes				Yes		Yes		Lots less than 1 acre: 1 class 2 vehicle, or 2 class 1 vehicles. Lots more than one acre: 4 (at least two must be completely screened from view) Provision about campers/motor homes not being occupied.
<b>Belle Plaine</b>	Yes			Yes	Yes		Yes (includes gravel or landscape pavers)	3	Provision about campers/motor homes not being occupied.
<b>Farmington</b>	Yes			Yes	Yes		Yes		Allowed in ROW subject to street parking provisions.
<b>Jordan</b>		Yes		Yes	Yes		Yes	3	Recreational vehicles outside of seasonally allowed time may only be parked in side or rear yard on hard surface.
<b>Lakeville</b>	Yes			Yes	Yes		Yes	2	If stored in side yard, must be paved. Does not need to be paved if in rear yard.
<b>Lonsdale</b>	Yes			Yes		Yes	Yes	3	Has a table with types of recreational vehicles and their seasonal classification: warm weather, cold weather, year-round.
<b>New Prague</b>		Yes	Yes	Yes	Yes		Yes (includes gravel)		Recreational vehicle may not obstruct the public sidewalk or public right of way. Recreational vehicles exceeding 40' in length may not be parked outside unless granted a conditional use permit.
<b>Prior Lake</b>		Yes		Yes	Yes				Must be operable/licensed.
<b>Savage</b>		Yes		Yes	Yes	Yes		3, but only 2 permitted in driveway	Recreational vehicles parked outside may not exceed 34' in length unless granted a conditional use permit.
<b>Shakopee</b>	Yes			Yes				2, but only 1 permitted in driveway	

## Gravel Side Parking Inventory

PID	House	Street	City	State	Zip	Year Constructed
230290530	9726	265 St E	Elko New Market	MN	55020	2008
230210620	3012	Aaron Dr	Elko New Market	MN	55054	2008
230130100	3203	Aaron Dr	Elko New Market	MN	55054	2018
230130140	3310	Aaron Dr	Elko New Market	MN	55054	2018
230090330	3321	Aaron Dr	Elko New Market	MN	55054	2016
230210400	1519	Anna St	Elko New Market	MN	55054	2019
230160180	288	Brady St	Elko New Market	MN	55054	2008
230190150	346	Brady St	Elko New Market	MN	55054	2013
230230440	615	Cedric Lane	Elko New Market	MN	55054	2010
230470510	26952	Dogwood Dr	Elko New Market	MN	55020	2018
230090260	1145	Dorthy Ln	Elko New Market	MN	55054	2008
230090370	1150	Dorthy Ln	Elko New Market	MN	55054	2010
230440790	9082	Fairway Hill Dr	Elko New Market	MN	55020	2008
230440760	9148	Fairway Hill Dr	Elko New Market	MN	55020	2008
230440880	9221	Fairway Hill Dr	Elko New Market	MN	55020	2018
230160110	254	James Parkway	Elko New Market	MN	55054	2008
230160100	256	James Parkway	Elko New Market	MN	55054	2008
230100300	2181	Jean Way	Elko New Market	MN	55054	2008
230100350	2190	Jean Way	Elko New Market	MN	55054	2015
230100020	2195	Jean Way	Elko New Market	MN	55054	2008
230230260	450	Knights Rd	Elko New Market	MN	55054	2016
230080310	240	Mac St	Elko New Market	MN	55054	2008
230160140	222	Maverick Ave	Elko New Market	MN	55054	2008
230390300	26731	Meadow Ridge Dr	Elko New Market	MN	55020	2018
230440720	26640	Oak St	Elko New Market	MN	55020	2015
230330370	10246	Oakhill Ct	Elko New Market	MN	55020	2013
230360010	26771	Oakridge Way	Elko New Market	MN	55020	2008
230360040	26835	Oakridge Way	Elko New Market	MN	55020	2018
230210230	1324	Overlook Dr	Elko New Market	MN	55054	2018
230240470	1438	Overlook Dr	Elko New Market	MN	55054	2015
230070200	125	Park St	Elko New Market	MN	55054	2019
230470270	10025	Ponds Way	Elko New Market	MN	55020	2016
230470100	10050	Ponds Way	Elko New Market	MN	55020	2016
230470310	10065	Ponds Way	Elko New Market	MN	55020	2015
230310370	10183	Ptarmigan Ct	Elko New Market	MN	55020	2015
230230121	467	Rowena Curv	Elko New Market	MN	55054	2015
230180230	2101	Seurer St	Elko New Market	MN	55054	2018
230180420	2312	Seurer St	Elko New Market	MN	55054	2008
230120130	1004	Theresa Marie Dr	Elko New Market	MN	55054	2008
230090510	1030	Theresa Marie Dr	Elko New Market	MN	55054	2008
230320020	26306	Thomas Ave	Elko New Market	MN	55020	2008
230320110	26325	Thomas Ave	Elko New Market	MN	55020	2008
230320060	26390	Thomas Ave	Elko New Market	MN	55020	2008
230110060	126	Todd Ct	Elko New Market	MN	55054	2008

230080190	316 Wagner Way	Elko New Market	MN	55054	2016
230080180	318 Wagner Way	Elko New Market	MN	55054	2008
230440690	9171 Whispering Hills	Elko New Market	MN	55020	2011
230100170	2065 Wild Wings Pass	Elko New Market	MN	55054	2008
230350030	10398 Windrose Curv	Elko New Market	MN	55020	2015
230330130	26424 Woodcrest Ln	Elko New Market	MN	55020	2010
239270158	26769 Xerxes Trail	Elko New Market	MN	55020	2018

## MEMORANDUM

FROM: ANDREA McDOWELL POEHLER,  
CITY ATTORNEY  
SHANA CONKLIN, ASSISTANT CITY ATTORNEY

DATE: DECEMBER 4, 2019

RE: LIABILITY CONCERNS WITH RECREATIONAL VEHICLES IN RIGHT-OF-WAY

---



CAMPBELL KNUTSON  
PROFESSIONAL ASSOCIATION

This Memorandum outlines issues that may arise if the City allows recreational vehicles to extend into the City's right-of-way when parked in a driveway. Cities have an obligation to maintain and properly care for its rights-of-way. A right-of-way would include, but is not limited to, a city sidewalk, a bicycle lane, streets, boulevards, and ditches.

The City should consider the following potential issues that would arise if it permits any individual to place a recreational vehicle on any right-of-way:

- 1) The City has an Obligation to Comply with the Americans with Disabilities Act (ADA).** Cities are subject to the requirements of the Americans with Disabilities Act (ADA), 28 C.F.R. § 35.151. Permitting a recreational vehicle to remain parked on a City's sidewalk presents a substantial impediment to all pedestrians, but particularly to individuals who have physical disabilities, including the visually impaired. A recreational vehicle parked on the sidewalk would impede an individual's ability to safely use the sidewalk to travel. If a pedestrian utilizes a wheelchair, walker, or another mobility device, a recreational vehicle blocking the pedestrian's path would substantially interfere with the person's ability to use the sidewalk. It may not be possible for the person to safely maneuver around the recreational vehicle.
- 2) The City Needs to Protect its Access to the Right-of-Way to Complete Road Construction, Sidewalk Repair, and Utility Projects.** Permitting a recreational vehicle to park on the City's right-of-way may intrude on the City's ability to complete road work, sidewalk repairs, or utility projects as needed. The City's ability to control or regulate the parking of the recreational vehicles would be greatly reduced. Removing recreational vehicles from the right-of-way in order to complete regular maintenance projects could cause delays and additional staff time.
- 3) Emergency Services Use the Right-of-Way.** If a recreational vehicle obstructed the right-of-way by parking on the sidewalk near a fire hydrant or other critical access point for first responders, it would impair the City's ability to adequately respond to emergency situations. First responders' response time may be delayed, and any recreational vehicles in the right-of-way may sustain damage creating potential liability for the City in the event of damage to any vehicle extending into the City's right of way.

Generally, a City is responsible for maintaining its ownership interest and management of City property and its rights of way. For example, the City has a code provision that specifically regulates use of its right of way, including requirements for work in the right of way, or obstruction of the right of way, which typically requires permitting and registrations and payment of the appropriate fees. In other cases, where a property owner encumbers City property or right of way with an improvement, the City traditionally requires an encroachment agreement approved by the City Council. A common occurrence would be a fence, private

utilities or landscaping improvements. In such cases, the encroachment agreement provides that the owner would hold the City harmless and indemnify the City for any damage or liability created as a result of the encroachment and allows the City to terminate the encroachment when determined necessary by the City. Allowing vehicles to encroach within City right of way by ordinance is not consistent with its right of way management ordinance or the protections provided under an encroachment agreement.

If the City grants the right for any recreational vehicle to extend into any City right-of-way, the City creates conflict with its existing ordinance, hinders its ability to exercise its discretion, when necessary, to protect public health, safety, and welfare of the community and may create violations of the ADA. It also would prohibit the City from imposing protective conditions on placing obstructions in a right-of-way, when appropriate.

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

**ORDINANCE NO. 208**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET  
CITY CODE TITLE 11, CHAPTER 4 CONCERNING  
GARBAGE AND REFUSE, TITLE 11, CHAPTER 2  
CONCERNING RECREATIONAL VEHICLE DEFINITIONS,  
TITLE 11, CHAPTER 8 CONCERNING RECREATIONAL VEHICLE  
PARKING, AND TITLE 11, CHAPTER 9 CONCERNING  
SURFACING AND MAINTENANCE OF OFF STREET PARKING AREAS**

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

**SECTION 1.** Section 11-4-3 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

- A. In all zoning districts, all waste material, debris, refuse, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes.
1. For commercial, industrial, or multi-family residential properties, all dumpsters, garbage containers, or refuse bins that are stored outside shall be screened from view.
    - a. Acceptable methods of screening include enclosures made of maintenance free material, brick or a combination thereof. Gates and doors which allow access to the refuse containers shall have a self-latching mechanism which keeps it closed/locked when not in use.
  2. For single-family and two family properties, all garbage containers or refuse bins not contained within an enclosed building shall be stored in the side or rear yard adjacent to the garage, except that garbage containers or refuse bins shall not be located in the side yard of a corner lot or rear yard of a double frontage lot abutting a public right of way. At no time shall receptacles be stored in front yards.
  3. When used for the purposes of construction, all dumpsters, garbage containers, or refuse bins are exempt from the screening and location requirements of this section.
- B. The owner of vacant land shall be responsible for keeping such land free of refuse.

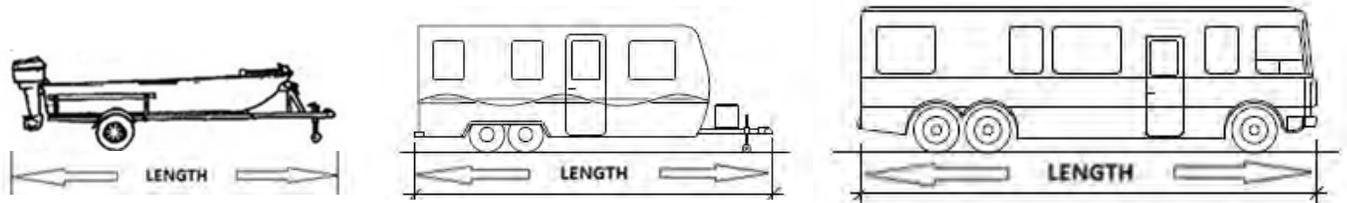
**SECTION 2.** The recreational vehicle related definitions in Section 11-2-2 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

**RECREATIONAL VEHICLE:** Any motor vehicle or trailer primarily used for sport/leisure activities, travel, camping, hauling, and/or temporary lodging, including, but not limited to: all-terrain vehicles (ATV), campers, dirt bikes, dune buggies, go-karts, golf carts, ice or fish houses, motor homes, motorized watercrafts, snowmobiles, trailers, and utility task vehicles (UTV).

**SECTION 3.** Section 11-8-2 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

A. Recreational Vehicle Parking: Up to three (3) licensed and operable recreational vehicles, as defined in this title, may be parked outside of an enclosed building on a residential property provided that:

1. The recreational vehicle is not parked or stored on public property or public right-of-way, including public sidewalks.
2. Only one (1) of the three recreational vehicles allowed may exceed twenty four (24) feet in length. The length measurement shall include the entire length of the recreational vehicle, including the trailer and tongue of the recreational vehicle.



3. The recreational vehicles may be located on an established driveway during periods of seasonal use, provided that:

- a. The recreational vehicles comply with the following seasonal classifications. If a recreational vehicle is not specifically listed, the most similar recreational vehicle listed, as determined by the zoning administrator, shall be used to determine seasonal classification.

<b><u>Year-Round</u></b> <b>January – December</b>	<b><u>Warm Weather Season</u></b> <b>April – November</b>	<b><u>Cold Weather Season</u></b> <b>October – May</b>
All-Terrain Vehicles (ATVs) Dirt Bikes Dune Buggies Go-Karts Golf Carts Trailers Utility Task Vehicles (UTVs)	Campers Motor Homes Motorized Watercrafts	Ice or Fish Houses Snowmobiles

- b. No more than two (2) recreational vehicles are parked on the driveway.

4. Except in the UR District and as otherwise provided herein, the recreational vehicles are parked in the rear or side yard on a surface of concrete, bitumen, or pavers. If a gravel side parking area was constructed on the property prior to the effective date hereof, recreational vehicles may be parked on the existing gravel surface.
  5. The recreational vehicles are located entirely outside of public easements or buffer yards and provide a five (5) foot setback from property lines. Recreational vehicles within a side yard of a corner lot abutting a public right of way must be set back ten (10) feet from the property line abutting a public right of way.
- B. Enumeration: For the purpose of this section, snowmobiles, ATVs, motorized watercrafts, and other recreational vehicles parked on a trailer shall constitute one recreational vehicle.
- C. Covering Vehicles: In the event a tarp or other material is used to cover the vehicles, the color of the tarp or material shall be an earthen tone of black, brown, gray, or green.
- D. Loading And Unloading: Recreational vehicles used for the sole purpose of loading and unloading the vehicle are exempt from subsections A2 and A3 for up to three (3) days. This subsection is not meant to circumvent the intent of this section.

**SECTION 4.** Section 11-9-8 (E) of the Elko New Market City Code is hereby amended as follows:

- E. Surfacing: Except in the UR District and as otherwise provided under this subparagraph E, all parking spaces and driveways shall be surfaced with concrete, bitumen, or pavers in all zoning districts except in the UR district. Other materials such as decorative rock, gravel, sand, or bare soil are prohibited. This requirement also applies to open sales lots, open rental lots, and outdoor storage or display areas. All parking areas and driveways shall be maintained in a safe and proper manner. The owner shall not allow weeds to grow through the surface or surface materials to become deteriorated. If a gravel side parking area was constructed on the property prior to the effective date hereof, the surface shall be permitted for parking. No such surface shall be expanded or enlarged.

**SECTION 5.** This ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this 13<sup>th</sup> day of February, 2020 by the City Council for the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Thomas Terry, City Administrator/Clerk

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

**SUMMARY ORDINANCE NO. 209**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET  
CITY CODE TITLE 11, CHAPTER 4 CONCERNING  
GARBAGE AND REFUSE, TITLE 11, CHAPTER 2  
CONCERNING RECREATIONAL VEHICLE DEFINITIONS,  
TITLE 11, CHAPTER 8 CONCERNING RECREATIONAL VEHICLE  
PARKING, AND TITLE 11, CHAPTER 9 CONCERNING  
SURFACING AND MAINTENANCE OF OFF STREET PARKING AREAS**

**NOTICE IS HEREBY GIVEN** that, on February 13, 2020, Ordinance No. 208 was adopted by the City Council of the City of Elko New Market, Minnesota.

**NOTICE IS FURTHER GIVEN** that, because of the lengthy nature of Ordinance No. 208, the following summary of the ordinance has been prepared for publication.

**NOTICE IS FURTHER GIVEN** that the ordinance adopted by the Council amends Elko New Market City Code Title 11, Zoning Regulations, by amending recreational vehicle related definitions, regulation of garbage can storage and recreational vehicle parking on residential properties, and off street parking area surfacing requirements. A printed copy of the complete ordinance is available for inspection by any person during the City's regular office hours.

**APPROVED** for publication by the City Council of the City of Elko New Market this 13<sup>th</sup> day of February, 2020.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Joe Julius, Mayor

By: \_\_\_\_\_  
Thomas Terry, City Administrator/Clerk



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Parking Prohibitions
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Haley Sevening, Community Development/Administrative Intern
<b>REQUESTED ACTION:</b>	Adopt Ordinance No. 210 Amending City of Elko New Market City Code Title 7, Chapter 2 Concerning Parking Prohibitions

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND:**

While reviewing the recreational vehicle parking ordinance, Staff also reviewed Section 7-2-3 (Parking Prohibitions) which regulates the on street parking of motor, recreational, and commercial vehicles. This section is housed within Title 7 (Motor Vehicles and Traffic) of the City Code and is enforced by the Police Department. Section 7-2-3 currently states:

- “A. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to stand on any city street or alley for more than forty eight (48) hours.*
  
- B. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to stand on a street or alley between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. between November 1 and April 1 of the following year, or at any other time when the national weather service forecast accumulation is two (2) or more inches of snow, until the street or alley has been plowed. Residences without an established driveway, to include new construction, are exempt from winter parking restrictions.*
  
- C. No owner of a motor vehicle, trailer, boat, snowmobile, or seasonal vehicle shall leave, park, or permit the same to block access to a driveway or block access to a mailbox.*
  
- D. No owner of a commercial or recreational vehicle or recreational equipment shall park the vehicle or equipment on the street in a residential area, except as otherwise provided in the zoning ordinance<sup>1</sup>...”*

Upon review, Staff found part A and D of this section to be contradictory. Part A generally states that recreational vehicles MAY park on any city street for up to 48 hours, while Part D generally states that recreational vehicles MAY NOT park on streets in residential areas. Part D also references the Zoning Ordinance. However, the Zoning Ordinance only regulates parking on private property and does not regulate parking within the right-of-way.

## **DISCUSSION:**

In order to remove the contradiction and unnecessary reference to the Zoning Ordinance, Staff recommends amending Section 7-2-3 of the City Code. The proposed amendments, as contained in draft Ordinance No. 210, were drafted with input from the Police Chief and are as follows:

- A. No owner of a motor vehicle shall leave, park, or permit the same to stand on any city street or alley for more than forty eight (48) hours. Commercial and recreational vehicles, as defined in section 11-2-2 of the zoning ordinance, may not be parked on any city street or alley except as follows:*
  - 1. Recreational vehicles may be parked on any City street or alley for up to forty eight (48) hours when being used for the purposes of loading and unloading.*
  
  - 2. Commercial vehicles may be parked on any City street or alley when being used for the purposes of loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.*

*B. No owner of a motor, recreational, or commercial vehicle shall leave, park, or permit the same to stand on a street or alley between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. between November 1 and April 1 of the following year, or at any other time when the national weather service forecast accumulation is two (2) or more inches of snow, until the street or alley has been plowed. Residences without an established driveway, to include new construction, are exempt from winter parking restrictions.*

*C. No owner of a motor, recreational, or commercial vehicle shall leave, park, or permit the same to block access to a driveway or block access to a mailbox.*

**POLICE CHIEF RECOMMENDATION:**

Police Chief Juell has reviewed the proposed amendments and recommends approval of draft Ordinance #210.

**REQUESTED ACTION:**

At this time, Staff is asking the Council to:

- Adopt Ordinance No. 210 Amending City of Elko New Market City Code Title 7, Chapter 2 Concerning Parking Prohibitions

**BUDGET IMPACT:**

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

Attachments:

Draft Ordinance No. 210

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

**ORDINANCE NO. 210**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET  
CITY CODE TITLE 7, CHAPTER 2 CONCERNING PARKING PROHIBITIONS**

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

**SECTION 1.** Section 7-2-3 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

- A. No owner of a motor vehicle shall leave, park, or permit the same to stand on any city street or alley for more than forty eight (48) hours. Commercial and recreational vehicles, as defined in section 11-2-2 of the zoning ordinance, may not be parked on any city street or alley except as follows:
  1. Recreational vehicles may be parked on any City street or alley for up to forty eight (48) hours when being used for the purposes of loading and unloading.
  2. Commercial vehicles may be parked on any City street or alley when being used for the purposes of loading, unloading, rendering a temporary service benefiting the premises or providing emergency services.
- B. No owner of a motor, recreational, or commercial vehicle shall leave, park, or permit the same to stand on a street or alley between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M. between November 1 and April 1 of the following year, or at any other time when the national weather service forecast accumulation is two (2) or more inches of snow, until the street or alley has been plowed. Residences without an established driveway, to include new construction, are exempt from winter parking restrictions.
- C. No owner of a motor, recreational, or commercial vehicle shall leave, park, or permit the same to block access to a driveway or block access to a mailbox.

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

**ADOPTED** this 13<sup>th</sup> day of February, 2020 by the City Council for the City of Elko New Market.

**CITY OF ELKO NEW MARKET**

BY: \_\_\_\_\_  
Joe Julius, Mayor

**ATTEST:**

\_\_\_\_\_  
Thomas Terry, City Administrator/Clerk



# STAFF MEMORANDUM

**SUBJECT:** Draft 2019-2023 Capital Improvement & Street Reconstruction Plan

**MEETING DATE:** February 13, 2020

**PREPARED BY:** Thomas Terry, City Administrator

**REQUESTED ACTION:** Provide feedback and direct scheduling of hearing for March 12, 2020 City Council meeting.

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area. The community will preserve its historic landmarks and small town character while providing suburban amenities and services. A full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities will be available for the citizens and visitors
- Promote a diverse commercial and industrial base. The City will facilitate planned redevelopment. Development and redevelopment within the community will be aesthetically pleasing with architectural standards that promote quality development
- A comprehensive park and trails system. The park system will have sufficient facilities, play fields and open space to meet the needs of the community's residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government that promotes community involvement, organizational improvements, problem solving, performance measurement and professionalism. Provide a full range of high quality municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community. The City will be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on the tax payers of the City

## PRIORITY GOALS:

- Develop a more diverse tax base, create more local employment opportunities and promote additional businesses and services within the community
- Advance the "shovel ready" status of areas guided for commercial and industrial development through planning and where feasible, the procurement of supporting infrastructure
- The acquisition of land for public purposes, including, but not limited to public utilities, library, parks and interchange rights-of-way. Position the City to take advantage of opportunities to acquire land for public purposes
- Enhance the quality of life in the community through the improvement and expansion of the parks and trails system, recreational programming and cultural events
- Promote high quality residential development that includes a broad spectrum of housing choices in both type and cost. Facilitate the development of residential lots and an increase in residential building permit activity
- Implement an asset management system for the long-term management, maintenance, and budgeting of municipal infrastructure

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement – Incorporate community feedback in making transparent decisions by providing opportunities for public input, engaging the public in strategic planning initiatives, and enabling public to provide input on the effectiveness of public

- services/policies and will work to develop leadership within the community
- Organizational Improvement – Strive to elevate the level of customer service and service delivery through cost effective use of personnel, structure, and information systems by developing an organizational climate that promotes innovation, creativity, collaboration and a customer-centered focus in providing community services and to improve public services by reducing barriers between City departments in order to provide greater accessibility, flexibility and efficiency in the delivery of public services
  - Problem Solving – Engage in the process of proactive and systematic examination of identified issues in order to evaluate effective policy decisions by using available technology, provide resources to develop and implement cost effective solutions, while considering long-term costs and benefits in policy decisions, and engaging in long-term financial planning to provide public services without undue burden to tax payers
  - Performance Measurement – Develop and utilize methods for measuring performance to evaluate progress and establish accountability for improving public services
  - Professionalism – Provide local government characterized by high technical and ethical standards by conducting business in a manner that promotes public confidence, while recruiting and training to develop high quality professional staff to provide public services

**BACKGROUND**

A Capital Improvement Plan (CIP) is a tool to help the City carry out its vision and goals. It is a document designed to anticipate future capital improvement expenditures to ensure they are purchased in the most efficient and cost-effective method possible. The capital improvement process is an important element of responsible fiscal management. Major capital expenditures can be anticipated and coordinated to minimize potentially adverse financial impacts caused by the timing and magnitude of capital outlays. This coordination of capital expenditures is important to the City in achieving its goals of preserving public assets and sound fiscal management. In addition to sound financial planning, Minnesota Statutes allow cities to issue bonds for certain public facilities without requiring a referendum of the electorate provided they have a Capital Improvement Plan which meets all statutory requirements. The statute also gave cities the authority to provide a general obligation pledge to the repayment of the bonds.

The CIP is a clear declaration of the Council’s intent related to significant capital improvements and acquisitions; however, the CIP is not a commitment to any given project, project scope or project schedule. The City will be able to adjust the plan as it sees fit from time to time, including prioritizing one project over another, adding or removing projects, or changing schedules as conditions dictate or opportunities arise.

**DISCUSSION:**

The City Council is being presented with a draft 2019-2023 Capital Improvement & Street Reconstruction Plan. The CIP anticipates \$4,837,700 of expenditures, plus estimated debt issuance costs. The projects, their intended source of financing, and the year of financing are shown in the table below:

Project	2019 Pavement Rehab	Police Station Remodel	Sewer Onsite Generation Project	Fire Truck & 2 Plow Trucks	Roundabout Project	TBD	CIP Summary
Bond Type	GO Improvement	GO Capital Improvement	GO Revenue	GO Equipment Certificates	GO Street Reconstruction	TBD	
Year	2019	2020	2020	2020	2020	2021-2023	
<b>Sources Of Funds</b>							
Par Amount of Bonds.....	\$810,000.00	\$2,050,000.00	\$255,000.00	\$810,000.00	\$1,235,000.00		\$4,960,000.00
Water Funds.....	7,644.00	-	-	-	-		\$7,644.00
<b>Total Sources.....</b>	<b>\$617,644.00</b>	<b>\$2,050,000.00</b>	<b>\$255,000.00</b>	<b>\$810,000.00</b>	<b>\$1,235,000.00</b>	-	<b>\$4,967,644.00</b>
<b>Uses Of Funds</b>							
Deposit to Project Construction Fund.....	600,000.00	2,000,000.00	242,700.00	790,000.00	1,205,000.00		4,837,700.00
Costs of Issuance.....	10,257.95	30,211.19	6,325.06	12,448.69	17,182.11		76,425.00
Total Underwriter's Discount (1.000%).....	6,100.00	20,500.00	2,550.00	8,100.00	12,350.00		49,600.00
Rounding Amount.....	1,286.05	(711.19)	3,424.94	(548.69)	467.89		3,919.00
<b>Total Uses.....</b>	<b>\$617,644.00</b>	<b>\$2,055,000.00</b>	<b>\$250,000.00</b>	<b>\$300,000.00</b>	<b>\$1,235,000.00</b>	-	<b>\$4,967,644.00</b>

The table above outlines the projects and purchases included in the draft CIP. All of the projects and purchases have been previously discussed by the City Council and are scheduled for 2019 and 2020 implementation. The recommendations for financing the projects in the CIP include a variety of general obligation bonds as funding sources. The GO Capital Improvement Bonds issued to finance the Police Station Remodel, the GO Revenue Bonds issued to finance the Sewer Onsite Generation, and the GO Street Reconstruction Bonds issued to finance the Roundabout project are all projected to mature over 15 years. The GO Improvement Bonds issued to finance the 2019 Pavement Rehab project, and the GO Equipment Certificates are projected to mature over 10 years, all at current market rates plus 20 basis points. The Water Fund is projected to fund \$7,644 of cash for the 2019 pavement project.

The City Council is being asked to review the draft CIP for feedback prior to scheduling the hearing for adoption on March 12, 2020. Based on the debt authority being used for the Police Department addition to City Hall and the 2019 Pavement Rehabilitation projects, a hearing will be required for the adoption of the CIP. Although a referendum is not required to issue debt for these projects, a reverse referendum may be imposed following the hearing.

**BUDGET IMPACT:**

Absent any cash provided by the Utility Funds or special assessments related to the 2019 Pavement Rehab project, the remaining CIP costs are projected to be funded with a combination of money held in the Capital Projects Fund, fire service contract fees and property taxes.

**Attachments:**

- Draft 2019-2023 Capital Improvement & Street Reconstruction Plan



# 2019-2023 Capital Improvement & Street Reconstruction Plan

**City of Elko New Market, Minnesota**

March 12, 2020

Prepared by:



Small-Town Culture. Emerging Possibilities.

## Executive Summary

A Capital Improvement Plan (CIP) is a document designed to anticipate future capital improvement expenditures to ensure they are purchased in the most efficient and cost-effective method possible. The City of Elko New Market, Minnesota (the "City") believes the capital improvement process is an important element of responsible fiscal management. Major capital expenditures can be anticipated and coordinated to minimize potentially adverse financial impacts caused by the timing and magnitude of capital outlays. This coordination of capital expenditures is important to the City in achieving its goals of preserving public assets and sound fiscal management.

In addition to sound financial planning, Minnesota Statutes allow cities to issue bonds for certain public facilities without requiring a referendum of the electorate provided they have a Capital Improvement Plan which meets all statutory requirements. The statute also gave cities the authority to provide a general obligation pledge to the repayment of the bonds.

The CIP anticipates \$4,837,700 of expenditures over the 5-year planning period. The projects, their intended source of financing, and the year of financing are shown in the table below.

Project	2019 Pavement Rehab	Police Station Remodel	Sewer Onsite Generation Project	Fire Truck & 2 Plow Trucks	Roundabout Project	TBD	CIP Summary
Bond Type	GO Improvement	GO Capital Improvement	GO Revenue	GO Equipment Certificates	GO Street Reconstruction	TBD	
Year	2019	2020	2020	2020	2020	2021-2023	
<b>Sources Of Funds</b>							
Par Amount of Bonds.....	\$610,000.00	\$2,050,000.00	\$255,000.00	\$810,000.00	\$1,235,000.00		\$4,960,000.00
Water Funds.....	7,644.00	-	-	-	-		\$7,644.00
<b>Total Sources.....</b>	<b>\$617,644.00</b>	<b>\$2,050,000.00</b>	<b>\$255,000.00</b>	<b>\$810,000.00</b>	<b>\$1,235,000.00</b>	<b>-</b>	<b>\$4,967,644.00</b>
<b>Uses Of Funds</b>							
Deposit to Project Construction Fund.....	600,000.00	2,000,000.00	242,700.00	790,000.00	1,205,000.00		4,837,700.00
Costs of Issuance.....	10,257.95	30,211.19	6,325.06	12,448.69	17,182.11		76,425.00
Total Underwriter's Discount (1.000%).....	6,100.00	20,500.00	2,550.00	8,100.00	12,350.00		49,600.00
Rounding Amount.....	1,286.05	(711.19)	3,424.94	(548.69)	467.89		3,919.00
<b>Total Uses.....</b>	<b>\$617,644.00</b>	<b>\$2,050,000.00</b>	<b>\$250,000.00</b>	<b>\$300,000.00</b>	<b>\$1,235,000.00</b>	<b>-</b>	<b>\$4,967,644.00</b>

As the table above outlines, our recommendations for financing the projects in the CIP include a variety of general obligation bonds as funding sources. The GO Capital Improvement Bonds issued to finance the Police Station Remodel, the GO Revenue Bonds issued to finance the Sewer Onsite Generation, and the GO Street Reconstruction Bonds issued to finance the Roundabout project are all to mature over 15 years. The GO Improvement Bonds issued to finance the 2019 Pavement Rehab project, and the GO Equipment Certificates are projected to mature over 10 years, all at current market rates plus 20 basis points. The Water Fund is projected to fund \$7,644 of cash for the 2019 pavement project.

Absent any cash provided by the Utility Funds or special assessments related to the 2019 Pavement Rehab project, the remaining CIP costs are projected to be funded with a combination of money held in the Capital Projects Fund, fire service contract fees and property taxes. The projected annual impact on various residential homesteads and commercial properties are shown in the table on the following page. This assumes all annual levies shown in the schedules throughout this document will occur. However, the city intends to finance the proposed levies with monies in the Capital Projects Fund and Fire Fund thereby providing for minimal addition property tax impacts. Therefore, given current market conditions, the tax impacts shown on the next page reflect a worst-case scenario.

City of Elko New Market					
				<b>Max Levy</b>	<b>\$435,000</b>
				<b>Pay 2019 TNTC</b>	<b>\$4,222,471</b>
	<b>Estimated Market Value</b>		<b>Net Tax Capacity</b>	<b>Estimated Tax Rate Increase:</b>	<b>10.302%</b>
<b>Homestead Residential</b>					
	100,000		718		74
	150,000		1,263		130
	200,000		1,808		186
	225,000		2,080		214
	250,000		2,353		242
	300,000		2,898		299
Median Home	323,400		3,153		325
	350,000		3,443		355
	400,000		3,988		411
	450,000		4,500		464
	500,000		5,000		515
	550,000		5,625		579
	600,000		6,250		644
	650,000		6,875		708
	700,000		7,500		773
	750,000		8,125		837
	800,000		8,750		901
	850,000		9,375		966
	900,000		10,000		1,030
	950,000		10,625		1,095
	1,000,000		11,250		1,159
<b>Commercial/Industrial/Public Utility</b>					
	\$100,000		\$1,500		\$155
	150,000		2,250		232
	250,000		4,250		438
	500,000		9,250		953
	1,000,000		19,250		1,983
	3,000,000		59,250		6,104
	5,000,000		99,250		10,225
	7,000,000		139,250		14,346
	10,000,000		199,250		20,527

It's important to point out that while the City has developed a Capital Improvement Plan, the plan represents a conceptual perspective of the City's capital improvement needs over the next 5 years, and as such, is a planning tool. The presence of any particular capital expenditure and the designation of an anticipated funding source or sources do not authorize the expense for the asset or improvement. The actual expense must be specifically authorized by the City Council.

The conclusions and recommendations resulting from this study are based on information provided to Baker Tilly. The City will need to periodically review and update the Capital Improvement and Street Reconstruction Plan, as they are doing with this report, to reflect the actual cost of the anticipated capital improvements and to incorporate any changes in the capital improvements and/or their anticipated costs.

## **Method of Financing**

---

The City typically uses funds on hand or will issue debt to finance improvements.

### **Pay-As-You-Go Method of Financing**

The Pay-As-You-Go (Cash) method of financing capital improvements relies on the use of a city's financial reserves or cash flow to finance the improvement. The City can designate a portion of its property tax levy each year or user fees toward the acquisition of capital improvements. Using Pay-As-You-Go financing for capital improvements avoids the issuance of debt to finance the improvement.

Pay-As-You-Go financing may take a number of forms. On a theoretical plane, the city levies a tax or charges potential user fees, which are accumulated to acquire the capital asset, which then begins to generate a benefit for the users. The city will accumulate cash in an account or fund and draw on the account or fund when there is sufficient cash available to pay for the proposed improvement. In this form, the Pay-As-You-Go strategy operates in a way like the use of undesignated, unrestricted fund balances that prudent cities maintain and use for emergency expenditures and unforeseen contingencies.

The Pros and Cons of Pay-As-You-Go financing are shown below:

#### **Pros**

- Able to invest cash to minimize total financial reserves used
- Useful for smaller projects where the cost of the capital improvement has a negligible effect on the property tax rates or user fees
- Useful where improvements provide very short-term benefits or whose useful life is short
- Avoid interest costs on borrowed funds
- Helps maintain the City's credit rating by demonstrating reduced reliance on long-term debt and more favorable debt ratio

#### **Cons**

- Delays the improvement until adequate funds are available; increased costs due to inflation
- Equity of who pays; future users who have not contributed to the cash reserves may benefit from the asset
- May result in revenue disruption or tax rate/user fee fluctuations

### **Pay-As-You-Use Method of Financing**

The Pay-As-You-Use (Debt) method of financing capital improvements relies on the use of a city's ability to leverage relatively small initial cash outlays to obtain funds from investors to finance the improvement. The investors are repaid over time from revenues charged against beneficiaries of the capital improvement. Debt issuance also permits sizing the project for the improvement to efficiently match the needs of both current and future users.

Pay-As-You-Use financing takes many forms. The primary differences between the forms are the type of security, the repayment terms, and the purpose of the improvement financed. The two most common forms of security for debt financing are the general obligation bond and the revenue bond. Some states, including Minnesota, offer revolving loan funds for wastewater and drinking water improvements to cities and other governmental agencies that operate these types of utilities.

The Pros and Cons of Pay-As-You-Use financing are shown below:

#### **Pros**

- Persons who use the capital improvement are the persons paying for it
- Annualized cost of debt repayment may lend itself to lower or better managed yearly cash flows

- Allows a growing City to be better able to afford the cost of capital improvements as its tax base grows
- Can match the term on the financing with the life of the asset
- Smooths out the adjustment to tax rates or user charges

**Cons**

- Added costs due to interest on debt
- May have increased credit rating impacts by placing a current and future burden on the financial resources of the City and less favorable debt ratios

Depending on the circumstances and the policy decisions made by the city, it may be that the use of one method or another is more appropriate for a given capital improvement at a given time. The use of both Pay-As-You-Go financing and Pay-As-You-Use financing in combination with each other has the potential to allow the city to take advantage of the best features of both methods while minimizing the disadvantages which are possible under each method of financing.

The City plans to use both Pay-As-You-Go and Pay-As-You-Use financing methodologies. This will be discussed in more detail under the Project Details section.

## Method of Financing for 2019-2023 CIP/Street Reconstruction Plan

### Debt Financing Sources

The City can issue debt to finance capital improvements within certain statutory limits. The legal debt limit has nothing to do with the practical debt limit of a municipality, which is the debt burden beyond which the creditworthiness of the municipality is put in question. Minnesota Statutes, Section 475.58 states that a city or county may not incur or be subject to net debt more than three percent (3%) of its estimated market value. Net debt is, with limited exceptions, debt paid for solely from ad valorem taxes. Thus, improvement bonds, tax increment bonds, utility revenue bonds, pure revenue bonds, and similar bonds may be issued without regard to the debt limit. The result is that, with only a few exceptions, the only types of obligations subject to the debt limit are general obligation bonds payable solely from ad valorem property taxes. Of the bonds recommended in this financing plan, the G.O. Equipment Certificates, G.O. Street Reconstruction Bonds and the G.O. Capital Improvement Bonds will count against the City's legal debt limit even though the City intends to use funds on hand to finance the levy portion of each issue. The table below shows the City's statutory debt limit, including the proposed Series 2020A Bonds and the 2021 Bonds, as of October 31, 2019.

<b>STATUTORY DEBT LIMIT CALCULATION</b>	
2018/2019 Estimated Market Value	\$442,117,200
3% of Estimated Market Value	13,263,516
Total Amount Subject to Debt Limit	(\$ 6,655,000)
<b>Legal Available Debt Margin after Proposed 2020 and 2021 Issues</b>	<b>\$ 6,608,516</b>

The alternatives proposed for debt financing the 2019-2023 CIP/Street Reconstruction Plan are listed below.

### General Obligation (GO) Improvement Bonds/Equipment Certificates

A general obligation is as an obligation that pledges the full faith and credit of the City to the payment of principal and interest. The bond owner correctly understands this to mean that all available assets and resources of the City, including the unlimited power to tax, will be used by the issuer to fulfill the contract to pay back the amount of the bond with the amount of interest agreed upon. The security for a general obligation bond is the pledge of those resources and taxing powers. In addition, GO Improvement Bonds must be financed with at least 20% of the project costs funded from special assessments of benefitting properties. The projects to be financed with GO Improvement Bonds and GO Equipment Certificates are shown below. The debt amortization schedules are shown on the following pages.

<u>Projects:</u>	<u>Debt Type:</u>	<u>Repayment Source(s):</u>
2019 Pavement Rehab Project	G.O. Improvement Bonds	Special Assessments Capital Project Fund
Sewer Onsite Generation Project	G.O. Improvement Bonds	Sewer Utility Fund
Fire Truck	G.O. Equipment Certificates	Capital Project Fund Fire Fund
Plow Trucks	G.O. Equipment Certificates	Capital Project Fund

**\$610,000**

**City of Elko New Market, Minnesota  
General Obligation Improvement Bonds, Series 2020A  
2019 Pavement Rehab Project**

**NET DEBT SERVICE SCHEDULE**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>105% of Total</b>	<b>Assessment</b>	<b>Levy Required</b>
02/01/2021	65,000.00	1.200%	6,147.57	71,147.57	74,704.95	26,204.17	48,500.78
02/01/2022	60,000.00	1.250%	8,072.50	68,072.50	71,476.13	24,557.50	46,918.63
02/01/2023	60,000.00	1.300%	7,322.50	67,322.50	70,688.63	23,940.00	46,748.63
02/01/2024	60,000.00	1.350%	6,542.50	66,542.50	69,869.63	23,322.50	46,547.13
02/01/2025	60,000.00	1.400%	5,732.50	65,732.50	69,019.13	22,705.00	46,314.13
02/01/2026	60,000.00	1.450%	4,892.50	64,892.50	68,137.13	22,087.50	46,049.63
02/01/2027	60,000.00	1.500%	4,022.50	64,022.50	67,223.63	21,470.00	45,753.63
02/01/2028	60,000.00	1.550%	3,122.50	63,122.50	66,278.63	20,852.50	45,426.13
02/01/2029	60,000.00	1.650%	2,192.50	62,192.50	65,302.13	20,235.00	45,067.13
02/01/2030	65,000.00	1.850%	1,202.50	66,202.50	69,512.63	19,617.50	49,895.13
<b>Total</b>	<b>\$610,000.00</b>	<b>-</b>	<b>\$49,250.07</b>	<b>\$659,250.07</b>	<b>\$692,212.57</b>	<b>\$224,991.67</b>	<b>\$467,220.90</b>

Dated..... 5/21/2020  
 Delivery Date..... 5/21/2020  
 First Coupon Date..... 2/01/2021

**Yield Statistics**

Bond Year Dollars..... \$3,168.61  
 Average Life..... 5.194 Years  
 Average Coupon..... 1.5543110%

Net Interest Cost (NIC)..... 1.7468243%  
 True Interest Cost (TIC)..... 1.7554013%  
 Bond Yield for Arbitrage Purposes..... 1.8079752%  
 All Inclusive Cost (AIC)..... 2.1062701%

**IRS Form 8038**

Net Interest Cost..... 1.5543110%  
 Weighted Average Maturity..... 5.194 Years

**\$255,000**

**City of Elko New Market, Minnesota**  
**General Obligation Revenue Bonds, Series 2020A**  
**Sewer Onsite Generation Project**

**DEBT SERVICE SCHEDULE**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>105% Levy</b>
02/01/2021	15,000.00	1.200%	3,046.88	18,046.88	18,949.22
02/01/2022	15,000.00	1.250%	4,207.50	19,207.50	20,167.88
02/01/2023	15,000.00	1.300%	4,020.00	19,020.00	19,971.00
02/01/2024	15,000.00	1.350%	3,825.00	18,825.00	19,766.25
02/01/2025	15,000.00	1.400%	3,622.50	18,622.50	19,553.63
02/01/2026	15,000.00	1.450%	3,412.50	18,412.50	19,333.13
02/01/2027	15,000.00	1.500%	3,195.00	18,195.00	19,104.75
02/01/2028	15,000.00	1.550%	2,970.00	17,970.00	18,868.50
02/01/2029	15,000.00	1.650%	2,737.50	17,737.50	18,624.38
02/01/2030	20,000.00	1.850%	2,490.00	22,490.00	23,614.50
02/01/2031	20,000.00	1.950%	2,120.00	22,120.00	23,226.00
02/01/2032	20,000.00	2.050%	1,730.00	21,730.00	22,816.50
02/01/2033	20,000.00	2.150%	1,320.00	21,320.00	22,386.00
02/01/2034	20,000.00	2.200%	890.00	20,890.00	21,934.50
02/01/2035	20,000.00	2.250%	450.00	20,450.00	21,472.50
<b>Total</b>	<b>\$255,000.00</b>	<b>-</b>	<b>\$40,036.88</b>	<b>\$295,036.88</b>	<b>\$309,788.72</b>

**SIGNIFICANT DATES**

Dated.....	5/21/2020
Delivery Date.....	5/21/2020
First Coupon Date.....	2/01/2021

**Yield Statistics**

Bond Year Dollars.....	\$2,097.08
Average Life.....	8.224 Years
Average Coupon.....	1.9091697%
Net Interest Cost (NIC).....	2.0307672%
True Interest Cost (TIC).....	2.0339785%
Bond Yield for Arbitrage Purposes.....	1.8079752%
All Inclusive Cost (AIC).....	2.3769642%

**IRS Form 8038**

Net Interest Cost.....	1.9091697%
Weighted Average Maturity.....	8.224 Years

**\$810,000**

**City of Elko New Market, Minnesota**  
**General Obligation Equipment Certificates, Series 2020A**  
**Fire Truck & Two Plow Trucks Purchase**

**DEBT SERVICE SCHEDULE**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>105% Levy</b>
02/01/2021	80,000.00	1.200%	8,128.47	88,128.47	92,534.89
02/01/2022	75,000.00	1.250%	10,745.00	85,745.00	90,032.25
02/01/2023	80,000.00	1.300%	9,807.50	89,807.50	94,297.88
02/01/2024	80,000.00	1.350%	8,767.50	88,767.50	93,205.88
02/01/2025	80,000.00	1.400%	7,687.50	87,687.50	92,071.88
02/01/2026	80,000.00	1.450%	6,567.50	86,567.50	90,895.88
02/01/2027	80,000.00	1.500%	5,407.50	85,407.50	89,677.88
02/01/2028	85,000.00	1.550%	4,207.50	89,207.50	93,667.88
02/01/2029	85,000.00	1.650%	2,890.00	87,890.00	92,284.50
02/01/2030	85,000.00	1.750%	1,487.50	86,487.50	90,811.88
<b>Total</b>	<b>\$810,000.00</b>	<b>-</b>	<b>\$65,695.97</b>	<b>\$875,695.97</b>	<b>\$919,480.77</b>

**SIGNIFICANT DATES**

Dated.....	5/21/2020
Delivery Date.....	5/21/2020
First Coupon Date.....	2/01/2021

**Yield Statistics**

Bond Year Dollars.....	\$4,277.50
Average Life.....	5.281 Years
Average Coupon.....	1.5358497%
Net Interest Cost (NIC).....	1.7252126%
True Interest Cost (TIC).....	1.7341079%
Bond Yield for Arbitrage Purposes.....	1.8079752%
All Inclusive Cost (AIC).....	2.0490732%

**IRS Form 8038**

Net Interest Cost.....	1.5358497%
Weighted Average Maturity.....	5.281 Years

**GO Capital Improvement Bonds; Minnesota Statutes, Section 475.521 Process & Criteria**

In 2003 Minnesota Statutes, Section 475.521 (the “CIP Act”) was created to allow cities to issue bonds for certain public facilities without requiring a referendum of the electorate. The statute also gave cities the authority to provide a general obligation pledge to the repayment of the bonds.

The CIP Act defines capital expenditures as “the acquisition or betterment to public lands, buildings, or other improvements used as a city hall, town hall, library, public safety, or public works facility,” with a useful life of five or more years. For the purposes of the CIP Act, capital improvements do not include “light rail transit or related activities, parks, road/bridges, administrative buildings other than city or town hall, or land for those facilities.” The City’s main CIP that is reviewed and updated annually is a planning document that includes improvements and expenditures (such as street reconstruction and equipment) not allowed within the CIP Act.

For a municipality to use its authority to finance expenditures under this statute, it must meet the requirements provided therein. Specifically, the governing body must approve the sale of capital improvement bonds by a three-fifths majority of its membership and hold a public hearing for public input. Notice of such hearing must be published in the official newspaper of the municipality at least 14, but not more than 28 days prior to the date of the public hearing. In addition, the notice may be posted on the City’s official web site. The governing body approves the CIP following the public hearing.

Although a referendum is not required, a reverse referendum may be imposed. If a petition bearing the signatures of at least five percent of the votes cast in the last general election requesting a vote on the issuance of bonds is received by the municipal clerk within 30 days after the public hearing, a referendum vote on the issuance of the bonds shall be called.

The project(s) listed in this Section are limited to the project(s) being financed under the CIP Act and include:

<u>Projects:</u>	<u>Debt Type:</u>	<u>Repayment Source(s):</u>
Police Facility Remodel	GO Capital Improvement Bonds	Capital Project Fund

The CIP Act outlines eight criteria that must be met prior to a city issuing bonds under this authority.

1. Condition of the City’s infrastructure and need for the project – The Police Facility Remodel will consist of a new addition to the back of the City Hall. This option will provide more value in the long run and mitigate the uncertainties of remodeling the existing Police Facility. However, there will be some work still done to the existing Police Facility to address structural issues, remove mold and mildew, remove most interior walls, and meet current codes where necessary to preserve the building.
2. Demand for the improvement – The remodeled Police Facility will meet the needs of the growing police department, provide for more functional space, and improve officer safety.
3. Cost of the improvement – The maximum estimated cost of the Project is \$2,100,000. The amount reflects the estimated construction cost, contingency, engineering, and legal fees and estimated financing expenses. The actual amount needed for financing is likely to be less; the maximum amount provides the City flexibility to address outstanding issues prior to the bonds being sold.

4. Availability of public resources – Bonds issued under the CIP Act for the Project will be secured by the full faith and credit to levy property taxes. As discussed in paragraph 6 below, using cash on hand to construct the project is not practical.

5. Level of overlapping debt – Overlapping debt consists of all the taxing jurisdictions within the City of Elko New Market and is a measure of the total debt burden within the City. The other taxing jurisdictions include Rice County and Northfield Independent School District. The total general obligation debt and the City's share of that debt are shown in the table below:

Taxing Unit <sup>(a)</sup>	2018/19	Est. G.O. Debt As of 11-1-19 <sup>(b)</sup>	Debt Applicable to Tax Capacity in City	
	Adjusted Taxable Net Tax Capacity		Percent	Amount
Scott County	\$ 201,485,950	\$115,670,000	2.5%	\$ 2,891,750
I.S.D. No. 194 (Lakeville)	85,868,607	113,716,258	3.2	3,638,920
I.S.D. No. 721 (New Prague)	26,871,179	88,780,000	8.5	7,546,300
Metropolitan Council	4,281,620,797	5,735,000 <sup>(c)</sup>	0.1	<u>5,735</u>
<b>Total</b>				<b>\$14,082,705</b>
Existing City Debt <sup>(d)</sup>				3,880,000
Proposed City Debt <sup>(d)</sup>				<u>4,705,000</u>
<b>Total Debt Applicable to Tax Capacity in City</b>				<b>\$22,667,705</b>

<sup>(a)</sup> Only those units with outstanding general obligation debt are shown here.

<sup>(b)</sup> Excludes general obligation tax and aid anticipation certificates and revenue-supported debt.

<sup>(c)</sup> Excludes general obligation debt supported by wastewater revenues and housing rental payments. Includes certificates of participation.

<sup>(d)</sup> Excludes general obligation debt supported by utility revenues

6. Cost/benefits of alternative uses of funds – Due to the long-term life of the asset being proposed, it is prudent to finance the project over a longer period as opposed to using cash. Additionally, a cash outlay of this size would significantly weaken the City's cash position and liquidity.

7. Operating costs of the proposed improvements – Due to efficiencies with the new construction, the operating costs of the new Police Facility are expected to be similar or lower to the current facility. Additional utility costs may be incurred.

8. Options for shared facilities with other cities or local governments – Due to the nature of the facility and the services provided within it, there are no opportunities to share the facility with neighboring governmental jurisdictions.

### Limitations on CIP Bonds Outstanding

The CIP Act limits the amount of general obligation bonds that can be issued under the CIP Act. The total debt service (principal and interest) in any one year cannot exceed 0.16% of the estimated market value for the City.

The City has two bond issues (Series 2013A and 2015A) outstanding under the CIP Act. The statutory maximum annual debt service payment allowed for the City is \$675,387. The estimated maximum annual debt service payment on bonds issued under the CIP Act is approximately \$325,000. Given the estimated debt service payments on the proposed general obligation bonds, the City will not exceed the statutory limit.

2019 Estimated Market Value	\$422,117,200
Statutory Limit	<u>0.16%</u>
Maximum Annual Debt Service Allowed	\$675,387

Estimated Max Annual Debt Service:	
2013A CIP Bonds	\$134,963
2015A CIP Bonds	\$ 16,875
Proposed 2020A CIP Bonds	<u>\$167,520</u>
	\$319,356

The proposed bonds are not subject to the statutory debt limit as outlined in Minnesota Statutes, Section 475.58.

The table on the following page shows the estimated debt service schedule on the proposed bond issue, given current market conditions. The general obligation bonds for the Project are expected to be sold in March 2020 with bond proceeds received by the City in April 2020. However, the City reserves the right to change the timing and repayment structure of the proposed bond issue based on funding availability and market conditions.

**\$2,050,000**

**City of Elko New Market, Minnesota**  
**General Obligation Capital Improvement Bonds, Series 2020A**  
**Police Facility Remodel**

**DEBT SERVICE SCHEDULE**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>105% Levy</b>
02/01/2021	135,000.00	1.200%	24,126.74	159,126.74	167,083.08
02/01/2022	125,000.00	1.250%	33,122.50	158,122.50	166,028.63
02/01/2023	125,000.00	1.300%	31,560.00	156,560.00	164,388.00
02/01/2024	125,000.00	1.350%	29,935.00	154,935.00	162,681.75
02/01/2025	130,000.00	1.400%	28,247.50	158,247.50	166,159.88
02/01/2026	130,000.00	1.450%	26,427.50	156,427.50	164,248.88
02/01/2027	135,000.00	1.500%	24,542.50	159,542.50	167,519.63
02/01/2028	135,000.00	1.550%	22,517.50	157,517.50	165,393.38
02/01/2029	135,000.00	1.650%	20,425.00	155,425.00	163,196.25
02/01/2030	140,000.00	1.850%	18,197.50	158,197.50	166,107.38
02/01/2031	140,000.00	1.950%	15,607.50	155,607.50	163,387.88
02/01/2032	145,000.00	2.050%	12,877.50	157,877.50	165,771.38
02/01/2033	145,000.00	2.150%	9,905.00	154,905.00	162,650.25
02/01/2034	150,000.00	2.200%	6,787.50	156,787.50	164,626.88
02/01/2035	155,000.00	2.250%	3,487.50	158,487.50	166,411.88
<b>Total</b>	<b>\$2,050,000.00</b>	<b>-</b>	<b>\$307,766.74</b>	<b>\$2,357,766.74</b>	<b>\$2,475,655.08</b>

**SIGNIFICANT DATES**

Dated.....	5/21/2020
Delivery Date.....	5/21/2020
First Coupon Date.....	2/01/2021

**Yield Statistics**

Bond Year Dollars.....	\$16,293.61
Average Life.....	7.948 Years
Average Coupon.....	1.8888799%
Net Interest Cost (NIC).....	2.0146961%
True Interest Cost (TIC).....	2.0175398%
Bond Yield for Arbitrage Purposes.....	1.8079752%
All Inclusive Cost (AIC).....	2.2262828%

**IRS Form 8038**

Net Interest Cost.....	1.8888799%
Weighted Average Maturity.....	7.948 Years

### **GO Street Reconstruction Bond; Minnesota Statutes, Section 475.58 Process & Criteria**

Minnesota Statutes Chapter 475.58, Subd. 3b., authorizes a Minnesota City to adopt a Street Reconstruction Plan (a "Plan"). The Plan must cover at least five years and set forth the street reconstruction to be financed, the estimated costs, and any planned reconstruction of other streets in the municipality over the next five years or greater period of time. The Plan must be approved by all members of the City Council present at the public hearing.

This Street Reconstruction Plan provides for the issuance of General Obligation Street Reconstruction Plan Bonds in an aggregate principal amount not to exceed \$1,300,000 for work contemplated in 2020 as described below. Projects beyond those identified are subject to separate Council approvals in the years said projects are undertaken.

Street Reconstruction Bonds can be used to finance the reconstruction and bituminous overlay of existing city streets. Eligible improvements may include turn lanes and other improvements having a substantial public safety function, realignments, other modifications to intersect with state and county roads, and the local share of state and county road projects. Except in the case of turn lanes, safety improvements, realignments, intersection modifications, and the local share of state and county road projects, street reconstruction does not include the portion of project cost allocable to widening a street or adding curbs and gutters where none previously existed.

A City may issue general obligation bonds for improvements included in an approved Plan if the following conditions outlined in Section 475.58, Subd. 3b have been satisfied:

- The projects financed under this authority must be described in a street reconstruction plan, as described above.
- The city must publish notice of and hold a public hearing on the proposed plan and the related issuance of bonds. The notice must be published at least ten days but not more than 28 days prior to the hearing date.
- The Plan must be approved by a vote of a two-thirds majority of the members of the governing body present at the meeting following a public hearing.
- The issuance of bonds is subject to a reverse referendum. An election is required if voters equal to 5% of the votes cast in the last municipal general election file a petition with the city clerk within 30 days of the public hearing. If the city decides not to undertake an election, it may not propose the issuance of Street Reconstruction Bonds for the same purpose and in the same amount for a period of 365 days from the date of receipt of the petition. If the question of issuing the bonds is submitted and not approved by the voters, the provisions of section 475.58, subdivision 1a, shall apply (no resubmission for same purpose/amount for 180 days).

### **History and Existing Street Reconstruction Bonds**

The City of Elko New Market adopted a Street Reconstruction Plan in conjunction with the issuance of their 2015A G.O. Bonds pursuant to Minnesota Statutes, Section 475.58, subdivision 3b. At the time of the drafting of this Plan, the City has \$100,000 in Street Reconstruction Bonds that were issued as a portion of the Series 2015A G.O. Bonds. G.O. Street Reconstruction Bonds are not limited or capped by market value.

The City may issue general obligation bonds pursuant to Minnesota Statutes Chapter 475.58, Subd. 3b. to finance any street reconstruction costs described in this Plan, to the extent such costs constitute “street reconstruction” within the meaning of the Statute. The City currently plans to issue street reconstruction bonds in the maximum principal amount of \$1,300,000 to finance the street reconstruction costs of the 2020 Street and Utility Improvement Project commencing in year 2020. If the City determines to issue additional street reconstruction bonds under the Statute for future reconstruction costs (or for costs identified in the Plan now, but not currently expected to be financed with bonds under the Statute), the City will revise this Plan to describe the specific reconstruction projects to be financed under the Act and identify the amount of such bonds and hold a public hearing in accordance with the Statute.

A preliminary bond structure for the GO Street Reconstruction Bonds is shown on the following page.

**\$1,235,000**

**City of Elko New Market, Minnesota**  
**General Obligation Street Reconstruction Bonds, Series 2020A**  
**Roundabout Project**

**DEBT SERVICE SCHEDULE**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>	<b>105% Levy</b>
02/01/2021	80,000.00	1.200%	14,548.61	94,548.61	99,276.04
02/01/2022	75,000.00	1.250%	19,990.00	94,990.00	99,739.50
02/01/2023	75,000.00	1.300%	19,052.50	94,052.50	98,755.13
02/01/2024	75,000.00	1.350%	18,077.50	93,077.50	97,731.38
02/01/2025	80,000.00	1.400%	17,065.00	97,065.00	101,918.25
02/01/2026	80,000.00	1.450%	15,945.00	95,945.00	100,742.25
02/01/2027	80,000.00	1.500%	14,785.00	94,785.00	99,524.25
02/01/2028	80,000.00	1.550%	13,585.00	93,585.00	98,264.25
02/01/2029	80,000.00	1.650%	12,345.00	92,345.00	96,962.25
02/01/2030	85,000.00	1.850%	11,025.00	96,025.00	100,826.25
02/01/2031	85,000.00	1.950%	9,452.50	94,452.50	99,175.13
02/01/2032	85,000.00	2.050%	7,795.00	92,795.00	97,434.75
02/01/2033	90,000.00	2.150%	6,052.50	96,052.50	100,855.13
02/01/2034	90,000.00	2.200%	4,117.50	94,117.50	98,823.38
02/01/2035	95,000.00	2.250%	2,137.50	97,137.50	101,994.38
<b>Total</b>	<b>\$1,235,000.00</b>	<b>-</b>	<b>\$185,973.61</b>	<b>\$1,420,973.61</b>	<b>\$1,492,022.29</b>

**SIGNIFICANT DATES**

Dated.....	5/21/2020
Delivery Date.....	5/21/2020
First Coupon Date.....	2/01/2021

**Yield Statistics**

Bond Year Dollars.....	\$9,837.64
Average Life.....	7.966 Years
Average Coupon.....	1.8904293%
Net Interest Cost (NIC).....	2.0159676%
True Interest Cost (TIC).....	2.0187801%
Bond Yield for Arbitrage Purposes.....	1.8079752%
All Inclusive Cost (AIC).....	2.2153259%

**IRS Form 8038**

Net Interest Cost.....	1.8904293%
Weighted Average Maturity.....	7.966 Years

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and wholly-owned subsidiary of Baker Tilly Virchow Krause, LLP, an accounting firm. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2020 Baker Tilly Municipal Advisors, LLC



# STAFF MEMORANDUM

<b>SUBJECT:</b>	Monthly Public Works Report – January 2020
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Corey Schweich, Public Works Superintendent
<b>REQUESTED ACTION:</b>	Information Only

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance “shovel ready” status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND:**

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

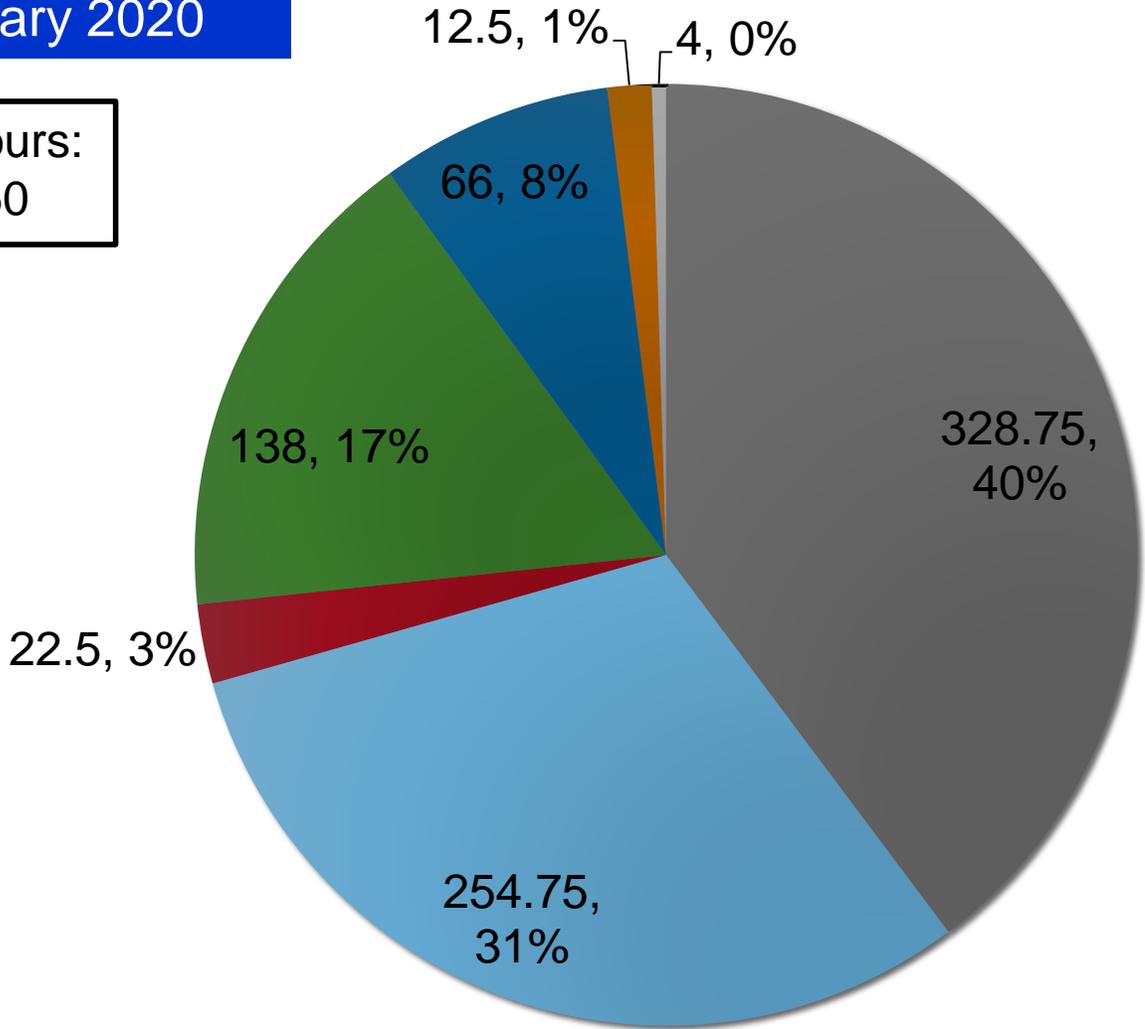
## **DISCUSSION:**

- Staff had 7 Snow & Ice Control events in January. During most of the events the snowfall totals were less than a few inches. Staff will typically plow all of the streets even if the snowfall totals are around an inch, as you will typically have to apply less salt to melt the snow. During some of the events Staff only applied salt and did not plow as there was less than an inch of snow. Every event is different and has to be treated differently depending on temp, time, and amount of snow. Staff will continue to make adjustments as needed.
- Staff continued to make and use brine to pre-treat and pre-wet the salt used during snow & ice control events.
- Staff removed all of the snow in the cul-de-sacs throughout the community to make room for future snow events. All of the snow is blown into the back of the trucks and hauled to a snow storage site. Roughly 10-12 loads were hauled out of every cul-de-sac. Staff also removed some of the snow along County Rd 2 in the downtown corridor to create more space for snow storage in the future.
- Staff has continued to flood the rinks. Depending on the weather, this process can take a significant amount of time to build the ice. The lights have been turned on and both of the rinks are open. Even with the warmer temperatures late in the month, the ice is in pretty good shape. Staff will continue to sweep, shovel and flood on a daily basis, as time permits.
- Following Council approval, the plow trucks and equipment have been ordered, Staff will keep you updated as the trucks are being built. We are tentatively looking at delivery before November.
- Staff has purchased and installed pallet racking throughout the Public Works Facility. The racking will allow Staff to store tools, equipment and supplies more efficiently.
- Staff has continued to trim trees adjacent to trails, this work will continue throughout the winter months, as time permits.
- During the winter months, in between flooding and snow & ice control operations, Superintendent Schweich will continue to train newer Staff how to run and operate the Water Treatment Facility.
- Stretching, Lifting and Back Safety was the topic this month for the regional safety group made up of Elko New Market, Lakeville, and Farmington. Staff will continue to attend monthly safety trainings through this group.
- Superintendent Schweich attended project team meetings with the architects that have been contracted to perform the design work associated with the Police Department renovation. There will be more meetings to attend in the coming months.
- The Department has been extremely busy dealing with various minor breakdowns within the Department's fleet. Joe, the Mechanic, continues to do an excellent job juggling projects, depending on equipment needs.

# PUBLIC WORKS Combined Time By Department

January 2020

Total Hours:  
826.50



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



# STAFF MEMORANDUM

**SUBJECT:** Monthly Police Activity- January, 2020  
**MEETING DATE:** February 13, 2020  
**PREPARED BY:** Brady Juell, Chief of Police  
**REQUESTED ACTION:** Information Only

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND:**

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

## **DISCUSSION:**

On this month's stats report you will see a new category highlighted. This "Community Engagement" Category was created to meet a need to collect more information regarding activity in this area. As mentioned in earlier memorandum, the Scott County Chiefs of Police Association and then the Sheriff's Department Records Management Team were lobbied by Chief Juell to create this category to help departments track this important contact with the community. By creating a category to track this activity, the Department will be able to measure the amount of proactive interaction our officers have with the community. Interactions like Lunch with the Chief and Night to Unite and Shop with a Cop will all better be able to be tracked.

Chief Juell attended a full day of *Predatory Offender Registration* training. Tracking predatory offenders is a very important function of the Police Department. Proper registration and compliance checks help keep the community safe. This class was held at the BCA headquarters in St Paul. It featured Law Enforcement and Community Corrections speakers from the State and Federal level.

The Police Department took delivery of its newest patrol vehicle and Squad 313 has been put into service. The squad is a 2020 Ford Police Interceptor SUV. It is based the new design of the Ford Explorer. The squad taken out of service was a Taurus and the vehicle was kept in the fleet and will be used as Chief Juell's take home vehicle. Since the equipment could not be re-used, it was kept in the vehicle and if ever needed, the car can be placed back in service as a squad. This is a huge asset for the Department to have. The total cost to purchase and outfit the car with equipment is just over \$45,000. This does not include the equipment transferred from the old squad car. It should be noted that the new Explorers have different dimensions from the prior Explorers and will necessitate the purchase of all new equipment that cannot be transferred from the older Explorer squads as we have additional turnover in the fleet.

A few new features to highlight on the new squad:

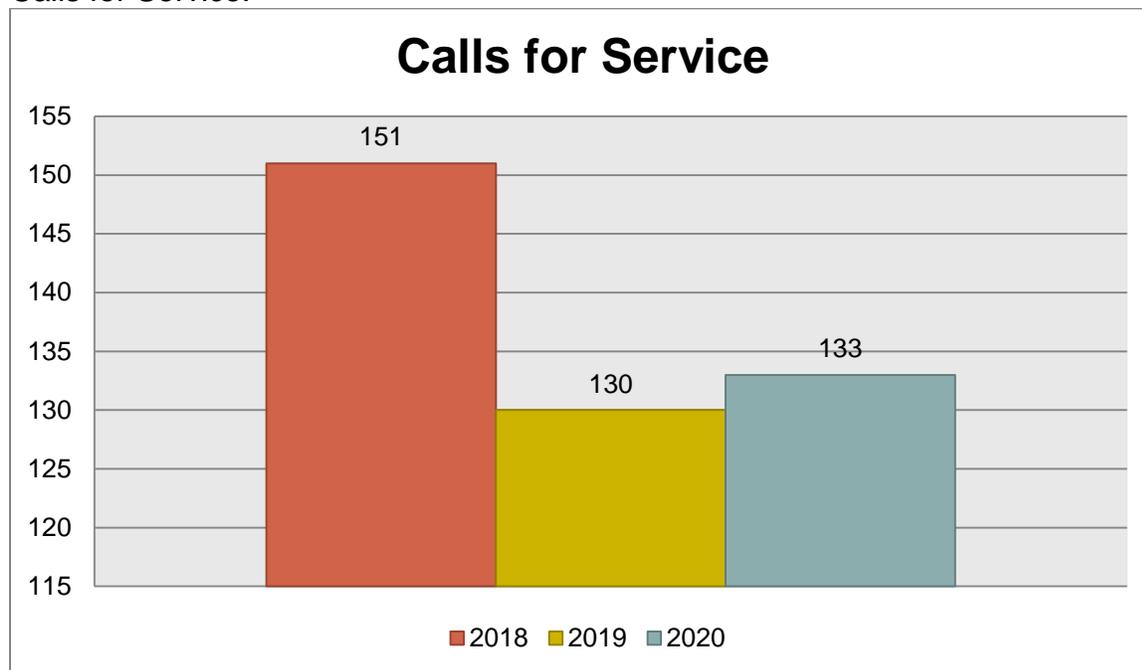
- Wider to allow more room for officers who wear patrol belts.
- The latest Bluetooth Tech to allow officers to operate hands free easier.
- Back seat has more room for prisoners and a safety seatbelt system to allow safer belting of the occupants.
- Overhead light bar has built in safety features to better protect the officer's eyes from the close up exposure to the lights.
- Back up camera to see better when in reverse.
- Better ergonomics to make the long shifts more comfortable for the officers.

The backgrounding process continues on the new hire candidate. The background investigation is anticipated to be completed next week. The next will be to make a conditional offer to the candidate and move them on to the Psychological and Medical testing phase of the process.

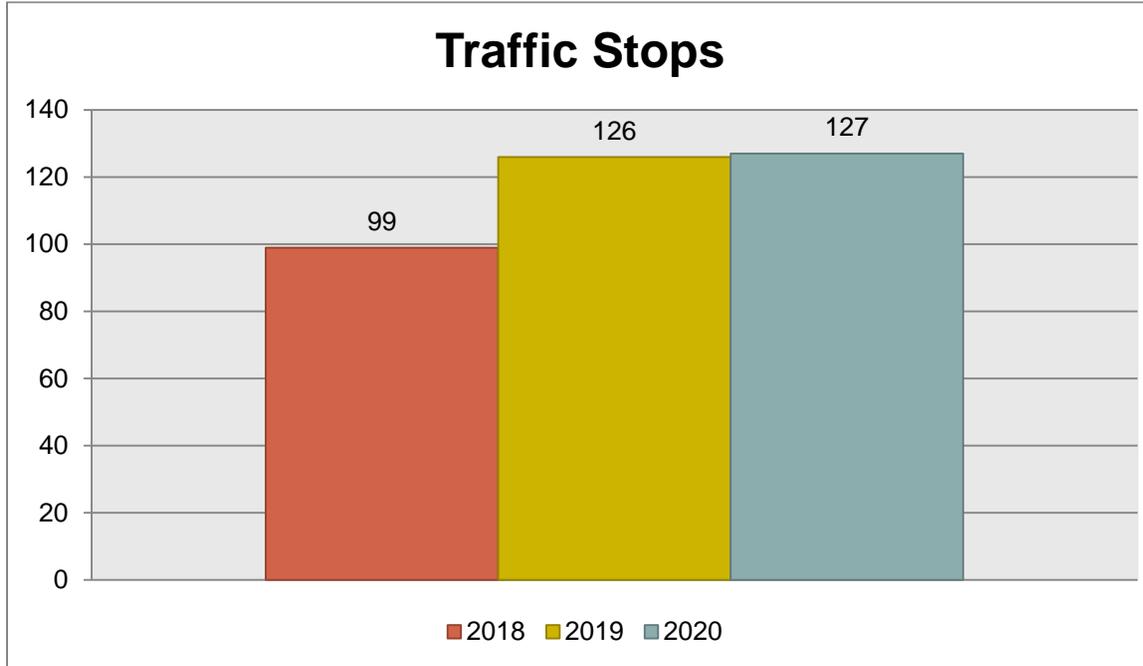
## STATISTICAL INFORMATION – January, 2020

0	Burglary
0	Fire Calls
71	Ordinance reports
3	Property Damage
0	Motor vehicle crash/Accident
0	Noise/nuisance complaints
8	Public Assists
4	Motorist Assist
11	Community Engagement <b>(New Category!)</b>
0	Hazards
1	DWI
10	Administration (Rec. Fire Permits, Records checks, etc.)
11	Suspicious persons/vehicles/activities
4	Crimes against family
1	Juvenile Complaints
0	Theft
1	Threats
6	Medicals
4	Alarms
5	Lock outs
27	Assists to other agencies (Agency Assists)
280	Extra Patrols
2	Traffic driving complaints

Calls for Service:

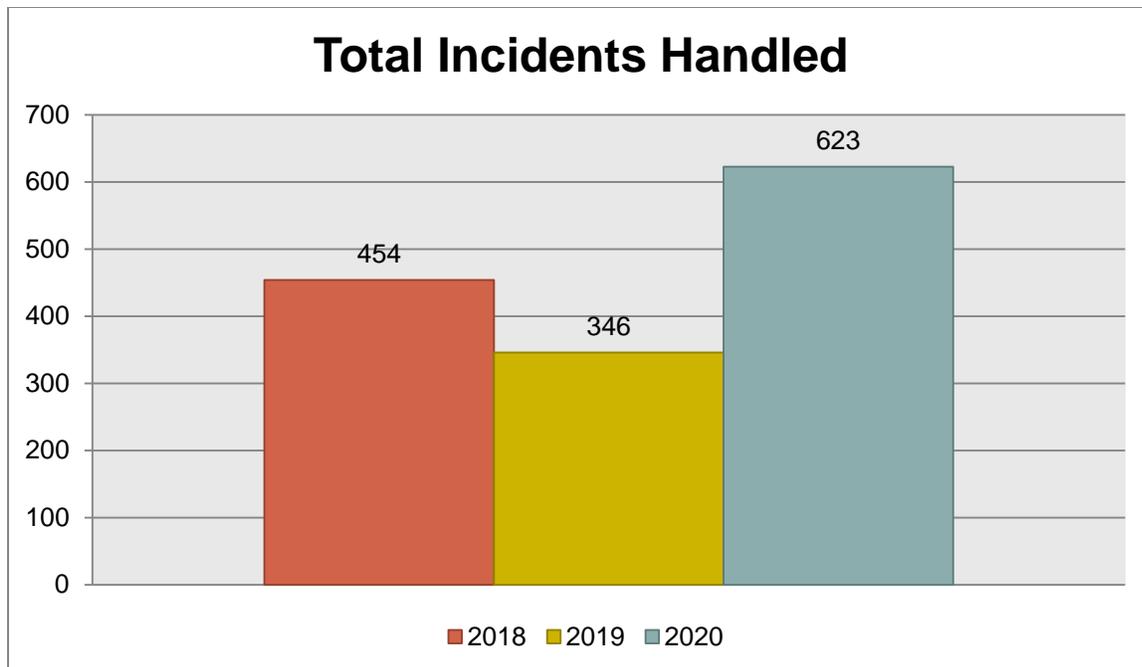


Total Traffic Stops:



**127** traffic stops were conducted in January, 2020. **106** verbal and written warnings issued and **16** citations issued for speed, expired registration, no proof of insurance/no insurance, careless driving, and driving after revocation. **14** citations issued for violation of winter parking ordinances on plowing days. **1** citation was issued for DWI

Total Incidents Handled:





# STAFF MEMORANDUM

<b>SUBJECT:</b>	Traffic Mitigation Plan for Roundabout Project
<b>MEETING DATE:</b>	February 13, 2020
<b>PREPARED BY:</b>	Brady Juell, Chief of Police
<b>REQUESTED ACTION:</b>	Information Only

## COMMUNITY VISION:

- A mature growing freestanding suburb of the Twin Cities Metropolitan Area, preserving historic landmarks and small town character while providing suburban amenities and services, as well as full range of employment, housing, business, service, social, technology infrastructure and recreational opportunities for citizens and visitors
- Promote a diverse commercial base including light industrial and facilitating planned redevelopment which will be aesthetically pleasing with architectural standards that promotes quality development
- Provide a full range of municipal services to its residents. The City will allocate sufficient resources to meet the growing needs of the community
- A comprehensive park and trails system that will have sufficient facilities, play fields and open space to meet the needs of residents
- An effective and efficient transportation system, including access to the greater metropolitan area, transit opportunities, and improved connectivity to the interstate
- Provide community oriented local government and be financially sound, engaging in long-term financial planning to provide municipal services without undue burden on tax payers

## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
- Advance "shovel ready" status of areas guided for commercial and industrial development
- Acquisition of land for public purposes, position City to take advantage of land acquisition opportunities
- Enhance quality of life through parks, trails, recreational programming and cultural events
- The development of residential lots and an increase in residential building permit activity

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

- Community Involvement
- Organizational Improvement
- Problem Solving
- Performance Measurement
- Professionalism

## **BACKGROUND:**

Chief Juell and Staff are presenting a written report to the City Council with options to help lessen the impact of informal detour routes through local neighborhoods as a result of the Roundabout project. The intersection is expected to be closed for 2-3 months depending on weather conditions during construction.

## **DISCUSSION:**

During the construction of the Roundabout, the intersection of county roads 2 and 91 will be closed. A detour will be established and signed by county officials. Staff is aware that some driver's will bypass the detours and use residential neighborhood roads as a workaround to the detour to lower their driver times. This could have a significant impact on local neighborhoods. Concerns of speeding and increased traffic load are normal and not necessarily unwarranted.

Staff has identified several strategies to lessen the impact on the residential roadways. These options include:

**Signage-** The detours around the closure will be well posted. Extra signage will be put at the entrances to the major residential "short cuts" to help keep people from cutting through. "Local traffic only" or "Residential Traffic Only" signs will help deter some of this traffic. While these signs may act as a deterrent to a portion of the traffic tempted to use the "short cuts", they are unenforceable.

**Traffic Monitoring –** The City's traffic counter, which can track counts, speed and direction, will be placed along popular "short cuts" to provide data to determining if, where and when there are traffic issues. This will also help separate perception from actual violations.

**Mobile Speed Trailer-** A mobile speed radar sign can be moved along the major "short cut" routes to help educate the drivers to their speed and the remind them of the speed limit.

**Police Extra Patrols-** Police officers can place an emphasis on these known "short cuts" providing speed education and enforcement on these roads. However, the Department will usually have only one officer or the Chief working the majority of the time. Their normal duties will still be needed to be attended to and will limit the amount of time that can be spent on extra patrols.

**Dedicated Police Patrols-** Fulltime (FT) Officers could be scheduled overtime and Part time (PT) Officers can be scheduled for dedicated enforcement/education patrols. These officers sole purpose would be for dedicated traffic patrol on these known residential shortcuts. These dedicated patrols would have a significant impact on the Department staffing budget. Estimated costs for dedicated patrol have been provided below.

PT Officers- Cost per 3 hour shift- **\$102**. Cost for 3 shifts a week- **\$306**. Cost for 3 month detour 3 shifts a week- **\$3,672**

FT Officers- Cost per 3 hour shift- **\$172**. Cost for 3 shifts a week- **\$516**. Cost for 3 month detour with 3 shifts per week- **\$6,192**.

**Unstaffed decoy squads-** Unmanned squads can be parked by officers along shortcut routes to slow traffic down. There is little to no cost to this program other than staff having to drive the cars out and retrieve them later.

**Street Lane Striping**- It is a known phenomenon that driver's will drive faster in wider or more open lanes. By striping and defining the lanes, drivers tend to lower their speeds. The cost for this striping the lanes are unknown at this time.

**CITY OF ELKO NEW MARKET  
ECONOMIC DEVELOPMENT AUTHORITY  
ELKO NEW MARKET AREA HALL  
601 MAIN STREET  
ELKO NEW MARKET, MINNESOTA 55054  
THURSDAY, JANUARY 23, 2020**

**1. CALL TO ORDER**

The meeting was called to order by Chair Julius at 6:00 p.m. with the following members present: Chair Julius, Josh Berg, Kate Timmerman, Dawn Seepersaud, Amanda Novak and Bob Vogel.

Also Present: Community Development Specialist Renee Christianson, City Planner Haley Sevening, and Executive Director Tom Terry.

**2. PLEDGE OF ALLEGIANCE**

Chair Julius led the EDA in the pledge of allegiance.

**3. ADOPT/APPROVE AGENDA**

It was moved by Timmerman, seconded by Novak to approve the agenda. Motion carried (5-0).

**4. CONSENT AGENDA**

There were no consent agenda items.

**5. PUBLIC HEARINGS**

- a. None

**6. CONTINUED BUSINESS**

- a. None

**7. NEW BUSINESS**

**a. Resolution #20-01 Concerning Organizational Matters of the Elko New Market Planning Commission**

It was moved by Julius, seconded by Timmerman to adopt Resolution #20-01 appointing Josh Berg as Chairman, Amanda Novak as Vice-Chair, Kellie Stewart as Treasurer, and Renee Christianson as Secretary of the Economic Development Commission for 2020. Motion carried: (5-0).

**b. I-35/CSAH 2 Interchange Extension Discussion**

Staff reviewed with the EDA discussions that had been occurring between City, County, and Scott County CDA staff regarding the extension of utilities to the I-35/CSAH 2 interchange area.

A conceptual plan had been developed whereby utilities could be extended to open up the Park I-35 and Adelman properties for development. Under the plan funding would be provided by Scott County or the Scott County CDA, with a repayment agreement with the City. Repayment would occur through a combination of annual assessment payments by the property owners, and a pass-through of development trunk fees as the properties develop. Tom Terry and Renee Christianson provided a PowerPoint presentation explaining the concept plan. A similar presentation is scheduled to occur at a joint meeting of the Scott County Board, the Scott County CDA Board, and the Elko New Market City Council on January 27, 2020.

**8. EXECUTIVE DIRECTOR'S REPORT**

There was no report by the Executive Director.

**9. ADJOURNMENT**

It was moved by Timmerman, seconded by Julius to adjourn the meeting at 6:56 p.m. Motion carried (5-0).

Respectfully Submitted,

*Renee L. Christianson*

Renee L. Christianson  
Community Development Specialist

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
JANUARY 22, 2020  
7:00 PM**

**1. CALL TO ORDER**

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

Commission members present: Smith, Humphrey, Kruckman, Hanson and Priebe

Members absent and excused: Ex-officio member Anderson

Staff Present: City Administrator Terry, Planner Sevening, City Attorney McDowell Poehler

**2. PLEDGE OF ALLEGIANCE**

Commissioner Smith led the Planning Commission in the Pledge of Allegiance.

**3. APPROVAL OF AGENDA**

A motion was made by Humphrey and seconded by Smith to approve the agenda as submitted. Motion carried: (5-0).

**4. APPOINTMENT OF CHAIR AND VICE-CHAIR**

City Administrator Terry noted that with the resignation of Chairman Thompson in October 2018, the Planning Commission appointed Chairman Smith and Vice-Chairman Humphrey to fill the remainder of the appointment term, which expired on March 31, 2019. However, on an oversight by Staff, appointment of Chair and Vice-Chair at the April 2019 was not completed as required under Section 2-1 of the City Code. City Administrator Terry recommended that appointment of Chair and Vice-Chair be made to correct the oversight. After discussion, it was moved by Kruckman and seconded by Priebe to reappoint Commissioner Smith as Chairman and Commissioner Humphrey as Vice-Chairman until April 2020. Motion carried: (5-0).

**5. PUBLIC COMMENT**

There was no public comment.

**6. ANNOUNCEMENTS**

There were no announcements.

## 7. APPROVAL OF MINUTES

- A. It was moved by Hanson and seconded by Humphrey to approve the minutes of the December 17, 2019 meeting. Motion carried: (5-0).

## 8. PUBLIC HEARINGS

### A. Consider Zoning Ordinance Amendments – Garbage/Refuse and Recreational Vehicle Parking

Planner Sevensing presented the agenda item, which was a continuation from the September and October Planning Commission meetings. She introduced the topic noting that a citywide inventory had been completed in August regarding the storage of garbage cans and recreational vehicles on residential lots in the City. She noted that 44% of the properties in the City had violations related to storage of garbage cans, and 16% of the properties in the City had violations related to the storage of recreational vehicles. She stated that staff had decided at that time not to enforce the ordinances as currently written because there were more than 900 homes in violation of these Codes.

Alternatively, Staff inquired with the City Council regarding the matter to determine if they wanted Staff to enforce the ordinances as written, or if they wanted to consider an amendment to the ordinance. The City Council requested that the Planning Commission review the City Code related to these two items. At the September Planning Commission meeting there was discussion on the matter which resulted in the Planning Commission directing staff to draft a zoning ordinance amendment. At the October Planning Commission meeting the Commission reviewed the draft ordinance amendment and had concerns related to recreational vehicles in the right-of-way and how the length of recreational vehicles would be measured.

After Planner Sevensing reviewed the history to date, she reviewed current ordinance language regarding storage of garbage containers and recreational vehicle parking. She then reviewed the proposed amendments as follows:

#### Section 11-4-3 – Garbage and Refuse:

- Distinguishes commercial, industrial, and multi-family residential properties from single family and two-family residential properties.
- Replaces wood with maintenance free material as an acceptable screening material (for commercial, industrial, and multi-family residential properties).
- Permits single family and two-family residential properties to store garbage cans in side or rear yard adjacent to garage without screening.
- Exempts dumpsters or refuse containers used for construction purposes from the location and screening requirements.

#### Section 11-2-2 – Zoning Ordinance Definitions:

- Removes definitions for specific types of recreational vehicles and defines recreational vehicle more broadly.

#### Section 11-8-2 - Recreational Vehicle Parking:

- Adds ATVs, dirt bikes, dune buggies, go-karts, golf carts, ice/fish houses, snowmobiles, and UTVs as recreational vehicles.
- Prohibits recreational vehicles from extending into or obstructing the public sidewalk or public right-of-way.
- Allows only one recreational vehicle exceeding 24 feet in length to be parked on a residential property and none exceeding thirty (30) feet in length.
- Identifies three seasonal classifications (warm weather season, cold weather season, or year-round) for recreational vehicles.
  - Permits up to two (2) recreational vehicles to be parked in the driveway during periods of seasonal use.
- Removes the screening requirement for recreational vehicles.
- Permits recreational vehicles to be parked in the rear or side yard on a surface of concrete, bitumen, or pavers entirely outside of buffer yards and public easements.
  - Exempts properties with existing gravel side parking areas from surfacing requirements.
- Requires recreational vehicles to be parked at least 5 feet from property lines or 10 feet from property lines on corner lots abutting a public right-of-way.
- Enumerates recreational vehicles parked on a trailer as one (1) recreational vehicle.
- Removes nonconforming location permit.

#### Section 11-9-8 (E) – Surfacing and Maintenance of Off Street Parking:

- Exempts properties with existing gravel side parking areas from surfacing requirements.

Chairman Smith opened the public hearing at 7:22 p.m.

Bryce Schuenke, 26645 Oak Street, thanked the Commission for their dedication and work. He asked the Commission if all sections of the City Code were punishable by misdemeanor. City Administrator Terry stated that yes, by definition any violation of City Code is automatically a misdemeanor. Schuenke stated that the amendments are well written and that being more open is good. He reiterated to the Commission that if sections are violated they are crimes and having that on their record could impact their lives. Commissioner Humphrey stated that the City's intent is not to charge residents, but rather seek compliance.

Deanna Adams, 2064 Wild Wings Pass, asked how many complaints the City has received on the topics. Planner Sevensing stated that she did not know the exact number but believes it to be between 10 to 15 complaints. Adams asked if the Commission had considered the costs associated with bring properties into compliance, especially related to screening. Commissioner Smith stated that the proposed amendments remove the screening requirement. Adams stated that screening may be more cost effective and feasible than dragging garbage cans through grass and snow. She also noted that her property is sloped on the side and would not be able to store them there. City Administrator Terry noted that under the current ordinance garbage cans would have to be in the garage and the proposed amendments allow greater flexibility. Adams asked the Commission when enforcement of the ordinances would begin. City Administrator Terry stated that the City would undergo an

informational campaign to provide time for properties to get into compliance and enforcement likely would not begin until Spring or Summer.

Eugene Meger, 41 West Louis Street, stated that he has lived in his home for 42 years. He noted that based on the Citywide inventory, 56% of residents are following current ordinances. He stated that he is not concerned about screening, but is concerned about open and overflowing garbage cans, when garbage cans are put out for pickup, and garbage cans being located in the street. He also asked that ordinances related to these topics also be looked at and enforced. Commissioner Smith suggested that when Staff begin the information campaign after adoption of the proposed ordinance, information regarding other ordinances related to garbage cans should also be included. Regarding recreational vehicles, he stated that there should be additional language added to clarify that vehicles cannot park on the grass. He also stated that the City should not grandfather properties with existing gravel side parking areas and should confirm that they are setback at least five feet from the property line.

Chris Weber, 336 Wagner Way, stated that he is against the garbage can amendments. He noted that he specifically poured an apron on his property to accommodate garbage cans and will not put them in his garage because they smell bad. In regards to recreational vehicles, he stated that there should not be a length restriction. He stated that if the driveway accommodates the recreational vehicle, it should be allowed. He also stated that the months within the warm and cold weather seasonal classifications should be expanded to overlap.

Mike Buck, 345 Wagner Way, stated that he currently stores his garbage cans in the driveway and that they would blow over if stored in the side yard. He also noted that he is an owner of a recreational vehicle and although it fits entirely within his driveway and does not extend into the right-of-way, he would not be able to have it on his property based on the length restrictions. He noted that he specifically moved to Elko New Market to get away from some of the regulations of City life. Buck suggested that the Commission should consider having a buffer space off of the right-of-way rather than a maximum length requirement.

Jaime Helgeson, 2081 Wild Wings Pass, stated that because residents are required to have garbage cans whereas recreational vehicles are a choice, the Commission should separate the topics when considering amendments. She noted that many properties have slopes in their side yards that would prevent the storage of garbage cans there. She said that she worries about the smell of garbage cans in the garage, the mice they would attract, and her kids who play in the garage during the winter.

Joe Julius, 10130 Ponds Circle, stated that the Planning Commission has a tough job when looking at and amending ordinances. He notes that most people will not be happy with the proposed changes, but that does not mean the changes should not happen. Julius thanked the Commission for their work as ordinances continue to be reviewed. Commissioner Humphrey stated that the Commission will continue to review ordinances.

Planner Sevensing stated that the City had received numerous formal comments via phone call and email. All comments received by 4:30 p.m. on January 22, 2020 were read into the record as follows:

Stacey Ireland, 1410 Overlook Court, stated that she currently keeps her garbage cans in the driveway and previously kept the garbage cans in the garage, but they attracted mice and rats. She also stated that she has safety concerns regarding her autistic son, who has in the past tipped garbage cans onto himself when stored in the garage. She stated that it should not matter where garbage cans are stored because it is private property and as long as garbage is not spilling out of garbage cans or blowing onto other properties the location should not be a problem. Finally, she stated that her property has landscaping in the side yard that would prevent her from storing the garbage cans there.

Kim Lewis, 610 Cedric Lane, stated that she is okay with garbage cans being stored in the driveway in front of the 3<sup>rd</sup> stall garage and that if the garbage/refuse ordinance is enforced, so should the recreational vehicle ordinance.

Abby Hanna, 200 Wagner Way, wrote that she was born and raised in Elko and has lived there her entire life. She noted that there are a few houses on Wager whose driveway and houses are angled. She wrote that her and her fiancé currently store their garbage cans in the front of our house but off to the side because they have an extra small two car garage and cannot fit their garbage cans inside of the garage, which essentially faces the street. She asked the Commission what their options would be.

Al Christensen, 316 Wagner Way, wrote that he does not support renewing or enforcing the garbage can ordinance as it is obviously not enforced and with over half of all houses leaving their cans visible, it would lead him to believe this is a common feeling amongst people in his neighborhood and that we are better off without it.

Margaret Lynch, 10389 Windrose Curve, wrote that most people in her neighborhood at have a three car garage for a reason - an actual 3rd car, storage for boats, and all the 'stuff' we have - bikes, snowblowers, lawnmowers, etc. She wrote that there is no room for garbage cans in that stall or the garage in general. She could not have her garbage cans on the side of her garage due to the slope. She noted that as others have expressed, putting them behind the garage and having to go across the back yard, up the side, in front of the house during the winter (or summer also for that matter) is just not feasible. She wrote as she looks and drives around other communities - Lonsdale, New Prague, Lakeville - she see's garbage cans sitting outside as well. She asked the Commission if they have looked into how those communities have their ordinances written. She also implored the Planning Commission and the City Council to approach the topic with common sense and by what would work for our community as a whole.

Barb Anderson, 10410 Windrose Curve, wrote that she agrees that there needs to be some type of ordinance regarding where garbage cans are stored. Every other city she has lived in has had an ordinance regarding garbage cans and it has never been an issue. She wrote that she works in Burnsville where this is enforced and it is totally different driving down the residential roads and not seeing garbage cans sitting out in front of

garages. She wrote that garbage cans sitting out in front of garages makes the neighborhood less appealing and that she has seen garbage cans overflowing with garbage bags sitting next to them which is totally unacceptable. She has lived in Elko New Market for 19 years and has always kept their garbage cans in their garage and they do not have a “stinky” garage and have never had any rodents in their garage.

Robinette Donahugh-Ralston, wrote that it is clear that the prior ordinance for garbage cans was not being enforced and that a quick drive through neighborhoods without separate associations makes it clear most people store their containers in front or to the side of the home. She wrote that given the recent response to the upcoming changes, she recommends having further debate on this topic. She wrote that the top issue needing addressed is what problem this ordinance is addressing. She agreed with removal of unneeded and unused ordinances, but noted that to replace them with additional unneeded and unused seems to be a waste of time and effort.

Sara Sprosty, 204 Maverick Avenue, wrote that she has lived at 204 Maverick for 9 years and takes pride in their home, but leaves their garbage cans in front of the 3rd stall and has never thought of these blue cans as blight, or an eyesore. She wrote that their garage is significantly higher than their neighbors, which means the slope of the yard is significant. It is not flat to walk on and is not built for storing trashcans, nor is there room for trashcans in the garage. She wrote that another issue is smell. Even with composting their fruit & veggie scraps, the cans inevitably stink. She also noted that she is concerned with the cost to the City to enforce this rule and the significant cost to make changes to her property to allow her to store them alongside or behind her garage. She wrote that she would love to see this removed as an ordinance, but if it is updated and enforced, she would appreciate more time to make changes.

Gordon Deuel, 2095 Wild Wings Pass, wrote that while he understands the desire for clean neighborhoods and potential concerns over trashcans being left out, driving through our residential streets he just does not see how this ordinance would be feasible in our community. He asked the Planning Commission to consider what is being reflected in our community as City ordinances are updated.

Marjorie Hilla, 340 Brady Street, wrote that her concern is more about recreational vehicles than garbage cans, although she does keep hers in the garage and thinks it looks best for the neighborhood if hidden somehow. She noted that there is a house two down from her and feels it really brings down the neighborhood to have a boat parked next to the front door. She wrote that she has a boat and pays a minimal fee to store it off-site.

Jesse Henchal, 1025 Theresa Marie Drive, asked questions regarding the enforcement of the proposed recreational vehicle parking ordinance and allowed length of recreational vehicles.

Heather Vetter, 9214 Fairway Hill Drive, wrote that she takes great pride in her property, neighborhood and City and believes that enforcing the current garbage/refuse ordinance, would keep the City aesthetically appealing for current and future citizens. She notes that aside from the aesthetics, if garbage cans are contained, there will be fewer chances

of attracting animals who use the cans as a food source, less trash that gets “spilled” throughout the neighborhood/City, and a reduction in illegal dumping, etc.

Chairman Smith closed the public hearing at 8:02 p.m.

Regarding the storage of garbage cans, discussion was as follows:

- Commissioner Humphrey acknowledged resident concerns about slope, but noted that creating an area for garbage cans does not have to be expensive. He stated that the primary purpose of this ordinance is to keep the City clean and limit aesthetic impacts of garbage cans.
- Commissioner Priebe stated that he is against regulating the placement of garbage cans. He stated that they do not cause blight and that he does not understand why we are considering amendments that will require residents to make changes to their property.
- Commissioner Smith reminded the Commission that the proposed amendments are all about lightening the requirements.
- Commissioner Kruckman agrees with lightening the requirements, but notes that certain provisions will still force people into noncompliance. She noted that the goal should be to reach compliance and that enforcing this ordinance would consume many resources. Commissioner Kruckman also stated that more focus should be on overflowing garbage.
- Commissioner Hanson states that the proposed changes will take care of a lot of the noncompliance that currently exists.
- City Administrator Terry advised the Commission that ultimately the discussion is about community values. He also stated that when a new ordinance is adopted greater resources and time will be spent on enforcement, but overtime that will decrease as compliance increases.
- Commissioner Humphrey notes that enforcement of ordinances is a culture. Commissioners agree that the culture is changing in Elko New Market. Commissioner Humphrey states that the Commission should continue to simplify ordinances.
- Commissioner Smith states that he is supportive of making the ordinance less obtrusive and that providing time to comply is good.
- Commissioner Kruckman states that violations related to garbage cans should not be a crime.
- City Administrator Terry states that if the City has a rule there has to be a consequence. Under City Code, that consequence would be a misdemeanor.
- Commissioner Humphrey suggested an informal vote on the topic. Commissioner Hanson, Humphrey, and Smith voted in support of the amendments as proposed. Commissioner Kruckman and Priebe were opposed.

Regarding recreational vehicle parking, discussion was as follows:

- Commissioner Hanson stated that the size limitations of recreational vehicles should be discussed.

- The Commission questioned whether there should be a length restriction or if there should be a setback from the right-of-way.
- City Administrator Terry stated that the Planning Commission needs to consider not just the size of recreational vehicles, but their scale within a neighborhood and visual impacts. He notes these considerations are all value questions.
- Commissioner Priebe suggested the Commission go through each provision of the proposed amendments one by one. He noted that the first change should be related to the warm and cold weather seasons. He also stated that grandfathering should stay in the ordinance.
- Commissioner Humphrey asked Staff to clarify the history behind the City allowing gravel side parking areas.
- Commissioner Smith noted that sometimes gravel is an intermediary step to asphaltting the side parking areas.
- All Commissioners stated that they support grandfathering of gravel side parking areas and changes in the warm and cold season months. Specifically, Commissioners directed Staff to change the warm weather season to April through November and the cold weather season to October through May.
- Commissioner Priebe asked for clarification on the length restrictions and asked City Administrator Terry to clarify the concerns related to the scale of recreational vehicles.
- Commissioner Smith noted that scale is innately regulated by the length of a property's driveway.
- City Administrator Terry advised the Commission that one method of minimizing the impacts of the scale or size of recreational vehicles is to have different length restrictions based on the size of the property.
- Commissioner Humphrey noted that even if a recreational vehicle fits in the driveway, it still impacts neighbors.
- Commissioner Hanson summarized proposed changes and asked if further discussion was necessary.
- Commissioner Humphrey noted that the Commission had not agreed on size restrictions of recreational vehicles. Commissioner Priebe asked the Commission if size restrictions should be included and how they would be determined.
- Commissioner Humphrey stated that there should be a length restriction, but what the length is needs to be discussed. He also asked if there should be a height restriction.
- Commissioner Priebe asked Mr. Buck what the typical height and length of recreational vehicles are. Mr. Buck stated that the tallest vehicle cannot exceed 13 ½ feet and almost none exceed 47 feet in length. Mr. Buck also stated that the maximum allowable length from bumper to bumper is 70 feet.
- The Commission discussed whether length should be measured based on the title of the vehicle or the actual physical dimensions. City Administrator Terry advised that the actual physical dimensions should be utilized.
- Commissioner Smith suggested a number of concepts that could be used for determining the size of recreational vehicles allowed: setback from property line, distance from right-of-way, and length of vehicle.

- City Administrator Terry advised that another method that could be used is conditional use permits. He also noted that if a setback from right-of-way was used it would greatly reduce the number of properties that would be able to park recreational vehicles in their driveway.
- The Commission agreed that making a resident get a conditional use permit for a recreational vehicle that fits in their driveway should not be required. They also noted that there is a substantial cost associated with a conditional use permit.
- The Commission continued discussions related to the maximum length of recreational vehicles and ultimately decided that length will be innately regulated based on the length of the property's driveway and thus no maximum length should be required.

It was moved by Hanson and seconded by Humphrey to recommend approval of the draft ordinance, subject to the following changes:

1. Expand the warm and cold weather season months so that they are overlap.
2. Remove the maximum length restriction for recreational vehicles.

Motion carried: (3-2)

The Planning Commission asked that it be noted that the two votes in opposition were specific to the amendments related to garbage cans. The Commission found consensus on all other items.

## 9. GENERAL BUSINESS

### A. Adopt Planning Commission Goals and Priorities for 2020

Planner Sevensing introduced the agenda item and explained that at the Commission was being asked to formally adopt goals and priorities for 2020 as discussed at the December 17, 2019 Planning Commission meeting. Staff provided a list of draft goals and priorities as follows:

- Continued incremental review and simplification of Zoning and Subdivision Ordinance
- Comprehensive and proactive code enforcement
- Housing affordability and diversity (Consideration of tools such as accessory dwelling units, inclusionary zoning, TIF, Tax Abatement, etc.)
- Final adoption of the 2040 Comprehensive Plan
- Final adoption of Adelman property AUAR

City Administrator Terry recommended that “comprehensive and proactive code enforcement” be removed from the list. He stated that although the Planning Commission reviews and amends the Zoning Ordinance, enforcement of the ordinance is an administrative action. The Planning Commission agreed with Staff, but requested occasional updates on enforcement actions and common violations. A motion was made by Kruckman and seconded by Hanson to adopt the goals and priorities with removal of the code enforcement goal. Motion carried: (5-0).

## **10. MISCELLANEOUS**

### **A. 2019 Planning Commission Report / Accomplishments**

Staff provided a summary of Planning Commission accomplishments in 2019 to the Planning Commission.

### **B. 2019 Building Permit Summary Report**

Staff provided the 2019 building permit summary to the Planning Commission.

### **C. 2020 Vacant Lot Inventory**

Staff provided the 2020 vacant lot inventory to the Planning Commission.

### **D. Planning Commission Expectations – Attendance and Education Report**

Staff reviewed expectations in regards to attendance, continuing education, and roles/responsibilities with the Planning Commission.

### **E. Tip of the Month – Open Meeting Law**

Staff reviewed with the Commission basic information regarding open meeting law. Specifically reinforced was the purpose and application of the law and exceptions and common issues associated with open meeting law.

### **F. Roundabout Update**

Staff provided an update on the roundabout project currently planned for the intersection of CSAH 2 and CSAH 91 to the Planning Commission.

### **G. Community Development Updates & Reports**

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

City Administrator Terry advised the Planning Commission that the City Council has been receiving electronic packets for a number of years. He reviewed the benefits of moving from paper packets to electronic packets and asked the Commission if they would be interested in getting laptops. All Commissioners indicated that they would be interested in getting laptops.

City Administrator Terry informed the Planning Commission that if none of the Commissioners had any objections; Staff would begin videotaping Planning Commission meetings and posting them on the City's YouTube page for public viewing. No Commissioners had any concerns so City Administrator Terry indicated that videotaping would begin at the March Planning Commission meeting.

City Administrator Terry advised the Planning Commission that Commissioner Humphrey's and Commissioner Priebe's terms would be expiring on March 31, 2020 and they would be required to reapply for the position. Following direction by the Council, it is the City's policy that all Commissioner Vacancies be posted for residents to apply.

City Administrator Terry updated the Planning Commission on the City's proposal for getting utilities extended to the CSAH 2 & I-35 interchange. He noted that on January 27, 2020 the County would be hosting a joint meeting with the County Board, Community Development Agency Board, and City Council to discuss the concept.

Planner Sevensing updated the Planning Commission on rescheduling the February Planning Commission meeting. She noted that the regularly scheduled meeting falls on February 25, 2020, which is the night of precinct caucuses for the presidential election. Sevensing noted that the meeting would be rescheduled to February 24, 2020 or February 26, 2020.

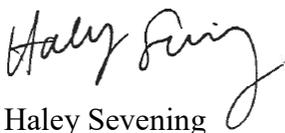
#### **H. Planning Commission Questions and Comments**

Commissioner Smith asked for an update on the apartments approved with the plat of Dakota Acres 2<sup>nd</sup> Addition. Planner Sevensing stated that the developer has not yet filed the plat, so he will need to get an extension of plat approvals from the City Council. City Administrator Terry stated that the City continues to see an uptick in interest from various developers.

#### **11. ADJOURNMENT**

It was moved by Humphrey and seconded by Hanson to adjourn the meeting at 9:53 p.m.

Submitted by:



Haley Sevensing  
Planner I

## ENM Parks Commission Update

January 31, 2020

Happy New Decade!

1. The construction of the Disc Golf Course has been completed and was open for use, as of Monday October 28<sup>th</sup>. I recently met with Cale Leveiska and he has agreed to join us on Thursday, May 28<sup>th</sup> to have a Ribbon Cutting for the course. Tentatively plans are to have a clinic for kids and adults; a “closest to the pin” challenge with prizes; and a match between the Parks Commission and City Council. More details to come in the Spring!
2. The Wagner Park Shelter closed on Monday, 10/28 for the Winter, as planned, and winterization of the Shelter is now complete. The Food Shelf will continue to use it for the Winter...fortunately, no space heaters were needed for November, but they were for December and January. Fortunately, even those days were above normal in temperature, so the 4 space heaters worked well.
3. The City started to accept Wagner Park Shelter Rental Apps on Monday, December 2<sup>nd</sup> for 2020...the “prime” dates are already filling up! In terms of revenues for 2019, the Park Shelter Rental revenues were up by nearly 40% over 2018, even with growing use of the shelter by nonprofits.
4. I hope to have the updated, final 2019 Budget Report for the February 2020 Parks Commission meeting.
5. The Windrose 8<sup>th</sup>/Woodcrest Trail is back on track with a more cost-effective approach being implemented to combine it with the upcoming Pete’s Hill residential subdivision trail and other street resurfacing projects, which should result in a lower overall cost. The total cost is estimated to be \$66,824.00 and funds are available in the Parks Capital Fund to do both trail segments. As noted at the January meeting, the SMSC was contacted to see if it would be possible to retain the \$18,224 grant for the project. I received an email from the SMSC in late December saying that they would consider it at the next meeting of the Tribal Council and that Staff would recommend approval to the Tribal Council. I have not heard back officially from the SMSC.
6. Speaking of trails, Staff is working on costs for a Xerxes Avenue trail segment, which is in the 2040 Comp Plan. The North Leg, which would go from Windrose Curve to CSAH 2, would run 1,837 feet and cost \$143,300 exclusive of right-of-way and overhead costs. Staff is also taking a look at a

- possible grant for the project, as well as a possible schedule. I should have an Engineer's Report that has the details by the February 11<sup>th</sup> Meeting.
7. The Rowena Pond Park RePurposing Master Plan is now underway. Along with City Engineer, I went over resolution of their current drainage problems and possible options with the 3 neighbors most directly affected by the project on August 8th and August 20th. They were all very positive about the project. The City Engineer completed has completed a draft of the final drainage plans, which I sent in an email update to the 3 affected properties.
  8. Related to the Rowena Pond Project, I am working on a \$20,000 Twins "Fields for Kids" Grant for relocating the field that is due in late February. These are VERY competitive grants, so even if we aren't selected, then we will have enough funds to do the project.
  9. Jessica Davidson joined us at our January meeting to discuss possible options for our Winter programming at the Elko New Market Library. She is working on securing the events approved by the Commission – the RAD Zoo, Family Bingo, Glowsticks, and an Obstacle course/Family Yoga Challenge – for our "March Madness" Winter programming. We hope to have the schedule "nailed down", so that we can begin to spread the word earlier than previous years. You should see the final version, along with a marketing piece, at the February meeting.
  10. As you know, the Parks Commission made a final decision at the November Meeting to accept the proposal from Webber Recreational Design, which included an Accelerator Swing and Ten Spin to replace an old swing set and balance beam at Old City Hall Park. The final cost for the 2 pieces was \$8,452.48. The city purchased the equipment prior to the end of 2019 to take advantage of the almost 30% discount on the equipment. The Parks Commission awaits delivery for an installation scheduled for mid-April 2020.
  11. American Ramp Company, which built and installed the SkatePark equipment, will be stopping by this Spring to do a warranty check on the equipment, talk about possible additional pieces, and a potential pumptrack.
  12. A footnote...one of my tasks for Parks and Recreation (and other City departments) is to respond to the many surveys that come across my desk. With so many of them, I limit my responses to the ones that are both relevant to our specific work and provide the final results for our use. For

example, a recent survey of park metrics by NRPA offered a free 48-page Field Dimensions Guide worth \$24.95 for filling it out. It should save me some time having all that info available in one book!

13. The additional Pet Waste Stations were on backorder for a few months, but I have received word from the company that they were now available, so I ordered them before the end of the 2019. On Tuesday, January 14<sup>th</sup>, they were delivered and stored at the Wagner Park Shelter for installation this Spring.
14. As part of the 2040 Comp Plan process, the current Park Classification System appears to need updating, so I will be meeting with Renee and Haley to discuss this on February 11<sup>th</sup>...I should have an update for you at the Parks Commission meeting later that same day.
15. I have attached a revised Parks CIP for your review. It is different from the one we reviewed at our January meeting. It now includes updated “numbers” for the Rowena Park Pond Hockey Rink/Basketball Court and the addition of a Boulder Heights Park. It appears that it is still possible to do the entire Rowena Park project this year. More discussion at our February Meeting.
16. Also attached is a copy of the Parks Commission Application Form for Chair Sutton and Commissioners Dornseif and Zahratka. As in the past, City Council will open the process to the community, but current Commissioners can reapply for reappointment to a 3-year term. They will need to be filled out prior to March 5<sup>th</sup>. You can give them to me at the February Parks commission if you like.
17. See you on Tuesday, February 11<sup>th</sup> @ 4 PM @ ENM City Hall for our February Parks Commission Meeting. And...thanks for your service for our parks and recreational programs!

**COMMUNITY AND CIVIC EVENTS COMMITTEE (CCEC) MEETING**  
**January 21, 2020 Minutes**

Meeting was called to order at 5:35 PM in the ENM City Hall Conference Room B.

Members Attending: Chair Mike Sutton, Janelle Kirsch, Terre Larsen, Jodi Muelken, Amy Halloran and Toni Maat.

Others Attending: Lynda Jirak and Mark Nagel

Absent: Lori Nelson, Leander Wagner, and Dawn Seepersaud.

**MOTION** by Chair Sutton, seconded by Terre Larsen, to approve the January 21' 2020 agenda. **APIF, MOTION CARRIED**

**MOTION** by Janelle Kirsch, seconded by Jodi Muelken, to approve the Minutes of the October 15, 2019 and November 19, 2019 Meetings. **APIF, MOTION CARRIED.**

Members present introduced themselves and stated which organization they represented and welcomed Amy Halloran – who will be replacing Amanda Cambronne from the Lakeville Area Schools Community Education. Welcome Amy!!!

Lynda Jirak read the CCEC Function (included in packet) and asked for input for any changes. After discussion, the consensus of Committee members was that no changes to the functions were needed at this time. No further action.

Discussion on fundraising/sponsorship. It was decided to go with a tiered sponsorship. Lynda will be sending out letters (upon approval from CCEC) to all area organizations/companies to sponsor our four events for the year. CCEC will see what kind of response we get from these letters and readdress game sponsors for Halloween if needed.

A printout of the budget was included in the packet. Mark Nagel stated the expenses included the Community Picnic but did not include the additional \$2,500 allotted by the City Council to pay for it. He said that if those dollars were included in the 2019 Budget of \$8,000, then the Committee would show a \$325 balance, instead of the present \$2,175 deficit. He noted that Staff will be working with the Accountant to finalize the 2019 revenues and expenditures over the next month. Lynda Jirak stated expenses and revenues will be accounted for on each event to make sure budget is actual amount needed to put on events.

The Committee discussed the Egg Hunt which will take place on April 4, 2020 at Eagle View Elementary School. Committee approved flyer designed by **Janelle Kirsch**. Tasks were assigned as follows:

- Update Registration Form – **Janelle Kirsch**
- Recommend Egg Hunt Registration Fee amounts to remain the same (\$3 early registration and \$5 at door – no family discount)
- Create and maintain list of all Egg Hunt registrations – **Lynda Jirak**
- Publish ads in local newspapers, social media, newsletter and Website – **Lynda Jirak**

- Put out signs for event – **Mike Sutton**  
Discussion regarding adding school address to signs.
- Flyers – **Lynda** will print, **Mike Sutton** will put up around town
- Buy Candy – **Mike Sutton**
- Look into a band at the Egg Hunt – **Mark Nagel**
- Create and maintain active list of volunteers – **Lynda Jirak**
- Recruit Volunteers – **Janelle Kirsch** and **Amy Halloran** will check with Honor Students at respective Schools
- Send out Thank You letters to all volunteers – **Lynda Jirak**
- Create and maintain active list of sponsors/vendors – **Lynda Jirak**
- Actively recruit sponsors/vendors – Entire Committee - Give names of companies/organizations to Lynda Jirak to send letter to
- Sent out Thank you letters to all sponsors/vendors – **Lynda Jirak**
- Bunny – Check with Dawn Seepersaud if son will be Bunny
- Check with Gordon for coffee at event – Lynda Jirak
- Check with Tom Terry for popcorn at event – Lynda Jirak
- **Jodi Muelken** will check on availability of Fire Truck and Ambulance for Egg Hunt
- **Toni Maat** will provide a Petting Zoo weather dependent.

The next Meeting of the CCEC will be on Tuesday, February 18, 2020 at 5:30 PM at ENM City Hall.

There were no additional comments from the Committee members offered at the January Meeting.

**MOTION** by Toni Maat, seconded by Terre Larsen to adjourn the meeting at 6:42 pm.  
**APIF, MOTION CARRIED**

Respectfully submitted,

Lynda Jirak, Deputy Clerk