

**CITY OF ELKO NEW MARKET
CITY COUNCIL AGENDA
ELKO NEW MARKET CITY HALL
601 MAIN STREET
ELKO NEW MARKET, MINNESOTA 55054
THURSDAY, JULY 26, 2018**

BUSINESS MEETING

8:00 PM OR SOON THEREAFTER FOLLOWING THE WORK SESSION

REVISED

Invocation

1. Call to Order

2. Pledge of Allegiance

3. Adopt/Approve Agenda

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

a. Recognition of Service for Councilmember Timmons

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 July 12, 2018 Minutes of the City Council Meeting

b. Approve Payment of Claims and Electronic Transfer of Funds

c. Adopt Ordinance No. 172 Amending Title 11 Chapter 2-2 of the City Code Concerning Commercial Vehicle Definition

d. Accept Donation From N.E.W. Lions

e. Preserve at Elko New Market – Concept Plan Review and Direction on Orderly Annexation Agreement

f. Mediacom Lease Renewal

g. Approve Agreement for Financial Management Services

7. Public Hearings

8. General Business

- a. Adopt Resolution 18-42 Accepting Councilmember Resignation and Declaring Vacancy on City Council
- b. Traffic Operations Change Request Policy

9. Reports

- a. Administration
- b. Public Works
- c. Police Department
 - i. Police Chief Monthly Report
- d. Fire Department
- e. Engineering
 - i. Webster Wetland Restoration Project
- f. Community Development
 - i. Community Development Updates
 - ii. Draft June 26, 2018 Planning Commission Meeting Minutes
 - iii. Final 2017 Population
- g. Parks Department
 - i. Draft July 10, 2018 Parks Commission Minutes
- h. Other Committee and Board Reports
 - i. Scott County Association for Leadership and Efficiency (SCALE)
 - ii. Minnesota Valley Transit Authority (MVTA)
 - iii. I35 Solutions Alliance
 - iv. Chamber of Commerce
 - v. Regional Council of Mayors
 - vi. Civic & Community Events Committee (CCEC)
 - vii. Downtown Improvement Committee
 - viii. 50 By 30 Collective Impact Project
 - Steering Committee
 - Transportation Committee
 - Housing Committee
 - Workforce Committee

10. Discussion by Council

11. Adjournment

1. CALL TO ORDER

The meeting was called to order by Mayor Crawford at 6:31 a.m.

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

Members Absent None

Also Present: Assistant City Administrator Nagel, Bolton & Menk Engineer Sarah Lloyd; Renee Christianson and City Clerk Green

2. PLEDGE OF ALLEGIANCE

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

3. ADOPT/APPROVE AGENDA

MOTION by Councilmember Timmons, second by Councilmember Timmerman to approve the agenda as revised.

Revised Amendment to Purchase Agreement between City and Global Properties
Authorize Posting and Approve Hiring of Accountant Position

APIF, MOTION CARRIED

4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

Representative Bob Vogel and Senator Rich Draheim provided legislative updates to the City Council and answered questions from the City Council on legislative matters.

5. PUBLIC COMMENT

Scott County Commissioner Tom Wolf provided the Council brief updates on some of the activities in Scott County including Federal Tax Plan, CSAH 2 to CSAH 23 construction mostly completed, Roundabout at 46/86 under construction, four candidates running for Scott County Sheriff's position this year and Scott County Administrator Gary Shelton retiring at the end of the year.

6. CONSENT AGENDA

MOTION by Councilmember Julius, second Councilmember Timmons to approve Consent Agenda as amended.

- a. Approve June 28, 2018 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 18-40 Appointing Election Judges for 2018 Primary and General Elections
- d. Approve Special Assessment Agreement

- e. Approve Amendment to Purchase Agreement Between City of Elko New Market and Global Properties, LLC
- f. Authorize Posting and Approve Hiring of Accountant Position

APIOF, MOTION CARRIED

7. PUBLIC HEARINGS

None

8. GENERAL BUSINESS

None

9. REPORTS

a) **ADMINISTRATION**

Assistant City Administrator Nagel informed the Council that City Hall is unable to handle the full solar load and that Staff submitted and received approval to reallocate the City Hall solar project to the Public Works Facility. Assistant City Administrator Nagel said that the addition of solar for the Public Works Building should be underway in about two (2) months.

b) **PUBLIC WORKS**

Written report included in Council Packet.

c) **POLICE DEPARTMENT**

None

d) **FIRE DEPARTMENT**

None

e) **ENGINEERING**

None

f) **COMMUNITY DEVELOPMENT**

None

g) **PARKS DEPARTMENT**

Written Parks Commission Update and June 26, 2018 Parks Minutes included in Council Packet.

Assistant City Administrator Nagel informed the Council of the following:

- 1) The event to be held at Wagner Park this evening was cancelled due to weather.
- 2) Repurposing of Rowena Ponds has started.
- 3) There will be a ribbon cutting on August 7, 2018 at 5:30 p.m. at the Wagner Park SkatePark to kickoff Night to Unite.

h) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

None

ii. MVTA

None

iii. I35 SOLUTIONS ALLIANCE

Councilmember Timmons provided City Clerk Green information from the last I35 Solutions Alliance Meeting to be emailed to the rest of the Council.

iv. CHAMBER OF COMMERCE

Assistant City Administrator Nagel updated the Council that the State of the City will be held on July 26th at 7:30 a.m. at the Elko New Market Library Community Room.

v. REGIONAL COUNCIL OF MAYORS

Mayor Crawford gave a brief update of the last Regional Council of Mayors Meeting which included discussions on housing trends, lot sizes getting smaller and affordable housing.

vi. COMMUNITY AND CIVIC EVENTS COMMITTEE

None

vii. DOWNTOWN IMPROVEMENT COMMITTEE

None

viii. 50 BY 30 COLLECTIVE IMPACT PROJECT

- Steering Committee – Mayor Crawford updated Council on the last Steering Committee Meeting which included discussions on work plans and trying to get all groups working together.

- Transportation Committee – Mayor Crawford informed the Council the Transportation Committee is working on setting up an auto repair program in Elko New Market for individuals in need of assistance.
- Housing Committee – None
- Work Force Committee – Councilmember Timmons gave an update on the last Work Force Committee Meeting which included discussions on the group moving forward with the top 4 initiatives with the goal of having the top initiative started in a month or two and the second initiative started by year end.

10. DISCUSSION BY COUNCIL

Due to relocation outside of the City of Elko New Market, Councilmember Timmons submitted her resignation to the City Council effective July 31, 2018.

11. ADJOURNMENT

MOTION by Councilmember Julius, second by Councilmember Timmerman to adjourn the meeting at 7:32 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	Presentation of Elko New Market Claims and Electronic Transfer of Funds
MEETING DATE:	July 26, 2018
PREPARED BY:	Lelia Leonhardt, Accountant
REQUESTED ACTION:	Approve Payment of Current Claims

COMMUNITY VISION:

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

5 YEAR GOALS:

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

COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

BACKGROUND

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

BUDGET IMPACT:

Budgeted

Attachments:

- Check Summary Register

CITY OF ELKO/NEW MARKET

*Check Summary Register©

July 2018

Name	Check Date	Check Amt
AUTO PAYS		
Paid Chk# 005620E INTERNAL REVENUE SERVICE	7/12/2018	\$9,676.85 Vendor Liability
Paid Chk# 005621E MN DEPT OF REVENUE	7/12/2018	\$2,122.95 Vendor Liability
Paid Chk# 005622E PERA	7/12/2018	\$7,818.65 Vendor Liability
Paid Chk# 005623E HEALTH EQUITY, INC.	7/12/2018	\$591.53 H.S.A. Employee contribution
Paid Chk# 005624E VERIZON WIRELESS	7/18/2018	\$807.28 Cell Phones - May 2018
Paid Chk# 005625E VERIZON WIRELESS	7/18/2018	\$807.30 Cell Phones - June 2018
Paid Chk# 005626E INTEGRA TELECOM INC.	7/20/2018	\$2,742.60 Police Dept Phone/Fax & Fiber Install
Paid Chk# 005627E INTEGRA TELECOM INC.	7/20/2018	\$530.77 Area Hall Phone/SCADA
Paid Chk# 005628E XCEL ENERGY	7/31/2018	\$387.22 Streetlights
Paid Chk# 005629E INTEGRA TELECOM INC.	7/20/2018	\$49.99 139503 - 25499 Natchez Ave
Paid Chk# 005630E INTEGRA TELECOM INC.	7/20/2018	\$168.44 937759 - 25499 Natchez Ave Bld
Paid Chk# 005631E XCEL ENERGY	8/1/2018	\$5,053.61 601 Main Street
Paid Chk# 005632E DAKOTA ELECTRIC ASSN	8/3/2018	\$127.67 Ptarmigan Drive Streetlights
Paid Chk# 005633E MN VALLEY ELECTRIC	7/22/2018	\$20.00 268X Xerxes Water Tower

Total Checks \$30,904.86

PRE-PAID

Paid Chk# 038674 UNITED STATES POSTAL	7/11/2010	\$300.72 Postage – Utility Bills
Paid Chk# 038675 IUOE LOCAL #49	7/11/2018	\$140.00 July 2018 Dues
Paid Chk# 038676 Voided	7/20/2018	\$0.00 Check Add Unused

Total Checks \$440.72

CHECK REGISTER

Paid Chk# 038677 RESULTS TITLE	7/26/2018	\$121.07 Utility Billing Credit Refund
Paid Chk# 038678 TITLESMAART, INC	7/26/2018	\$73.30 Utility Billing Credit Refund
Paid Chk# 038679 TRADEMARK TITLE	7/26/2018	\$53.17 Utility Billing Credit Refund
Paid Chk# 038680 ACE HARDWARE & PAINT	7/26/2018	\$107.52 PW - Operating Supplies
Paid Chk# 038681 ACE HARDWARE & PAINT2	7/26/2018	\$94.36 PW - Operating Supplies
Paid Chk# 038682 ACE HARDWARE & PAINT4	7/26/2018	\$56.74 Sewer Repairs
Paid Chk# 038683 AIRGAS USA, LLC	7/26/2018	\$129.20 FD - Oxygen
Paid Chk# 038684 AMERICAN RAMP COMPANY	7/26/2018	\$22,181.33 SKATE PARK EQUIPMENT - FINAL PMT
Paid Chk# 038685 CRAIG ANDERSON	7/26/2018	\$97.01 Mileage for Background Check
Paid Chk# 038686 BOLTON & MENK	7/26/2018	\$14,980.50 ENGINEERING SERVICES - MAY18
Paid Chk# 038687 CAMPBELL KNUTSON	7/26/2018	\$5,488.56 LEGAL SERVICES - JUN18
Paid Chk# 038688 CINTAS CORPORATION NO. 2	7/26/2018	\$38.44 UNIFORMS
Paid Chk# 038689 CJ KEEN LLC	7/26/2018	\$5,100.00 ESCROW REFUND
Paid Chk# 038690 ROBERT CRAWFORD	7/26/2018	\$940.42 MILEAGE & PARKING - QTR 2
Paid Chk# 038691 AIRLINE MEDIA PRODUCTIONS,	7/26/2018	\$350.00 WAGNER PARK MOVIES
Paid Chk# 038692 CRYSTEEL TRUCK EQUIPMENT	7/26/2018	\$223.75 PW - Fleet Maint & Equip
Paid Chk# 038693 EMERGENCY RESPONSE	7/26/2018	\$154.64 COMPRESSOR MAINTENANCE
Paid Chk# 038694 EMILY A DUGAN	7/26/2018	\$149.88 U Utility Billing Credit Refund
Paid Chk# 038695 FISH ROCK COUNTRY MARKET	7/26/2018	\$1,881.48 Fuel
Paid Chk# 038696 FLEET SERVICES &	7/26/2018	\$110.28 FUEL FOR SMALL GAS ENGINES
Paid Chk# 038697 GRANT BAUMBERGER	7/26/2018	\$14.47 Utility Billing Credit Refund
Paid Chk# 038698 SANDRA GREEN	7/26/2018	\$61.04 MILEAGE FOR JUN/JUL 18
Paid Chk# 038699 GREYSTONE CONSTRUCTION	7/26/2018	\$20,359.80 REFUND ESCROW NEW MARKET BANK ADDITION
Paid Chk# 038700 HAWKINS, INC.	7/26/2018	\$10.00 PW - Water Chemicals
Paid Chk# 038701 HIRERIGHT, INC.	7/26/2018	\$122.47 BACKGROUND CHECK
Paid Chk# 038702 ID THREADZ	7/26/2018	\$117.00 EMPLOYEE RECOGNITION
Paid Chk# 038703 INTERNATIONAL INSTITUTE	7/26/2018	\$260.00 2018-2019 ANNUAL MEMBERSHIP
Paid Chk# 038704 JAMAR TECHNOLOGIES INC	7/26/2018	\$3,463.25 SPEED MONITORING DEVICE
Paid Chk# 038705 KELLEY FUELS, INC.	7/26/2018	\$2,218.83 Fuel
Paid Chk# 038706 LAKEVILLE SANITARY, INC.	7/26/2018	\$330.09 WATER TREATMENT
Paid Chk# 038707 MAD SCIENCE OF MINNESOTA	7/26/2018	\$325.00 SUMMER 2018 WAGNER PARK SHELTER
Paid Chk# 038708 METROPOLITAN COUNCIL	7/26/2018	\$18,807.29 MCES CHARGES - JUN18
Paid Chk# 038709 METROPOLITAN COUNCIL	7/26/2018	\$18,807.29 MCES CHARGES - JUL18
Paid Chk# 038710 METROPOLITAN COUNCIL	7/26/2018	\$18,807.29 MCES CHARGES - AUG18

CITY OF ELKO/NEW MARKET

*Check Summary Register©

July 2018

Name	Check Date	Check Amt	
<u>CHECK REGISTER CONTINUED</u>			
Paid Chk# 038711	MUNICIPAL INSPECTIONS, INC.	7/26/2018	\$8,526.38 Building and Erosion Control Inspections
Paid Chk# 038712	NORTHWEST ASSOCIATED	7/26/2018	\$2,382.80 2040 COMP PLAN - JUN18
Paid Chk# 038713	NAPA AUTO PARTS	7/26/2018	\$210.09 PW - OPERATING SUPPLIES
Paid Chk# 038714	NEW MARKET BANK	7/26/2018	\$158.34 2009A INTEREST PAYMENT
Paid Chk# 038715	NICHOLS, SCOTT	7/26/2018	\$125.00 COMMUNITY PICNIC - BALLOON ART
Paid Chk# 038716	QUALITY FLOW SYSTEMS, INC.	7/26/2018	\$3,192.00 SEWER REPAIRS
Paid Chk# 038717	QUILL CORPORATION	7/26/2018	\$179.91 Office Supplies
Paid Chk# 038718	R&R CLEANING CONTRACTORS,	7/26/2018	\$92.70 Rugs
Paid Chk# 038719	RAV HOLDINGS LLC	7/26/2018	\$2,450.40 ESCROW REFUND - BOULDER POINTE
Paid Chk# 038720	SARAH J KAWELL	7/26/2018	\$48.04 Utility Billing Credit Refund
Paid Chk# 038721	SCHLOMKAS PORTABLE	7/26/2018	\$710.00 Portable Restrooms
Paid Chk# 038722	SCOTT COUNTY ATTORNEY	7/26/2018	\$5,140.71 QTR 2 FINES
Paid Chk# 038723	SCOTT COUNTY RECORDER	7/26/2018	\$92.00 ORDINANCE 162 RECORDING
Paid Chk# 038724	SUNNY & JIM COLLINS	7/26/2018	\$124.23 Utility Billing Credit Refund
Paid Chk# 038725	THE EMBLEM AUTHORITY	7/26/2018	\$156.50 Uniforms
Paid Chk# 038726	USA INFLATABLES	7/26/2018	\$369.91 COMMUNITY PICNIC - BOUNCE HOUSE
Paid Chk# 038727	VOID	7/26/2018	\$0.00 VOID
Paid Chk# 038728	VISA	7/26/2018	\$1,013.04 JUNE STATEMENTS
Paid Chk# 038729	XEROX CORPORATION	7/26/2018	\$526.57 Copier

Total Checks \$161,534.09

DIRECT DEPOSITS

Paid Chk# 501853E	Bi-Weekly ACH	07/12/2018	\$32,185.29
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STAFF MEMORANDUM

SUBJECT:	Commercial Vehicle Definition Ordinance Amendment
MEETING DATE:	July 26, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Adopt Ordinance No. 172 Amending Title 11 Chapter 2-2 of the City Code Concerning Commercial Vehicle Definition

COMMUNITY VISION:

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

5 YEAR GOALS:

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

COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

BACKGROUND

At the June 14, 2018 City Council meeting staff presented an ordinance amendment pertaining to the definition of commercial vehicles as contained in Section 11-2-2 of the City Code. The Planning Commission has been having ongoing discussions regarding a possible amendment to the City Code / Zoning Ordinance which would simplify the definition of Class I and Class II Commercial Vehicles to reference gross vehicle weight rating (GVWR) and size, rather than both vehicle size and vehicle type.

Discussion on the matter was initially prompted by an inquiry from Marek Towing, who was seeking approval to park certain tow trucks within residential zoning districts. Under the City's current ordinance, all tow trucks are considered Class I Commercial Vehicles, which are generally precluded from being stored in residential zoning districts. During several months of discussion on the matter, with residents speaking both in-favor of and opposed to the parking of large trucks and tow trucks in residential zoning districts, the Planning Commission made a recommendation to amend the definition of Class I and Class II Commercial Vehicles to reference only gross vehicle weight rating and size (rather than by vehicle type as currently written). A public hearing on the proposed amendment was held before the Planning Commission on May 29, 2018.

The Planning Commission recommendation was forwarded to the City Council for consideration on June 14, 2018, at which time the City Council further discussed the matter and directed staff to revise the ordinance that had been presented. Noted by the City Council during the June 14, 2018 meeting were the following:

- The City Council supported an exemption for an emergency response vehicle up to 18,000 lb GVWG, including tow trucks, to be parked in residential zoning districts.
- There was a question as to whether commercial vehicles, including tow trucks, were allowed to be parked on public rights-of-ways. The Council did not support the parking of tow trucks on public streets.

Following Council discussion at the June 14, 2018 City Council meeting, staff was directed to amend Draft Ordinance #172 to address the above comments/concerns and bring back to the City Council on the consent agenda. Staff has:

- Revised the draft ordinance to allow an exception for an emergency vehicle (up to 18,000 lb GVWR) to be parked on a residential lot, including a tow truck.
- Section 7-2-3(D) of the City Code (Traffic Regulations) does currently restrict/prohibit the parking of commercial (and recreational) vehicles on the street in residential areas.

Current Definition Contained in Zoning Ordinance:

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

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

buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

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

Proposed at 6/14/18 City Council Meeting:

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

Class I: Commercial vehicles which exceeds any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds

A height of nine feet six inches (9'6")

A length of twenty-two feet and six inches (22'6")

Class II. All commercial vehicles other than Class I commercial vehicles.

Proposed for 7/28/18 City Council Meeting:

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

Class I: Commercial vehicles which exceeds any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds

A height of nine feet six inches (9'6")

A length of twenty-two feet and six inches (22'6")

Class II. All commercial vehicles other than Class I commercial vehicles.

The following exception to the regulations for parking of Class I commercial vehicles is also proposed:

One Class I commercial vehicle with a GVWR of eighteen thousand (18,000) pounds or less and used solely for the purpose of emergency preparedness, including tow trucks that are under contract with a government agency for the purpose of emergency response/preparedness, may be parked on a residential lot but only for the period of time in which the resident operator is on call.

Research

It is noted that upon review of other community ordinances, and a review of various truck and cube van specifications, the Planning Commission has recommended that the gross vehicle weight rating (GVWR) that defines a Class I and II Commercial Vehicle be reduced from 18,000 lbs to 14,000 lbs. The Planning Commission has also recommended that the vehicle size (length and height) be increased.

As part of the Planning Commission's research on the matter, a review of other community's ordinances was conducted.

Apple Valley - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.

Belle Plaine - Commercial vehicles (over 9,000 lbs GVWR) not permitted in residential districts unless stored within a garage.

Bloomington - Commercial vehicles which are greater than eight feet in height or 22 feet in length are prohibited in residential zoning districts except per listed exceptions (see table).

Burnsville - Commercial vehicle parking in residential districts is subject to a maximum vehicle length restriction (22 feet) and licensing requirement.

Eagan - Commercial vehicle parking regulated by exclusion from list of permitted accessory uses in R-1 districts and home occupation requirements.

Farmington - Class I commercial vehicles allowed only on lots 2.5 acres in size or greater (see table for definitions). Class II commercial vehicles allowed if the primary form of transportation to the resident's job. (same as ENM currently)

Jordan - Commercial vehicles not permitted to be parked outside in residential districts. One commercial vehicle may be stored within a garage. (Over 1.5-ton capacity)

Lakeville - Commercial vehicles (used for commercial purposes, greater than 8' in height, greater than 22' in length) not allowed in residential districts.

Lonsdale - "Major" commercial vehicles (more than 19,500 lbs GVWR) not permitted in residential districts. Two "Minor" commercial vehicles (19,500 GVWR or less) may be parked on a residential lot if used as the resident's primary form of transportation to/from the resident's job or associated with a permitted home business.

New Prague - Does not regulate commercial vehicle parking in residential districts, other than semis.

Prior Lake - Commercial vehicles (more than 9,000 lbs GVWR or more than 22' in length) not permitted to be parked outside in residential zoning districts. One vehicle may be allowed in connection with an approved home occupation.

Savage - Commercial vehicles (over 10,000 lbs GVWR or more than 22' in length) are not allowed in residential districts. They currently have an exemption for tow trucks used for emergency response.

Shakopee - Commercial vehicles (over 1 ton) not allowed in residential zoning districts.

BUDGET IMPACT:

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

CITY ATTORNEY RECOMMENDATION:

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

REQUESTED ACTION:

Motion to:

- Approve revised Ordinance No. 172 Amending Title 11-2-2 of the City Code Concerning Commercial Vehicle Definitions and Title 11-8-3 of the City Code Concerning Commercial Vehicle Parking (consent agenda)

Attachments:

(Draft) Ordinance No. 172 (7/28/18 – 2nd version)
Planning Commission Staff Report 4.24.18 & 5.29.18
Planning Commission Minutes 4.24.18 & 5.29.18

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

ORDINANCE NO. 172

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE
TITLE 11, CHAPTER 2-2, CONCERNING DEFINITION OF COMMERCIAL
VEHICLE AND TITLE 11, CHAPTER 8-3, CONCERNING COMMERCIAL
VEHICLE PARKING**

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

SECTION 1. Section 11-2-2 of the Elko New Market City Code is hereby amended to read as follows:

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

Class I: Commercial vehicles which exceed any of the following:

- A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds
- A height of nine feet six inches (9'6")
- A length of twenty-two feet and six inches (22'6")

Class II: All commercial vehicles other than Class I commercial vehicles.

SECTION 2. Section 11-8-3 (B) (1) of the Elko New Market City Code is hereby amended to add the following:

- f) One Class I commercial vehicle with a GVWR of eighteen thousand (18,000) pounds or less and used solely for the purpose of emergency preparedness, including tow trucks that are under contract with a government agency for the purpose of emergency response/preparedness, may be parked on a residential lot but only for the period of time in which the resident operator is on call.

SECTION 3. This Ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 26th day of July, 2018 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
BOB KIRMIS, CONSULTING CITY PLANNER
RE: DRAFT AMENDMENT TO SECTION 11-2-2 OF THE CITY CODE /
ZONING ORDINANCE PERTAINING TO THE DEFINITION OF
“COMMERCIAL VEHICLE”
DATE: APRIL 24, 2018

Background / History

At the Planning Commission’s March 6, 2018 meeting, the Commission recommended approval of a City Code / Zoning Ordinance amendment which corrected an inconsistency which existed in the Ordinance regarding the regulation of commercial vehicle parking in residential zoning districts. At the time of amendment consideration, Section 11-8-3 of the City Code prohibited the parking of all commercial vehicles, both Class I and Class II vehicles, on all residentially-zoned lots. Definitions of Class I and Class II commercial vehicles are provided below:

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

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

The amendment considered by the Planning Commission (and recommended for approval) incorporated the following Ordinance changes:

1. The parking of Class 1 commercial vehicles in residential zoning districts be prohibited.
2. An allowance be made for the parking of up to two Class II commercial vehicles residential zoning districts
3. Commercial vehicle parking (storage) which is afforded “grandfather rights” be allowed via a one-time registration rather than annual permit as presently required by the Ordinance.

At their April 12, 2018 meeting, the City Council approved the described amendment with the changes as recommended by the Planning Commission.

While not part of the amendment under formal consideration (or referenced in the public hearing notice), the Planning Commission discussed the possibility of reviewing the definitions of Class I and Class II commercial vehicles at some future point (to possibly reference gross vehicles weight rating rather than by type). The Commission concluded that the commercial vehicle definition issue should be considered at a future Planning Commission meeting when a full Commission is present. With full Planning Commission attendance expected at the April meeting, the topic is being placed on the agenda and a draft Ordinance amendment has been prepared for informal consideration by the Commission, should the Commission decide to go that route.

Research

The City’s present definition of a Class I commercial vehicle refers to a vehicle having a gross vehicle weight rating of 18,000 pounds, and further defines a Class I commercial vehicle to include all semitrailers, the tractor portion of semi-trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle, regardless of their GVWR. By also cross-referencing the existing definition of a Class II vehicle, it can also be concluded that a Class I commercial vehicle is also considered any vehicle greater than eight feet in height and twenty-four feet in length.

It is worthwhile to examine the physical limits placed upon commercial vehicles by other area communities. The following is a summary of Planning Staff’s research in this regard pertaining to cities which regulate commercial vehicle parking by physical characteristics:

City	Commercial Vehicle Parking Prohibition Thresholds in Residential Zoning Districts
Apple Valley	Commercial vehicles over 1 ton
Belle Plaine	Commercial vehicles having a GVWR over 9,000 pounds
Bloomington	Commercial vehicles which are greater than 8 feet in height or 22 feet in length
Burnsville	Commercial vehicles which exceed a length of 22 feet
Jordan	Commercial vehicles which exceed a capacity of 1.5 tons
Lakeville	Commercial vehicles which are greater than 8 feet in height or 22 feet in length
Lonsdale	Commercial vehicles having a GVWR over 19,500 pounds
Prior Lake	Commercial vehicles having a GVWR over 9,000 pounds or more than 22 feet in length
Savage	Commercial vehicles having a GVWR over 10,000 pounds or more than 22’ in length
Shakopee	Commercial vehicles which exceed a capacity of 1.5 tons

Note - “GVWR” refers to gross vehicle weight rating

As shown in the table above, a range of vehicle weights and sizes are applied to commercial vehicles which are not allowed to be parked in residential zoning districts. Specifically, a range exists from one ton applied by the City of Apple Valley – to greater than 22’ in length applied by the City of Burnsville - to a gross vehicle weight rating (GVWR) of 19,500 pounds applied by the City of Lonsdale.

The City of Elko New Market’s standard of a GVWR of 18,000 pounds is greater than all sampled cities with the exception of only the City of Lonsdale standard.

Draft Amendment

Although there was no clear consensus on the issue, the Planning Commission discussed the possibility of removing the portion of the Class I commercial vehicle definition which relates specifically to vehicle type,

and strictly limited a Class I vehicle to GVWR and size. Attached to this memorandum is a draft Zoning Ordinance amendment which incorporates the potential changes, should the Planning Commission choose that route. Specifically, existing references to various vehicle types have been omitted while references to maximum vehicle weight and dimensions have been retained.

Also, to be noted is that the definition qualifications have been reformatted to improve reader clarity.

Staff Recommendation

No formal action on the amendment is requested at this time. Rather, Planning Staff requests feedback on the Ordinance amendment and any changes which may be prompted by the provided survey information.

If the Planning Commission decides upon the desired Ordinance language, a public hearing will be scheduled to formally consider the change.

City Attorney Comments

The City Attorney has not reviewed the draft ordinance amendment at this time but is aware of the ongoing discussion on the matter.

DRAFT - 4/24/18
CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN AMENDMENT TO TITLE 11 OF THE CITY CODE (ZONING REGULATIONS)
ADDRESSING THE DEFINITION OF “COMMERCIAL VEHICLE”**

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

SECTION 1. Section 11-2-2 of the Elko New Market City Code (Definitions) is hereby amended to modify the definition of “commercial vehicle” to read as follows:

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

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

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of eight (8) feet
A length of twenty-four (24) feet

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

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of eight (8) feet
A length of twenty-four (24) feet

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk

Following Christianson's presentation, the Planning Commission expressed their opinion that the updated concept plan sufficiently addresses previously conveyed issues/concerns. In this regard, the Planning Commission found the various illustrated uses and their arrangement to be well-conceived and was therefore supportive of the development concept.

A motion was made by Smith and seconded by Vetter expressing support for the submitted Adelman Properties development concept. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

B. Zoning Ordinance Amendment - Commercial Vehicle Parking

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated April 24, 2018 related to a proposed commercial vehicle parking amendment.

Christianson explained that, at the Planning Commission's March 6, 2018 meeting, the Commission recommended approval of a Zoning Ordinance amendment which corrected an inconsistency regarding the regulation of commercial vehicle parking in residential zoning districts. At the time of amendment consideration, the Ordinance prohibited the parking of all commercial vehicles, both Class I and Class II vehicles, on all residentially-zoned lots.

Christianson noted that the City Council ultimately approved the described amendment with the following changes (as recommended by the Planning Commission) at their April 12, 2018 meeting:

1. The parking of Class 1 commercial vehicles in residential zoning districts be prohibited.
2. An allowance be made for the parking of up to two Class II commercial vehicles residential zoning districts.
3. Commercial vehicle parking (storage) which is afforded "grandfather rights" be allowed via a one-time registration rather than annual permit as presently required by the Ordinance.

While not part of the amendment under formal consideration (or referenced in the public hearing notice), Christianson stated that the Planning Commission has received input and discussed the possibility of reviewing the definitions of Class I and Class II commercial vehicles at some future point (to possibly reference gross vehicles weight rating and dimensions rather than vehicle type). Considering that all Planning Commission members are expected to be in attendance at the April meeting, Christianson indicated that the topic was placed on the agenda for informal discussion/consideration.

Community Development Specialist then reviewed the City's present definitions of Class I and Class II commercial vehicles as provided below:

***Class I:** Vehicles with a gross vehicle weight rating (GVWR) of more than eighteen thousand (18,000) pounds, or any of the following types of vehicles regardless of weight,*

including, but not limited to: semitrailers, the tractor portion of semitrucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle.

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

Christianson noted that if the Commission wanted to remove the specific vehicle types described in the Class I vehicle definition, by cross-referencing the existing definition of a Class II vehicle it can be concluded that a Class I commercial vehicle is also considered any vehicle greater than eight feet in height and twenty-four feet in length.

Christianson also summarized Staff research which was conducted on physical limits which other area communities place upon commercial vehicles.

Although there was no clear consensus on the issue, Christianson explained that, in previous discussions, the Planning Commission raised the possibility of removing the portion of the Class I commercial vehicle definition which relates specifically to vehicle type and instead base such definition strictly upon vehicle weight and size. In this regard, it was noted that a draft Ordinance amendment has been prepared for discussion and is included in the Planning Commission's meeting packet. Community Development Specialist Christianson noted that the draft amendment reflects existing vehicle weight, height and length requirements which are imposed by the City.

Community Development Specialist Christianson concluded her presentation by advising the Planning Commission that only informal feedback on the amendment is requested at this time. If the Planning Commission supports a change to the definition, the Commission should direct staff schedule a public hearing on the matter.

Following Community Development Specialist Christianson's presentation, the Planning Commission offered the following comments:

- Commissioners Smith and Kruckman suggested that references to various commercial vehicle types in the definitions of commercial vehicle (both Class I and Class II) be eliminated such that commercial vehicles are regulated solely by physical characteristics (weight, height and length).

Commissioner Hartzler indicated that he is not opposed to the Ordinance as it is currently written, and that he personally is not opposed to the parking of a small tow truck in residential zoning districts.

Commissioners Thompson and Vetter indicated that they do not feel that any changes to the existing commercial vehicle definition are needed.

Several Commissioners expressed concern over the maximum eight-foot height restriction currently placed upon Class II commercial vehicles. To better respond to

recent dimensional changes in work van design, it was suggested that the maximum height limitation imposed upon Class II commercial vehicles be increased from eight to nine feet.

Following a lengthy discussion, the majority of the Planning Commissioners expressed support for an Ordinance change to define commercial vehicles solely by physical characteristics and eliminate current vehicle type references in the definition. In this regard, the Commission directed staff to schedule a public hearing to consider such an amendment.

A motion was made by Smith and seconded by Hartzler directing Planning Staff to schedule a public hearing to consider a change to the definition of “commercial vehicle” and that the draft amendment text be changed to make an allowance for Class II commercial vehicles up to nine feet in height. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

9. MISCELLANEOUS

A. Planning Commissioner Membership

Community Development Specialist Christianson announced the resignation of Kent Hartzler from the Planning Commission.

B. Community Development Updates

Community Development Specialist Christianson provided updates on various City projects as provided in her memorandum dated April 5, 2018. Specific discussion took place regarding the following projects:

- Dakota Acres
- Boulder Heights
- Pleasant Hills
- Boulder Pointe 7th Addition
- Barness project

10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 10:09 p.m. Vote for: Thompson, Kruckman, Smith and Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Submitted by:



Renee Christianson
Community Development Specialist



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

MEMORANDUM

TO: PLANNING COMMISSION
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
BOB KIRMIS, CONSULTING CITY PLANNER
RE: PUBLIC HEARING REGARDING THE DRAFT AMENDMENT TO
SECTION 11-2-2 OF THE CITY CODE / ZONING ORDINANCE
PERTAINING TO THE DEFINITION OF “COMMERCIAL VEHICLE”
DATE: MAY 29, 2018

Background / History

At the Planning Commission’s April 24, 2018 meeting, the Commission discussed a possible amendment to the City Code / Zoning Ordinance pertaining to the definition of Class I and Class II Commercial Vehicles. Over the preceding months the Planning Commission had discussed the possibility of reviewing the definitions of Class I and Class II commercial vehicles at some future point (to possibly reference gross vehicles weight rating and size rather than by vehicle type). Although there was not a full consensus of the Commission in regards to a possible amendment, staff was directed to coordinate a public hearing on the possible ordinance amendment.

Discussion on the matter was initially prompted by an inquiry from Marek Towing, who was seeking approval to park certain tow trucks within residential zoning districts. Under the City’s current ordinance, all tow trucks are considered Class I Commercial Vehicles, which are generally precluded from being stored in residential zoning districts within the City.

Current definitions of Class I and Class II commercial vehicles are provided below:

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

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

Research

The City’s present definition of a Class I commercial vehicle refers to a vehicle having a gross vehicle weight rating of more than 18,000 pounds, and further defines a Class I commercial vehicle to include all semitrailers, the tractor portion of semi-trucks, garbage trucks, tank trucks, dump trucks, flatbed trucks, tow

trucks, cattle trucks, coach buses or school buses designed to carry more than twenty (20) persons or any similar vehicle, regardless of their GVWR. By also cross-referencing the existing definition of a Class II vehicle, it can also be concluded that a Class I commercial vehicle is also considered any vehicle greater than eight feet in height and greater than twenty-four feet in length.

As part of staff's research on the topic, it is worthwhile to examine the physical limits placed upon commercial vehicles by other area communities. The following is a summary of Planning Staff's research in this regard pertaining to cities which regulate commercial vehicle parking by physical characteristics:

City	Commercial Vehicle Parking <u>Prohibition</u> Thresholds in Residential Zoning Districts
Apple Valley	Commercial vehicles over 1 ton
Belle Plaine	Commercial vehicles having a GVWR over 9,000 pounds
Bloomington	Commercial vehicles which are greater than 8 feet in height or 22 feet in length
Burnsville	Commercial vehicles which exceed a length of 22 feet
Jordan	Commercial vehicles which exceed a capacity of 1.5 tons
Lakeville	Commercial vehicles which are greater than 8 feet in height or 22 feet in length
Lonsdale	Commercial vehicles having a GVWR over 19,500 pounds
Prior Lake	Commercial vehicles having a GVWR over 9,000 pounds or more than 22 feet in length
Savage	Commercial vehicles having a GVWR over 10,000 pounds or more than 22' in length
Shakopee	Commercial vehicles which exceed a capacity of 1.5 tons

Note - "GVWR" refers to gross vehicle weight rating

As shown in the table above, a range of vehicle weights and sizes are applied to commercial vehicles which are not allowed to be parked in residential zoning districts. Specifically, a range exists from one ton applied by the City of Apple Valley – to greater than 22' in length applied by the City of Burnsville - to a gross vehicle weight rating (GVWR) of 19,500 pounds applied by the City of Lonsdale. The City of Elko New Market's standard of a GVWR of 18,000 pounds is greater than all sampled cities with the exception of only the City of Lonsdale standard.

WHAT DOES GVWR MEAN? **Gross Vehicle Weight Rating (GVWR)** refers to the maximum allowable weight a vehicle has been engineered by manufacturers to safely carry. This weight rating is regulated by the United States federal government and gets determined by a vehicle's:

- Body – frame of vehicle
- Chassis – main supporting area of vehicle
- Cargo – the load being hauled
- Driver
- Passengers
- Optional accessories – attachments for sleeping, etc
- Vehicle fluids – fuels, oils, etc
- Tongue – the hitch that connects the trailer to the vehicle
- Other factors specific to each manufacturer

The GVWR does not include the weight specs of any accompanying trailers. It is important to note that the GVWR value does not change. It is an assigned and permanent weight value unique to each vehicle.

Draft Amendment

At the April 29th meeting, the Planning Commission discussed the possibility of removing the portion of the Class I commercial vehicle definition which relates specifically to vehicle type, and strictly limited a Class I vehicle to GVWR and size. Direction was also given to consider changing the Class I vehicle height to greater than 9' rather than 8'. Attached to this memorandum is a draft Zoning Ordinance amendment which incorporates the potential changes. Specifically, existing references to various vehicle types have been omitted while references to maximum vehicle weight and dimensions have been retained. Also, to be noted is that the definition qualifications have been reformatted to improve reader clarity.

Public Hearing

A public hearing has been published in the City's official newspaper, and a public hearing on the proposed ordinance amendment is required.

Staff Recommendation

No formal staff recommendation is being given on this matter. After holding a public hearing on the matter, the Planning Commission could choose to recommend approval or denial of the proposed amendment.

City Attorney Comments

The City Attorney has not reviewed the draft ordinance amendment at this time but is aware of the ongoing discussion on the matter.

DRAFT – 5/29/18
CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

ORDINANCE NO. _____

**AN AMENDMENT TO TITLE 11 OF THE CITY CODE (ZONING REGULATIONS)
ADDRESSING THE DEFINITION OF “COMMERCIAL VEHICLE”**

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

SECTION 1. Section 11-2-2 of the Elko New Market City Code (Definitions) is hereby amended to modify the definition of “commercial vehicle” to read as follows:

COMMERCIAL VEHICLE: Any vehicle used for commercial purposes including, but not limited to: trailers, motorized wheeled or tracked vehicles or vehicles displaying company signage, company logos, commercial equipment, fixtures or tools. **Commercial Vehicles are further defined by the following two categories:**

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

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of nine (9) feet
A length of twenty-four (24) feet

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

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of nine (9) feet
A length of twenty-four (24) feet

SECTION 2. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this ____ day of _____, 2018, by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk

**MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
May 29, 2018
7:00 PM**

1. CALL TO ORDER

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

Commission members present: Thompson, Kruckman, Smith, Vetter, Hartzler and Ex-officio member Anderson

Members absent and excused: None

Staff Present: Community Development Specialist Christianson and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Vetter to approve the agenda as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

There were no announcements.

6. APPROVAL OF MINUTES

A motion was made by Hartzler and seconded by Smith to approve the minutes of the April 24, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. Draft Amendment to Zoning Ordinance – Commercial Vehicle Definition

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated May 29, 2018 related to the draft Zoning Ordinance amendment for Commercial Vehicle definitions. Christianson explained that the topic originated with a request from Marek Towing to allow certain tow trucks in residential zoning districts. Following significant discussion on the matter, the Commission directed staff to draft an amendment for consideration that would simplify the definition of Class I

and Class II Commercial Vehicles, to reference gross vehicle weight rating and size rather than by vehicle type.

Christianson noted that a number of other community's codes were researched and most cities regulated the parking of commercial vehicles in residential zoning districts. Commercial vehicles were commonly defined by tonnage, gross vehicle weight rating, or by size (length and height). Christianson reviewed the definition of gross vehicle weight rating (GVWR). Following Christianson's presentation, a public hearing was opened at 7:09 p.m. The following comments were received during the public hearing:

- Dennis Green, 51 West Louis Street, Elko New Market. Christianson read allowed a letter submitted by Mr. Green who was unable to attend the meeting but submitted comments for inclusion in the record. Mr. Green noted the following concerns with parking large commercial vehicles (tow trucks specifically) in residential districts:
 - Come and go at all hours of the day and night
 - Have audible alert while backing up
 - Disruptive to residents and impacts quality of life
 - Parking commercial vehicles in streets causes concerns for emergency vehicle access to neighborhoods
 - Decrease residential property values

- Gene Meger, 41 West Louis Street, Elko New Market. Mr. Meger addressed the Commission, presenting a photograph of an 18,000 GVWR vehicle parked at a residential property, and stating the following concerns regarding parking of commercial vehicles in residential districts (specifically tow trucks):
 - 18,000 GVWR vehicles are too large to be parked in a residential areas
 - Large vehicles in residential districts cause a public safety hazard
 - Commercial vehicles belong in commercial zoning districts
 - Keep residential zoning districts for residential uses
 - Large trucks are hazardous on narrow streets with no sidewalks
 - Parking of tow trucks is an extension of a towing business
 - City staff survey of surrounding communities shows commercial vehicles not allowed in residential districts have average of 10,000 GVWR and 22' length
 - Other communities do not allow tow trucks in residential districts and make it work

It was moved by Hartzler, seconded by Vetter to close the public hearing at 7:20 p.m.

The Planning Commission held significant discussion on the matter. Commissioner Hartzler stated that he felt the proposed amendment to the definition of commercial vehicles is really just a decision about tow trucks, and whether tow trucks should be allowed in residential districts. Staff was asked to display various types of vehicle specifications (GVWR, length, height) during the meeting, including transit vans and various sized pickup trucks.

Chairman Thompson introduced and asked for a roll call vote on the following question: "Does the Commission recommend changing the current definition of commercial vehicles

to reference size and weight rather than vehicle type?" Vote for: Kruckman, Smith, Hartzler. Against: Thompson, Vetter. Abstain: none. Motion carried: (3-2).

Chairman Thompson introduced and called for a roll call vote on a motion to recommend to the City Council an amendment to the definition of commercial vehicles as follows:

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of nine (9) feet
A length of twenty-four (24) feet

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of eighteen thousand (18,000) pounds
A height of nine (9) feet
A length of twenty-four (24) feet

Vote for: Kruckman, Hartzler. Vote against: Thompson, Smith, Vetter. Abstain: None. **Motion failed** (2-3).

Following further discussion, Commission Smith made a motion, seconded by Thompson, to recommend to the City Council an amendment to the definition of commercial vehicles as follows:

Class I: Vehicles which exceed any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds
A height of nine feet six inches (9'6")
A length of twenty-two feet and six inches (22'6")

Class II. All vehicles other than Class I commercial vehicles and which do not exceed any of the following:

A gross vehicle weight rating (GVWR) of fourteen thousand (14,000) pounds
A height of nine feet six inches (9'6")
A length of twenty-two feet and six inches (22'6")

Vote for: Thompson, Smith, Vetter, Hartzler. Vote against: Kruckman. Abstain: None. Motion carried: (4-1).

8. GENERAL BUSINESS

A. Discussion Regarding Rezoning of 580 Paul Street Property – Bernie Mahowald

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated May 29, 2018. Christianson explained that Bernie



STAFF MEMORANDUM

SUBJECT:	Accept Donation from N.E.W. Lions Club
MEETING DATE:	July 26, 2018
PREPARED BY:	Mark Nagel, Assistant City Administrator
REQUESTED ACTION:	Accept Donation of \$700 to Purchase electric Stove/Oven for Wagner Park Shelter

COMMUNITY VISION:

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

5 YEAR GOALS:

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

COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

BACKGROUND/DISCUSSION

At the July 10, 2018 Parks Commission Meeting, the Commissioners unanimously recommended that the City Council accept a donation of \$700 for the purchase of an electric stove/oven for use at the Wagner Park Shelter at the July 26th Meeting. Attached is the Resolution, which accepts the donation for the purpose of purchasing the electric stove/oven. If approved, Staff will purchase the electric stove/oven for the Wagner Park Shelter for an amount not to exceed \$700.

RECOMMENDATION

Staff is recommending that the City Council accept the donation of \$700 for the new electric stove/oven by adopting the attached resolution and direct Staff to purchase an electric stove/oven for the Wagner Park Shelter.

Attachments:

Resolution 18- ____ Accepting Donation

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

RESOLUTION NO. 18-41

RESOLUTION ACCEPTING DONATION

WHEREAS, the N.E.W Lions Club are proposing to donate \$700.00 to the City of Elko New Market for purchase of an electric stove/oven for the Wagner Park Shelter; and

WHEREAS, such the donation will benefit the users of the Wagner Park Shelter; and

WHEREAS, the Parks Commission has recommended that the City Council accept the donation for such a purpose; and

WHEREAS, Minnesota Statutes Section 465.03 requires that donations of real or personal property be accepted by a resolution of the City Council adopted by a two-thirds majority of its members.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elko New Market that the donation of \$700.00 for a new electric stove/oven for the Wagner Park Shelter is hereby gratefully accepted and thanks the N.E.W. Lions Club for their continuing generosity and service to the citizens of the City of Elko New Market

ADOPTED this 26th day of July, 2018 by the City Council of the City of Elko New Market.

CITY OF ELKO NEW MARKET

By:

Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



STAFF MEMORANDUM

SUBJECT:	The Preserve at Elko New Market, Kevin Komorouski
MEETING DATE:	July 26, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	Provide Direction Regarding Proposed Residential Development and Orderly Annexation Agreement

COMMUNITY VISION:

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

5 YEAR GOALS:

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

COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

BACKGROUND

City staff has been working with Kevin Komorouski regarding a possible annexation and residential development of a 10 acre property. The proposed development is located just west of the Whispering Creek 2nd Addition, on the south side of Co Rd 2. The proposed residential development would extend Park Street towards the west, and would include 30 to 35 residential lots. To date, Mr. Komorouski and/or his representative have:

- Met with city staff
- Attended a City Development Review Team (DRT) meeting (includes township representation)
- Had the project reviewed by the City's Park's Commission
- Attended a City Planning Commission meeting (includes township representation)

Information, including the Park's Commission recommendation, was submitted to the City's Planning Commission for review on June 26, 2018. Upon review of all information, the City's Planning Commission made a formal recommendation regarding the conceptual development plans and annexation, as follows:

1. The Planning Commission supports the use of the site for single-family residential purposes and supports the annexation of the subject property for such use.
2. The Planning Commissioner supports Planned Unit Development (PUD) zoning for the property.
3. The Planning Commission supports a minimum lot width of 70 feet for the proposed development.
4. The Planning Commission supports setbacks of 5 feet along the garage side of homes and 10 feet along occupied portions of the home were supported, or 15 feet between each home.
5. The Planning Commission recommends that sidewalks be provided on the east side of the proposed north-south street and the south side of Park Street.
6. The Planning Commission recommends that the developer provide a location for a future trail connection leading from the development to the future trail along the south side of County Road 2.
7. The Planning Commission recommends that the developer contribute to the cost of a future trail segment along County Road 2.
8. The Planning Commission recommends that a trail connection from the residential development to the DNR protected wetland area located south of the subject site (as shown on the City's adopted Park & Trail Plan) be provided within the 10-acre site to the west (when it is developed), due to grade issues on the subject property.
9. If architectural requirements are to be imposed as a "trade-off" for PUD zoning, the requirements should not be to an extreme degree.

At this time Mr. Komorouski and City staff are seeking direction from the City Council regarding the proposed development, and to authorize staff to begin discussions/negotiations with New Market Township regarding an Orderly Annexation Agreement to accommodate the proposed development, should the City receive a complete petition for annexation.

DISCUSSION

The City Attorney has reviewed any information submitted to date and, upon City Council direction and receipt of a petition for annexation, will draft a Joint Resolution for Orderly Annexation.

BUDGET IMPACT

There is no budget impact other than the cost of City staff time.

ACTION REQUESTED

Motion to authorize City staff, upon receipt of a petition for annexation, to prepare Orderly Annexation Agreement for the subject property and work with New Market Township Board regarding terms of annexation, and prepare predevelopment agreement outlining the terms of the annexation with proposed developer, and noting the following recommendations regarding the proposed plat of the Preserve at Elko New Market:

1. The City supports the use of the site for single-family residential purposes and supports the annexation of the subject property for such use.
2. The City supports Planned Unit Development (PUD) zoning for the property.
3. The City supports a minimum lot width of 70 feet for the proposed development.
4. The City supports setbacks of 5 feet along the garage side of homes and 10 feet along occupied portions of the home were supported, or 15 feet between each home.
5. The City recommends that sidewalks be provided on the east side of the proposed north-south street and the south side of Park Street.
6. The City recommends that the developer provide a location for a future trail connection leading from the development to the future trail along the south side of County Road 2.
7. The City recommends that the developer contribute to the cost of a future trail segment along County Road 2.
8. The Planning Commission recommends that a trail connection from the residential development to the DNR protected wetland area located south of the subject site (as shown on the City's adopted Park & Trail Plan) be provided within the 10-acre site to the west (when it is developed), due to grade issues on the subject property.
9. If architectural requirements are to be imposed as a "trade-off" for PUD zoning, the requirements should not be to an extreme degree.

Attachments:

Planning Commission memorandum dated June 26, 2018

Location Map
Concept Plan #2 dated June 11, 2018
Concept Trail Drawing dated June 12, 2018
(Draft) Planning Commission minutes



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

MEMORANDUM

TO: PLANNING COMMISSION
CC: KEVIN KOMOROUSKI
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
RE: REVIEW CONCEPT DEVELOPMENT PLAN FOR PROPOSED RESIDENTIAL DEVELOPMENT, ANNEXATION REQUIRED
DATE: JUNE 26, 2018

PLANNING COMMISSION MEETING:	JUNE 26, 2018
CITY COUNCIL MEETING:	UNKNOWN
60-DAY REVIEW DEADLINE:	NA
120-DAY REVIEW DEADLINE:	NA

Background / History

City staff has been working with Kevin Komorouski regarding a possible annexation and residential development of a 10 acre property. The proposed development is located just west of the Whispering Creek 2nd Addition, on the south side of Co Rd 2. Mr. Komorouski and his engineer recently attended a City Development Review Team meeting where he received feedback from City staff and a township official. The property is ten acres in size and is not currently located in the City limits. The property will need to be annexed before the City can accept any formal applications for zoning or development. The City's preference is to annex property by Joint Resolution between the City and the Town. The developer has not yet formally petitioned annexation of the property but is looking for feedback and recommendation from the Planning Commission before making the official request for annexation.

At this time Mr. Komorouski is seeking feedback from the Planning Commission regarding the current development concept plan, and also whether the Planning Commission would recommend to the City Council that the property be annexed based on this layout.

Neighborhood Conditions

- To the south of the proposed development is a DNR Protected Wetland (owned by the City).
- To the east of the proposed development are single family residential homes in the Whispering Creek neighborhood.
- To the north of the proposed development are small lot rural residential homes and also some commercial.
- To the west of the proposed development is large lot rural residential and agricultural land.

Development of the property as single family residential is compatible with the adjacent land uses.

Legal Description

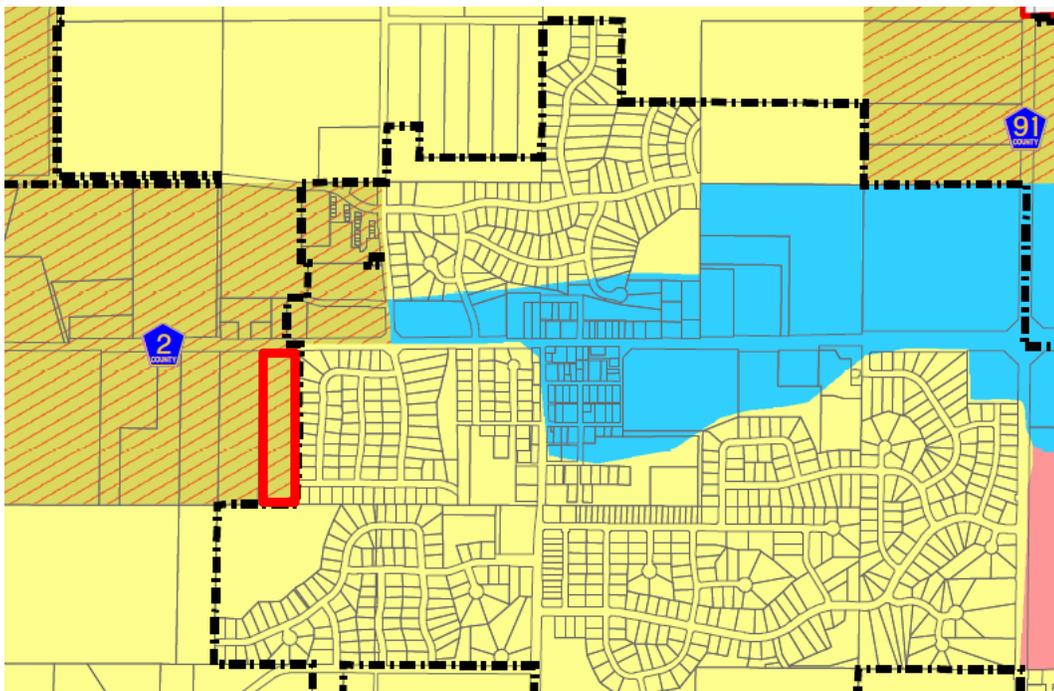
The subject property is 10 gross acres (9.24 net acres) in size. The PID # is 08-929004-2. The legal description is: The east half of the west half of the northeast quarter of the northeast quarter of Section 29 Township 113 Range 21, Scott County, MN.

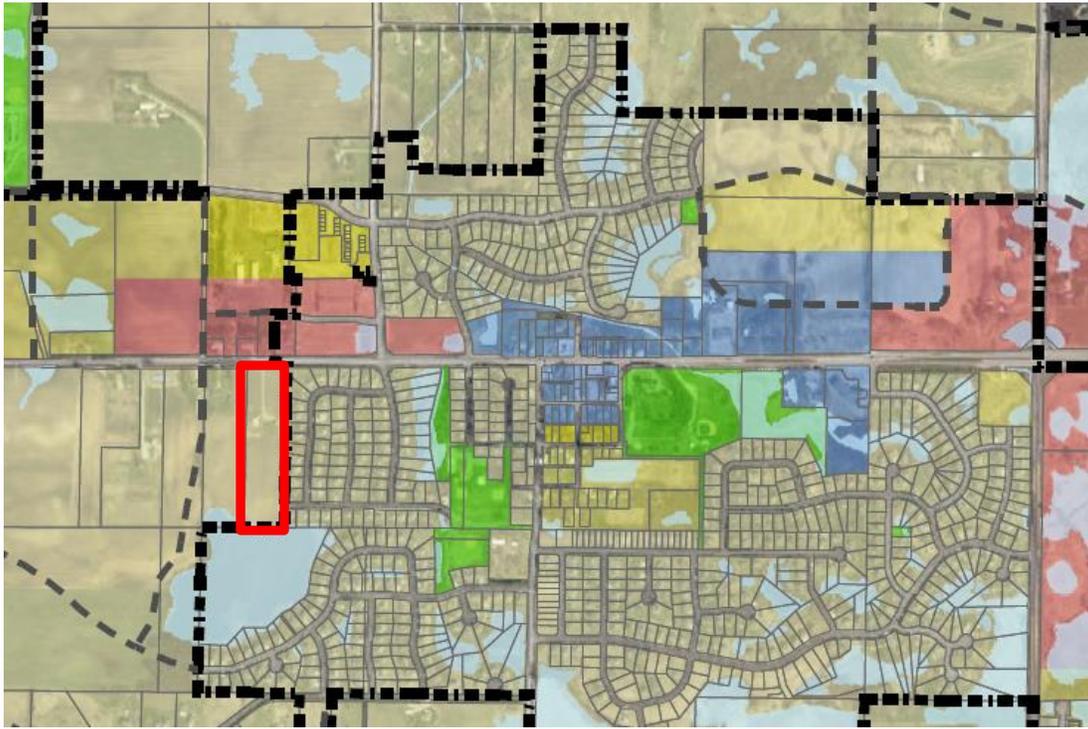
Comprehensive Land Use Plan

The city’s comprehensive land use plan guides the property to a “Residential Mixed Use” land use designation. The comprehensive plan contains the following language regarding Residential Mixed Use:

“This “Residential Mixed Use” development pattern is based on the Low Density Residential District. However, this District is characterized by a greater proportion of non-single family detached homes at higher densities than the Low Density Residential District. This District is intended to provide an opportunity to create population centers and to accommodate the demand for lifecycle and affordable housing located near activity areas and transportation corridors. The dominant housing form will be single family detached homes (75%). Single family attached homes and multi-family residences are expected to represent 25% of the housing opportunities within the development, and may include townhomes, apartments, and senior residential facilities. Single family attached dwellings will be allowed as permitted uses. Dwellings containing over 4 units should be allowed as conditional uses and may be mixed with detached homes in Planned Unit Developments. Commercial uses will be allowed in a Planned Unit Development if the use provides a service to the neighborhood, or creates a buffer between a residential area or public space and a road or more intensive use. Support facilities that are compatible with neighborhoods and accessory uses are allowed within this District. The guided density in this land use designation is 8 units per net acre, with a range between 5 and 15 units per net acres.”

The proposed use of the property for residential single family homes meets the intent of the guided land use for the area. The Comprehensive Plan calls out a preferred residential density range for the entire Residential Mixed Use area of 5 to 15 units per net acre. The proposed development of 35 units on 9.27 acres is 3.8 units per net acre..





Draft (2040) Comprehensive Land Use Map

Zoning

The property is currently located outside the City limits and is zoned Urban Expansion Reserve by Scott County. The zoning designation is intended to preserve properties for urban development. Upon annexation into the City properties are automatically zoned Urban Reserve, and then rezoned to whichever zoning designation being requested.

The developer is seeking PUD zoning. Although the developer is proposing single family detached development, the lot sizes being proposed are smaller than currently allowed in the City's R-1 district, thus the reason for the requested PUD zoning. The developer is proposing primarily two different lot sizes – 70' x 130' (9,100 sq ft - along the easterly side of the plat) and 50' x 130' (6,500 sq ft - along the westerly side of the plat). The developer has also indicated that he is seeking 5' side setbacks.

The purpose of a PUD zoning district is to provide flexibility in the development of residential and non-residential areas that would not be possible under a conventional zoning district. The intent of a PUD is to:

- A. Provide for the establishment of PUD (planned unit development) zoning districts in appropriate settings and situations to create or maintain a development pattern that complies with the city comprehensive plan.
- B. Allow for the mixing of land uses within a development when such mixing of land uses could not otherwise be accomplished under this title.
- C. Provide for variations to the strict application of the land use regulations in this title in order to improve site design and operation, while at the same time incorporating design elements (e.g., construction materials, landscaping, lighting, etc.) that **exceed** the city's standards to offset the effect of any variations.
- D. Promote a more creative and efficient approach to land use within the city, while at the same time protecting and promoting the health, safety, comfort, aesthetics, economic viability, and general welfare of the city.
- E. Preserve and enhance natural features and open spaces.

- F. Maintain or improve the efficiency of public streets and utilities.
- G. Ensure the establishment of appropriate transitions between differing land uses.

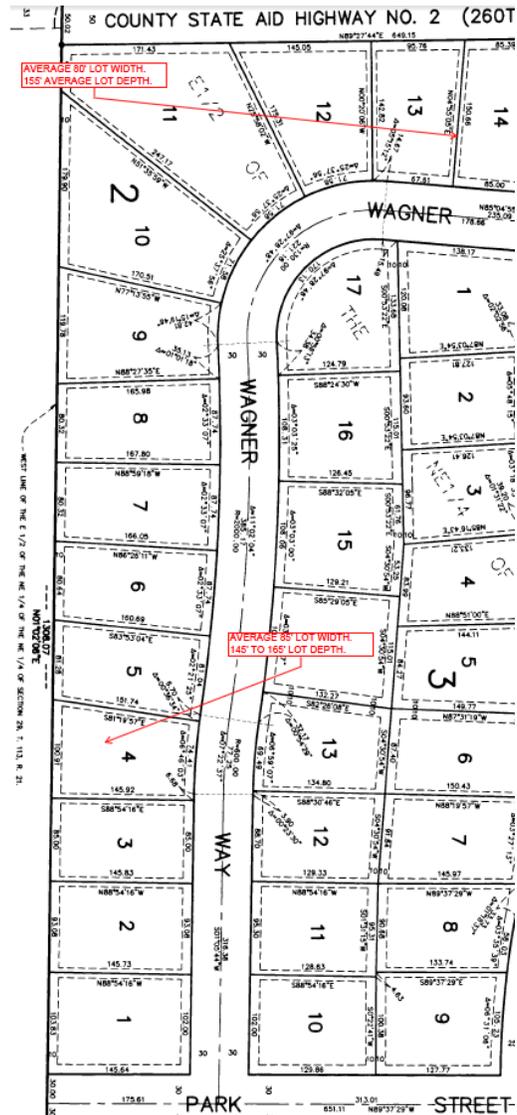
Staff is seeking feedback from the Commission regarding the proposed PUD zoning of the property. Staff supports PUD zoning in this location due to the proximity to Co Rd 2, but how the developer intends to exceed the City's minimum design standards (as a PUD trade-off) has yet to be defined. Based on the concept drawings submitted, it appears that the trade-offs will need to be in the design of the home (improved design standards) or possible landscaping over and above minimum requirements. The developer must submit information regarding his proposed improved design standards.

Lot Size / Width

The PUD district standards state that “The various lot area, lot width, setback and building height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate but may be departed from to accomplish the purposes/intent described above.” The R1 (Low Density Residential) zoning district standards would be used as the most closely related district standards.

As stated above, the developer is proposing primarily two different lot sizes – 70' x 130' (9,100 sq ft - along the easterly side of the plat) and 50' x 130' (6,500 sq ft - along the westerly side of the plat). The minimum lot size and width requirements for the R1 district are: 12,000 square feet and minimum 85' lot width. The proposed 50' lot width for a single family owner occupied home is something that the Planning Commission and City Council have not considered previously.

Staff's opinion is that a 50' lot width in this particular location is too narrow. The city has previously considered 50' lots in areas of detached townhomes but not in conventional single family neighborhoods. The adjacent plat is depicted here, which has much larger lots. The developer and staff are seeking feedback from the Planning Commission regarding the proposed lot sizes.



Setbacks

The PUD district standards state that “The various lot area, lot width, setback and building height regulations of the most closely related conventional zoning district shall be considered presumptively appropriate but may be departed from to accomplish the purposes/intent described above.” The R1 zoning district standards would be considered the most closely related district standards. The setback requirements in the R1 zoning district are as follows:

- Front – 30'
- Side – 10'
- Rear – 30'

The developer has indicated that he will be seeking 5' side setbacks. Staff's opinion is that a 5' side setback is too close in this application, but would support a 7' side setback. The developer and staff are seeking feedback from the Planning Commission regarding support for a 5' side setback.

Height Requirements

Structures shall not exceed 35' in height in the City's residential zoning districts.

Miscellaneous Design Information

The developer has submitted the following photographs as examples of houses he would like to construct within the development. Staff notes that the City code requires that for new lots, all site plans for single family homes shall provide for the location of a three stall attached garage, whether or not construction is intended.



Landscaping

Section 11-5-4 of the Zoning Ordinance requires minimum 20' wide landscaped buffer where lots back onto a major collector street. Co Rd 2 is designated as an arterial roadway and therefore the 20' landscape buffer would apply. The buffer must consist of two staggered rows of plantings and may include berming up to 4' in height. The lots proposed along the south side of Co Rd 2 are proposed at only 114' in depth and 70' in width. This does not seem deep enough to accommodate the required 20' landscape screening along Co Rd 2. Staff recommends that the lots depths be increased on the lots adjacent to Co Rd 2 to allow for the required landscape buffer.

In addition to the above developer obligations, two trees must be planted upon each lot at the time of building permit, sod placed in the front and side yards, and rear yards must be seeded, hydroseeded or sodded.

Tree Preservation

Section 12-9-9 of the City's Subdivision Ordinance contains Tree Preservation and Replacement regulations. A tree inventory must be completed which identifies the location of all significant trees on the property. 40% of the significant trees must be protected as part of the development.

Easements

Section 12-9-6 of the Subdivision Ordinance requires that 10' wide perimeter easements and 5' wide interior easements be dedicated along all lot lines.

Sanitary Sewer

Sanitary sewer service is available to the property at the end of Park Street. Staff has no concerns with sanitary sewer access into the property. Preliminary utility plans have not yet been provided. The sewer plan depicts that sanitary sewer from this property should flow towards the east –into the existing system.

Water

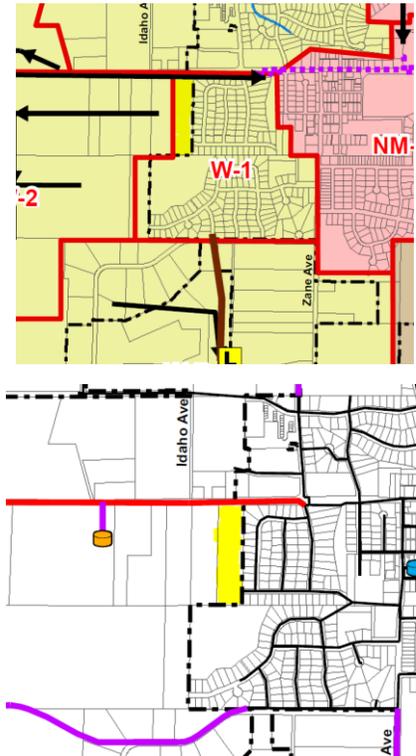
Water service is available to the property at the end of Park Street. Staff has no concerns with water access into the property. Preliminary utility plans have not yet been provided. The water plan depicts a future 16" trunk water line along Co Rd 2 and a future water tower approximately ¼ mile to the west. The City Engineer and City staff will need to verify that there is sufficient Co Rd 2 right of way to construct the future 16" main.

Stormwater

A stormwater plan has not yet been submitted for review. Residents to the east currently experience drainage problems off of the subject property; special care will need to be taken during the development design to ensure no negative impacts to adjacent residents. Portions of the property lie within both the Vermillion and Sand Creek Watershed Districts.

Wetlands / Floodplain / DNR Protected Waters

A wetland delineation and MnRAM report will need to be completed prior to development of the property. Wetland buffers are required adjacent to all wetlands; the required buffer width is dependent upon the quality of the wetland. Wetland buffer sign markers are also required along all lot lines at buffer locations. The Subdivision Ordinance requires that wetlands and buffers be contained in Outlots. Wetlands and



stormwater pond outlots shall be conveyed to the City upon filing of a plat. There are no FEMA designated floodplain on the subject property. There is a large DNR Protected Wetland on the southerly end of the property. The City will seek comments from the DNR during the development process.

Access / Roads / Transportation Issues

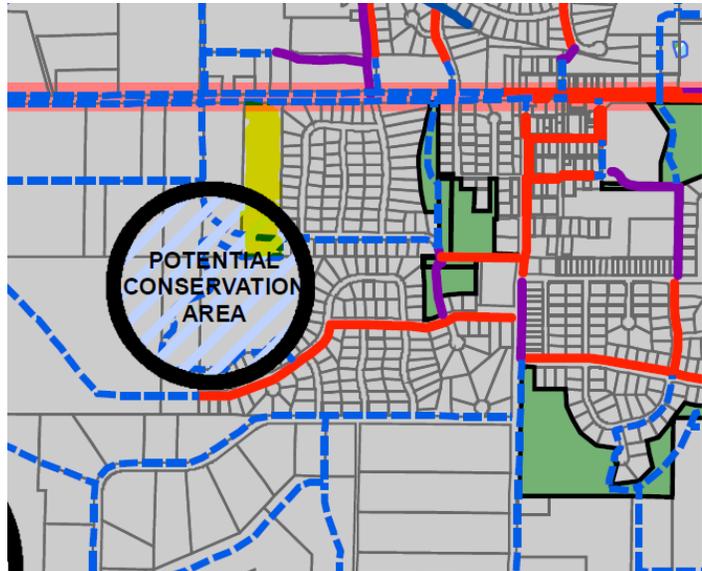
The proposed development borders on Co Rd 2 which is designated as an A Minor Arterial Roadway. Access to Co Rd 2 will not be permitted as part of the development, and the existing private driveway will ultimately need to be removed. The City will consult with Scott County during the development process to determine if they will be requesting additional right of way during the platting process. Additional right-of-way dedication is not expected but that is under the jurisdiction of Scott County.

Sidewalks & Trails

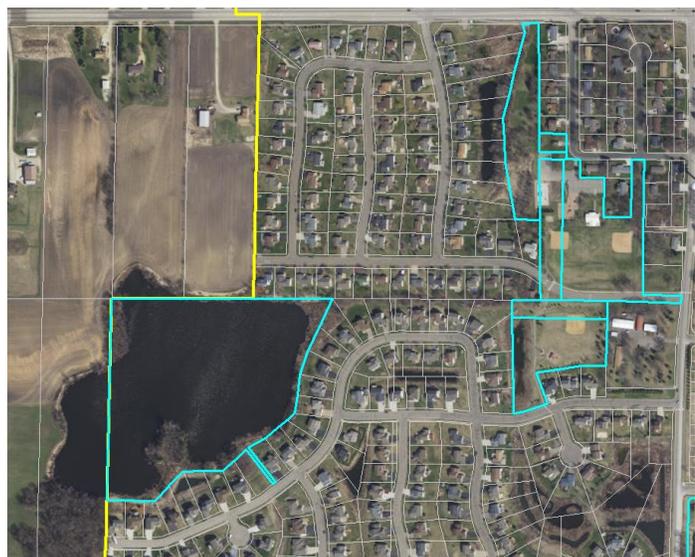
The City’s Subdivision Ordinance requires that concrete sidewalks are constructed on at least one side of all residential streets; the outside edge shall be located one foot from the property line. The City’s Transportation Plan recommends that sidewalks or trails be constructed adjacent to all minor collectors, major collectors, and minor arterial roadways.

The City’s 2030 Park & Trail Plan further identifies a proposed sidewalk / trail corridor along the south side of Co Rd 2, adjacent to the wetland area on the south side of the property, and also along Park Street.

City staff and engineering staff has spent time evaluating the feasibility of constructing a public trail adjacent to the wetland on the south side of the property, and have preliminarily agreed that the trail along the wetland is not a realistic possibility due to constraints from existing development and topography. Staff will be reviewing this matter with the Park’s Commission on 6/26/18 and the Parks Commission will provide a formal recommendation at the meeting.



In regards to the future trail along Co Rd 2, there is not currently a sidewalk or trail section to the east or west of the development so it would not make sense to construct the small section without a larger trail project. Staff does recommend that the future trail/sidewalk section along Park Street be incorporated into the development.



Parks Related Comments

The City’s Subdivision Ordinance requires 10% of the land be dedicated for parks, playgrounds, public open spaces or trails and/or the developer shall make a cash contribution to the City’s park and trail fund roughly related to the anticipated effect of the

plat on the park and trail system. If no land dedication is required the park fee is \$2,000 per residential unit. The Parks Commission will be reviewing the concept development plan on 6/26/18 and will provide a formal recommendation regarding their desire to require land versus cash.

It is noted that the closest public park is Wagner Park which is classified as a Community Park. Community Parks serve the City as a whole. Wagner Park is the City's most developed park. The park is approximately 1/4 mile from the proposed development. There are also park facilities at the nearby elementary school.

School District Impacts

The proposed development is in the New Prague School District. According to the New Prague Superintendent of Schools, the City of Elko New Market has an average of .55 students per household within the district. Using this statistic, the proposed development would add 19 students to the school system once fully developed.

Specific Questions for Planning Commission

- Does the Planning Commission support the annexation of the property for residential development?
- Does the Planning Commission support the lot sizes as proposed? If not, what lot sizes (area and width) are supported by the Planning Commission?
- Does the Planning Commission support the proposed 5' side setback?
- Would the Planning Commission support a deviation from the requirement that the lots be designed to accommodate a 3-car attached garage?

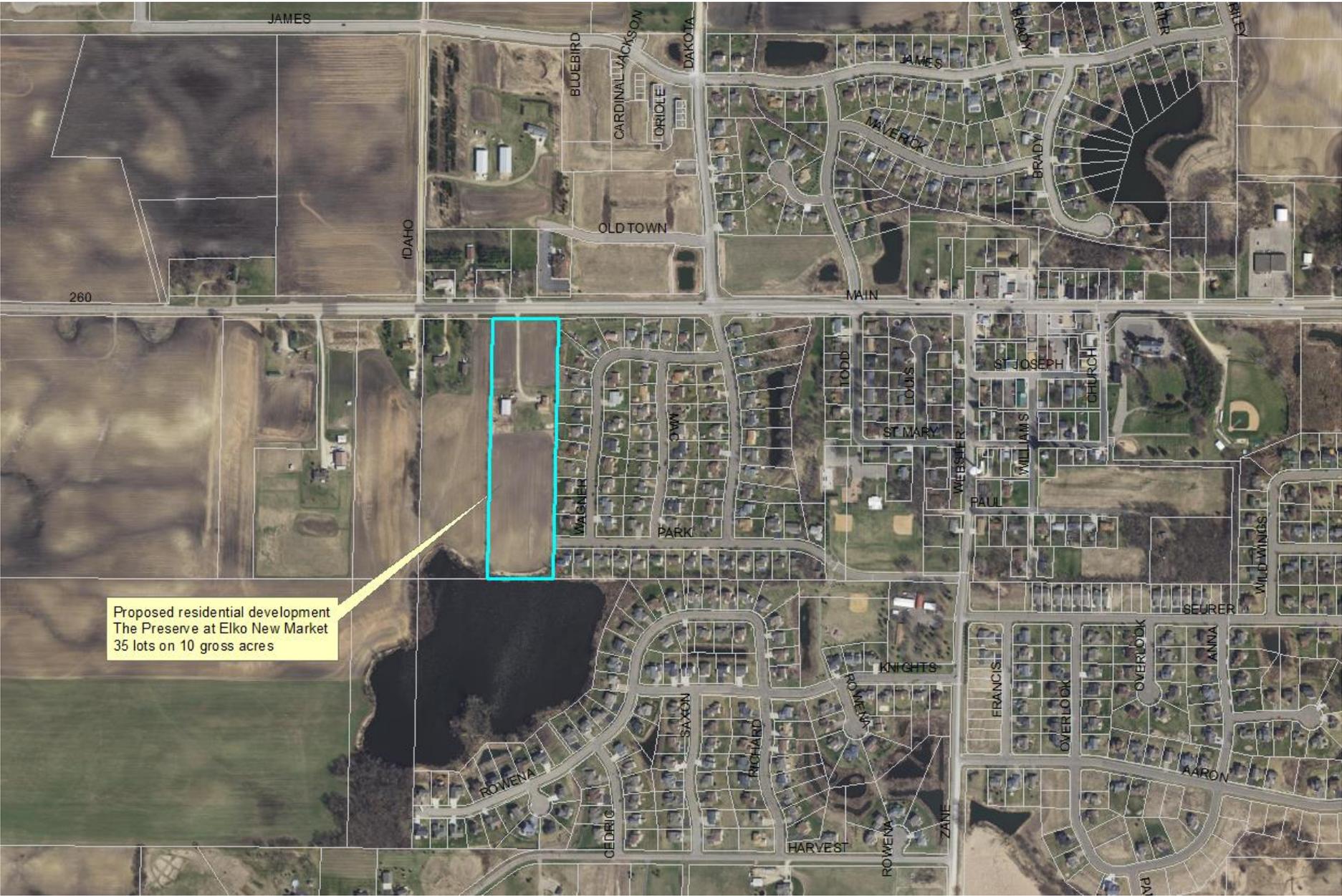
Attachments:

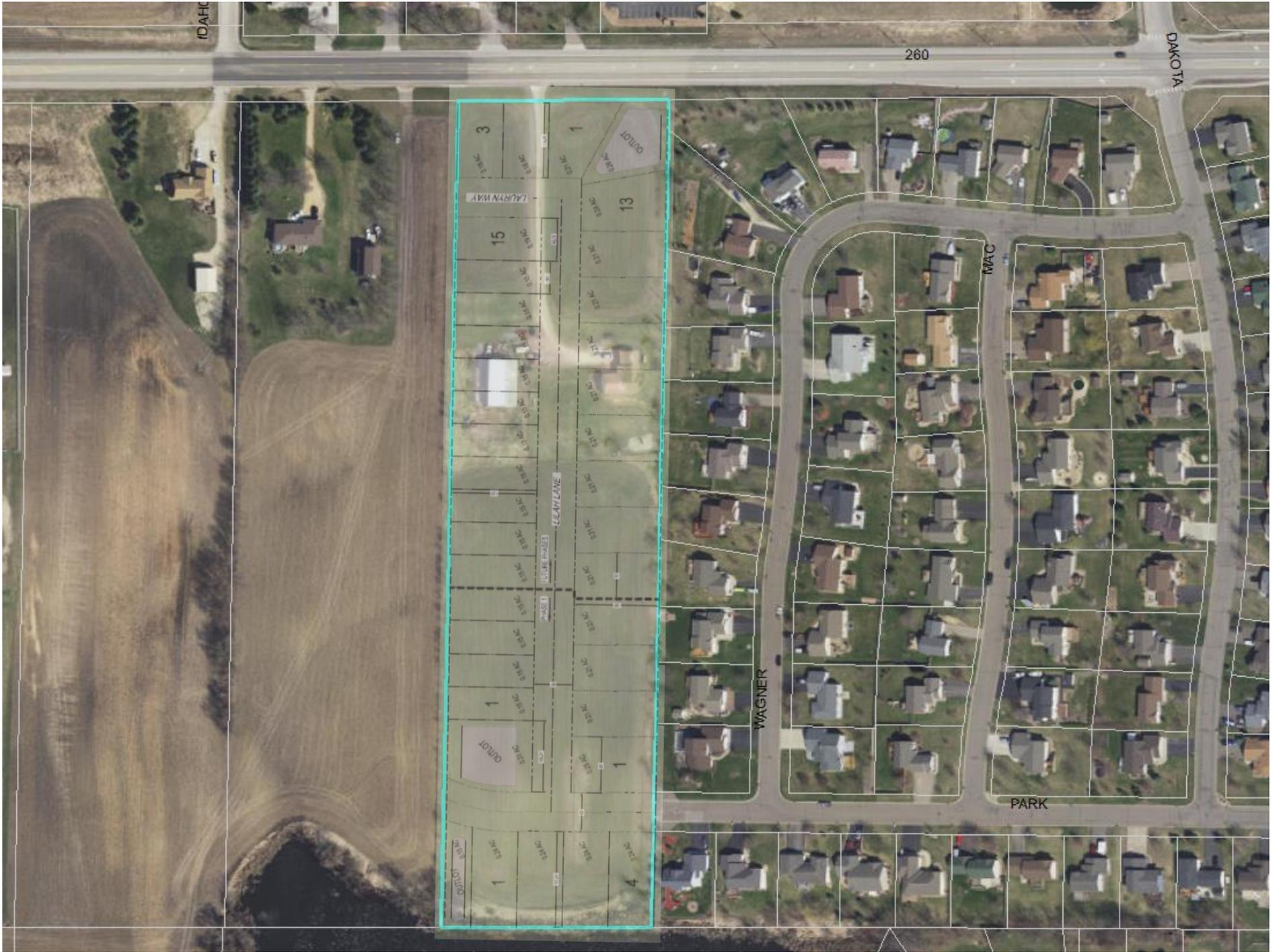
Location map

Concept Plan #2 dated June 11, 2018

Concept Trail drawing dated June 12, 2018

Location Map
The Preserve at Elko New Market
Kevin Komorouski

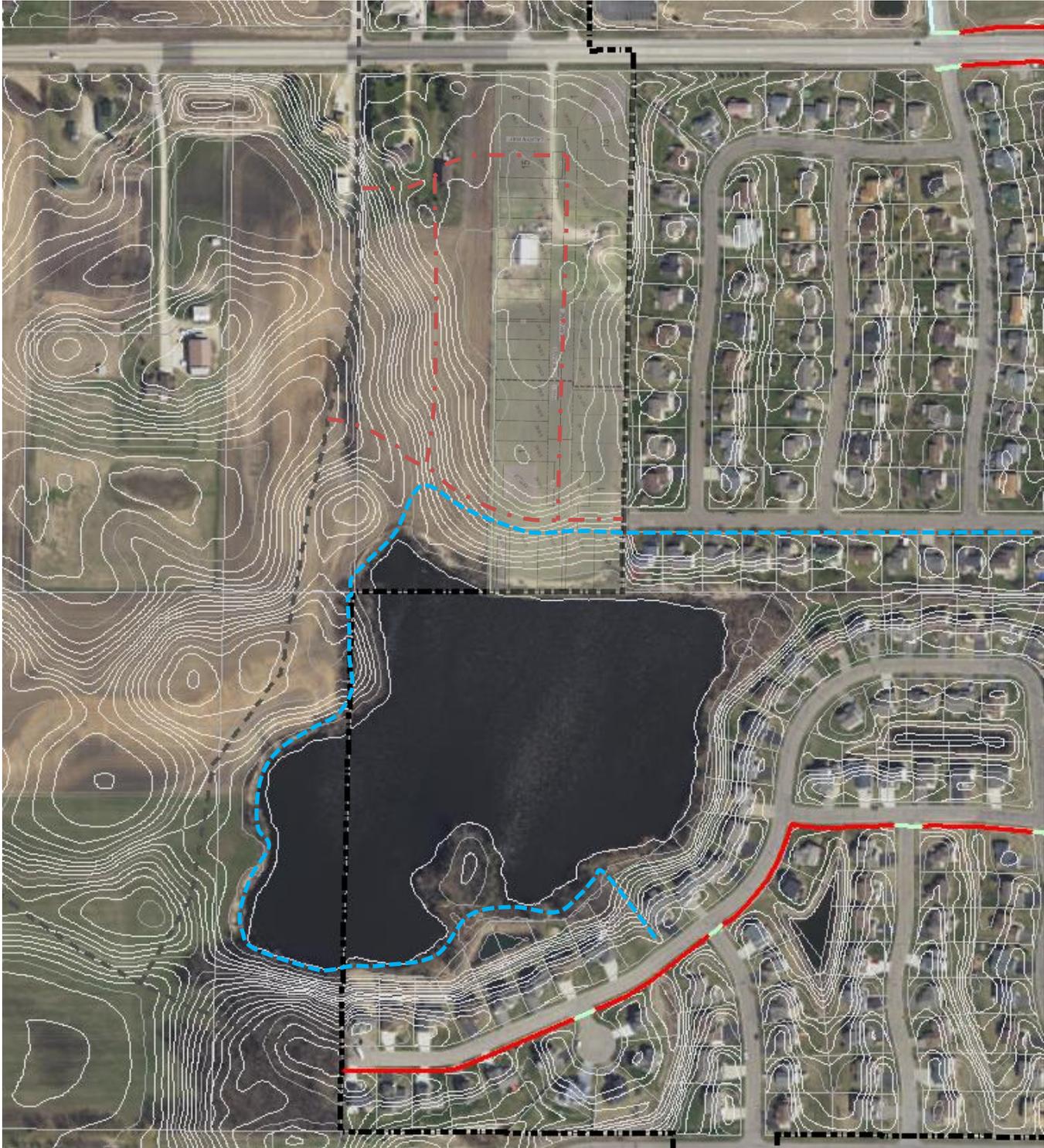


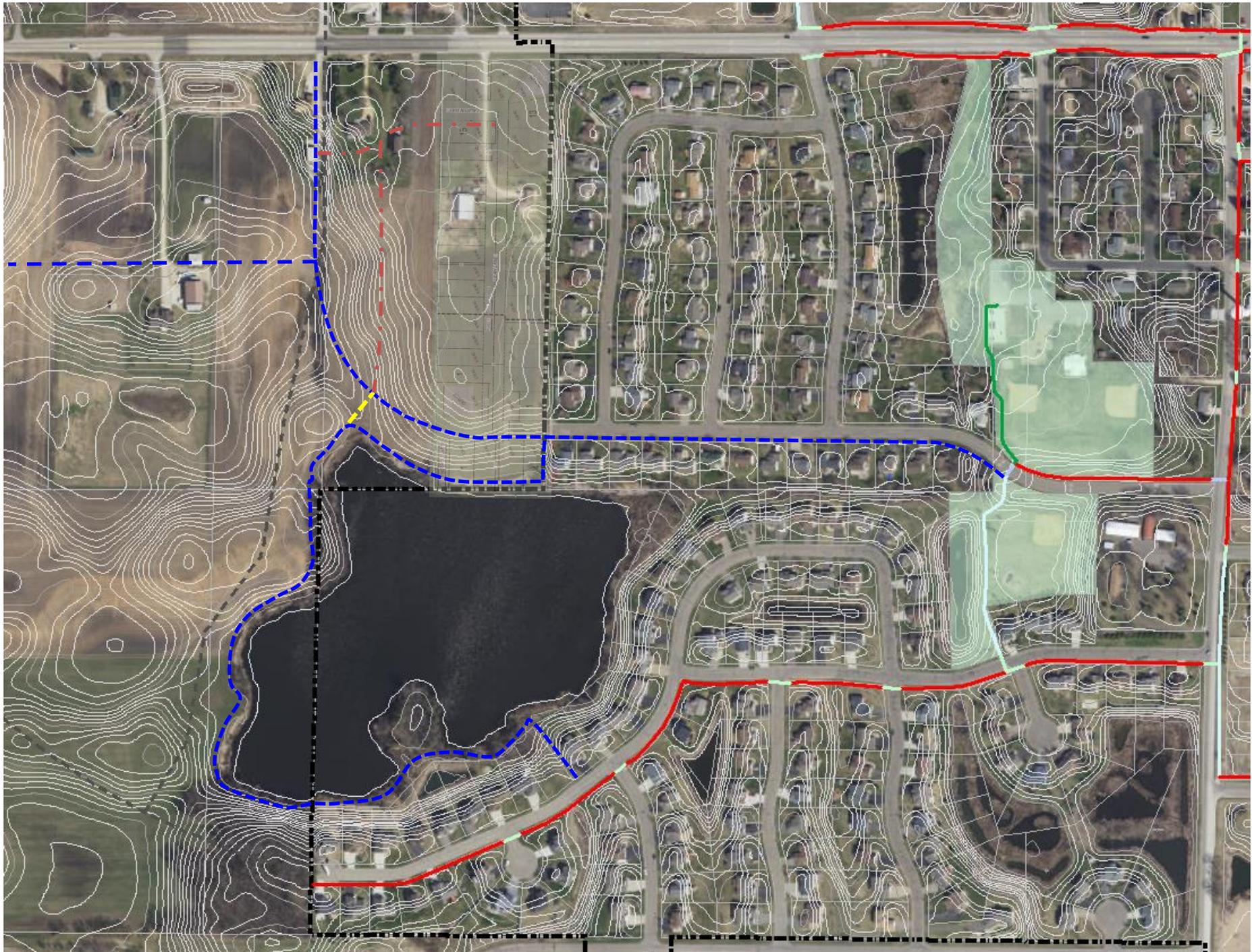


Future trail along Co Rd 2

Allow space for future trail connection along storm pond, grade for future connection.









CAMPBELL KNUTSON
PROFESSIONAL + ASSOCIATION

MEMORANDUM

TO: Elko New Market Mayor and City Councilmembers
CC: Tom Terry, City Administrator
FROM: Andrea McDowell Poehler
DATE: July 26, 2018
RE: Mediacom Lease Renewal

BACKGROUND

The City of New Market entered into a 5 year lease with Mediacom dated June 5, 2003, to lease westerly 55 feet of the southerly 375 feet of the City Hall property for construction and operation of its communications systems. The lease provided for three 5 year renewals. The current rent is \$300/month. The lease provides that the terms of all options would be the same as the existing lease terms.

DISCUSSION

Mediacom is now requesting to renew its final 5 year option which would extend the lease to June 4, 2023. Because Mediacom failed to notify of the renewal within the time-frame provided under the terms of the lease (60 days prior to the expiration), they are requesting formal approval from the City to exercise the option.

ACTION

Motion to approve Mediacom's request to exercise its option under the lease and authorize the City Administrator to execute the Mediacom letter approving the lease extension.

ATTACHMENTS

- Mediacom Letter Regarding Lease Renewal Request
- Mediacom Lease Agreement



Candi Scott
Director-Business Operations
P.O. Box 110
1504 2nd Street SE
Waseca, MN 56093
507-837-4863
cscott@mediacomcc.com

April 16, 2018

City Administrator
City of New Market
PO Box 99
New Market, MN 55020

RE: Lease Renewal

We refer to the Lease dated June 5, 2003 between you, as "Lessor" and Mediacom Minnesota LLC as "Lessee". The expiration of the second lease renewal period is June 4, 2018. As per Section 1, it is our intent to exercise the option to renew for the third Five-year term, due to the fact we neglected to notify you according to the terms of the lease, we are requesting your signature below to execute the lease renewal. The new expiration date shall be June 4, 2023. The same terms and conditions shall remain as in the original lease.

Except as modified herein, the Lease shall remain in full force and effect. If you have any questions or concerns feel free to contact me at (507)837-4863. Please return this signed letter to me at the PO Box listed above.

Thank You,

A handwritten signature in cursive script that reads "Candi Scott".

Candi Scott

Thomas Terry, City Administrator

Date

LEASE AGREEMENT

THIS AGREEMENT ("Agreement") made this 5th day of June, 2003, between The City of New Market ("Lessor") and Mediacom Minnesota LLC, a Delaware Limited Liability Company (hereinafter referred to as "Lessee").

WHEREAS, Lessee is Licensed by the Federal Communications Commission ("FCC") to construct and operate communications systems throughout the United States;

WHEREAS, Lessor controls and maintains the property located in New Market, Minnesota, as described in "Exhibit A" (hereinafter referred to as the "Leased Property"); and

WHEREAS, Lessor desires to Lease the Property to the Lessee; and

WHEREAS, Lessee desires to use the property for the purposes of constructing, operating, maintaining, repairing, replacing, relocating and removing facilities (the "Facilities") comprising a cable television and electronic control center for reception, transmission, processing and retransmission of video programming and other broadband services. Such Facilities may include, without limitation, earth stations, buildings for the housing of electronic components and related appliances, appurtenances, fixtures and equipment, whether above or below ground, with any necessary housing for same, which may be deemed by Lessee to be necessary or desirable in connection therewith. In no event may the Property, or any part thereof, be used for any unlawful purpose.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, Lessee and Lessor, intending to be legally bound, mutually agree as follows:

1. **Term.** The term of the Agreement shall be for a period of 5 years from the effective date of this Agreement. The effective date of the Agreement shall be the date as prescribed in the preamble to the Agreement. The Lessee shall have the option to renew for 3 successive 5 year terms with written notice 60 days prior to the expiration of each respective term. If the option for renewal term is exercised, the terms and conditions will be the same as the original Agreement with the exceptions of fees, which will be renegotiated prior to a renewal term. Notwithstanding the foregoing, Lessee may terminate this Agreement at any time with 90 days prior written notice of proposed termination date.
2. **Work Performed.** All work performed by Lessee shall be performed in a proper manner in accordance with industry standards, local codes and the approved specifications. Lessee agrees to repair and replace any damage to the Lease Property resulting from the installation, operation or removal of the Facilities. Lessee shall observe all sanitary laws and regulations applicable to the property.
3. **Indemnification.** Lessee agrees to indemnify and hold harmless the Lessor from

any and all claims, demands, damages, actions, costs, including attorneys' fees, and charges which the Lessor or the Lessee may have to pay by reason of injury to any person or property, loss of life or property resulting from the condition or use of the property unless such injury or loss arises directly from the sole negligence of the Lessor, or any of its agencies, officers or employees, while acting within the scope of their employment.

Notwithstanding any other provision of this agreement, neither party hereto shall be liable to the other of any special, indirect or consequential damages or lost profits to anyone arising out of this agreement or the performance or non-performance of any activity pursuant to this agreement even if such party has been informed of the possibility of such damages.

4. **Fees.** In consideration of the Agreement, Lessee shall pay to the Lessor on or before the date of execution of this Agreement, the sum of \$300.00 payable monthly in advance.
5. **Easement.** Lessor hereby grants to Lessee a non-exclusive right of ingress and egress across an access road on the Leased Property to the Facilities for the purposes of installing, maintaining, operating, replacing, upgrading and repairing the Facilities. If an access road to the building is needed, Lessee shall construct and maintain such road at no expense to the Lessor. Lessor shall approve any plans to construct a road on Lessor's Property.

Upon the execution of this Agreement, Lessor shall deliver to Lessee all necessary keys and combinations to facilitate Lessee's ingress to and egress from the Leased Property. Lessee shall be entitled to have access to the Leased Property 24 hours a day, 7 days a week. The rights of Lessee under this Section shall be limited to authorized employees, contractors or subcontractors of Lessee, FCC inspectors or persons under their direct supervision. Notwithstanding the foregoing, Lessor accepts no responsibility for any acts or omissions committed by Lessee's employees, contractors, subcontractors or invitees.

6. **Insurance.** Upon request, the Lessee shall obtain and carry liability or indemnity insurance providing as a minimum, limits of \$1,000,000.00 per person (personal injury) in any one claim; \$1,000,000.00 for damage to the property suffered or alleged to have been suffered, by any person or persons as the result of the operations conducted on the property; and an aggregate limit of \$2,000,000.00 for any number of persons or claims arising from any one incident with respect to bodily injuries, property damage or death resulting therefor.

The insurance certificate provided under this paragraph shall provide that said certificate will not be subject to cancellation, termination or change except after at least 30 days' prior written notice to Lessor.

7. **Force Majeure.** Except as otherwise provided herein to the contrary, The Lessee shall be excused for the performance of its obligation to pay fees because of

the non-operation of its facilities on the Leased Property if this is due to an act of God, fire, lock out, flood, tornado, hurricane, strike, riot or civil commotion, earthquake, war, the failure of equipment or facilities not belonging to the Lessee, denial of access to facilities or rights-of-way essential to serving the Leased Property, government order or regulation or any other circumstances beyond the reasonable control of the Lessee. However, any abatement of rent shall be limited to the reasonable period required to return the Lessee's facilities to operation.

8. **Assignment.** This Agreement may not be assigned by either party without prior written notice to the other party. However, nothing in this Agreement shall prevent the Lessee from assigning this Agreement as collateral security for any obligations of the Lessee.

Notwithstanding any provision of this Lease to the contrary, either party may assign this Lease without the written consent of the Lessor to (a) an affiliate, parent or subsidiary of Lessee or to any entity controlled by, under common control, or controlling Lessee, (b) any corporation or other entity resulting from the merger or consolidation of Lessee or its parent, or (c) any corporation or other entity which acquires all or substantially all of the assets of Lessee or its parent. Lessee shall provide Lessor with written notice of any such assignment and the assignee shall assume the obligations of Lessee under this Lease, as applicable, which accrue after the date of such assignment. Pending receipt of written notice from Lessee of any assignment permitted by this Section 8, Lessor may continue to deal with Lessee as the tenant under this Lease and the Schedule(s), and any notice or billing sent to Lessee by or on behalf of Lessor, and any agreement made between Lessor and Lessee, and any concession or waiver made by Lessee, shall be binding on the assignee.

9. **Subleasing.** Lessee may sublease all or part of Leased Property with written notice to Lessor.

10. **Notice.** All notices to be given in writing under this Agreement shall be deemed to be given when delivered personally to the Lessor or the Lessee, or 48 hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice is being given, as follows:

If to the Lessor: The City of New Market
601 Main Street
New Market, MN 55054

If to the Lessee: Mediacom Minnesota LLC
1504 Second St. SE, P.O. Box 110
Waseca, MN 56093

With copies to: Mediacom Minnesota LLC
100 Crystal Run Road
Middletown, NY 10941

Attention: V.P. of Legal & Regulatory Affairs

11. **Recording.** The Lessee may record this Agreement or a Memorandum of this Agreement in the public records of the County if it so desires.
12. **Waiver of Distress.** The Lessor acknowledges that the Lessee is bound by (or will be bound by) certain covenants in loan agreements with lending institutions which have provided (or will provide) long-term debt financing to the Lessee and that such institutions have (or will have) a security interest on the Lessee's equipment located on the Leased Property that will be superior to any claim of the Lessor. As part of the consideration hereunder, the Lessor covenants and agrees with the Lessee that none of the Lessee's personal property, equipment or trade fixtures shall be subject to distress for rent or liable for any lien, right or claim which the Lessor may have, either now or hereafter; and the Lessor further covenants and agrees that in the event that such lending institutions exercise their right to take possession of or remove said equipment from the Leased Property, the Lessor will not hinder or interfere therewith, and the Lessor consents to the taking of possession and removal of such personal property.
13. **Default.** If at any time during the period in which this Agreement is in effect, either party defaults on any obligation incurred hereunder, then this Agreement shall be subject to termination by the other party. All rights and benefits herein conferred shall be deemed forfeited, provided, however, that before any termination shall occur under this paragraph, the defaulting party shall be given written notice and be allowed 30 days from date of delivery of such notice in which to cure such default or noncompliance. If said default or noncompliance is cured within the above time period, then this Agreement shall remain in full force and effect.
14. **Modification of Agreement.** This Agreement shall not be modified, altered or amended, except by an "Amendment to Lease Agreement," executed by all parties to this Agreement.
15. **Binding on Heirs.** The terms, conditions and agreements made and entered into by the parties hereto are declared and agreed to be binding upon and inure to the benefit of their respective heirs, executors, administrators, successors and/or assigns.
16. **Compliance with Laws and Regulations.** The Lessee shall, at its own expense, secure and maintain throughout the term of this Agreement and until all of its equipment, facilities and structure are removed, any and all consents and permits which may now or hereafter be required by all persons or governmental agencies, federal, state, or municipal, for or in connection with this Agreement, shall comply with all applicable laws, ordinances, rules and regulations pertaining to the placement, maintenance, operation, erection, construction, or removal of its attachments, property, apparatus and structure.
17. **Legal Fees.** If either party brings legal action for the enforcement of this

Agreement then the prevailing party shall be entitled to recover from the losing party its reasonable attorneys' fees, including the payment for in-house counsel's time, fees and expenses plus applicable fees, together with costs incurred, including deposition costs and costs for expert witnesses.

18. **Eminent Domain.** If all or a part of the Leased Property shall be taken in any proceeding by a public authority, by condemnation or otherwise, or shall be acquired for a public or quasi-public purpose, which shall cause the remaining portion of the Leased Property to be inadequate or unsuitable for use by the Lessee, in its usual business, either the Lessor or the Lessee shall have the option to terminate this Agreement effective on the date possession of the Leased Property is surrendered, in which event any unearned rent paid or credited in advance shall be refunded to the Lessee. The Lessee hereby waives any claim against the Lessor for the remaining portion of the Agreement and agrees it will peacefully surrender possession to the Lessor, or to the condemning authority at or before the day of possession is required pursuant to the requirements of the condemning authority.
19. **Applicable Law.** This Agreement shall be governed by and construed in accordance with the domestic laws of the state of Minnesota.
20. **Property.** The Lessor covenants that the Lessor owns the property referenced to in "Exhibit A" in fee simple and has full right to make this Agreement and that the Lessee shall have peaceable possession of the premises during the term hereof. It is mutually understood and agreed upon that the property and authority granted herein shall be subject to any easements, rights-of-way, mineral reservations or other rights upon, over, across or under the property now outstanding with third persons. The Lessor also retains to itself, its successors or assigns, the right to use the property for its own purposes, so long as such use does not interfere with the construction, erection, operation, repair or maintenance of the Lessee's equipment and operations. The Lessor hereby covenants and agrees that it will not use nor will it permit its remaining property to be used in any manner that could interfere in the Lessee's intended uses of the Leased Property. The Lessee, upon the payment of rent herein reserved and upon performance of all material terms of this Agreement, shall at all times during the agreement term and during any extension or renewal thereof peaceably and quietly enjoy the Leased Property without any disturbance from the Lessor or from any other person claiming through the Lessor, except as may be set forth in this Agreement.
21. **Authorization.** The Lessor and the Lessee represent and warrant that each has the authority to enter into this Agreement and to be bound by its terms and all necessary action on the part of each such party has been duly taken approving the execution, delivery and performance of this Agreement.
22. **Headings.** The headings in this Agreement are inserted for convenience and identification only and shall not be considered in the interpretation of this Agreement.

23. **Breach of Warranty.** It is agreed that if warranty made by the Lessor in Section 20, above is breached and it is found that the Lessor does not have the legal right to make this Agreement, the Lessee may receive damages, including, but not limited to twice the fees already paid to the Lessor, administrative and constructive fees, and attorneys' fees.
24. **Total Agreement.** This Agreement supersedes all previous agreements, whether written or oral, between the Lessor and the Lessee, for the use and operation of the Lessee's equipment on Owner's real property and there are no other provisions, terms or conditions to this Agreement except as expressed herein.
32. **Utilities.** Beginning on the Possession Date, Lessee shall make application for, obtain, pay for and be solely responsible for all utilities required, used or consumed in the Leased Premises, including, but not limited to, gas, water, (including water of domestic uses and for fire protection), telephone, electricity, sewer service, garbage collection services and any similar service. In the event that any charge for any utility supplied to the Leased Premises is not paid by Lessee to the supplier when due, the Lessor may, but shall not be required to, pay such charge for and on behalf of Lessee, with any such amount paid by Lessor being repaid by Lessee to Lessor as Additional Rent promptly upon demand. Additionally, if Lessor shall elect to supply any utilities to the Leased Premises, the Lessee shall pay to Lessor the cost of its utility consumption and the cost of supplying separate metering devices if necessary. Lessor agrees that the cost to Lessee of any utilities supplied by Lessor shall not exceed the amount Lessee would have paid if it independently obtained such service from the local utility supplier to the extent that a relationship exists.
- Lessor and Lessee hereby agree that Lessor shall not be liable for any interruptions or curtailment in utility services due to causes beyond its control or due to Lessor's alteration, repair or improvement of the Leased Premises.
33. **Taxes.** Lessee shall be responsible for the payment of all general real estate taxes assessed against the Leased Property or for any other improvements erected on the Leased Property by Lessee or on other personal property owned by the Lessee, whether or not such taxes, liens or other charges are levied against it or against Lessor.
34. **Additional Taxes.** If Lessor is assessed additional taxes or if its present taxes are increased as a result of any value placed on Lessee's leasehold, fixtures or furnishings, or goods and services, then immediately upon demand Lessee shall pay to Lessor the amount of said additional tax, or the amount of the increase.
35. **Failure to Enforce.** Failure of the Lessor to enforce or insist upon compliance with any of the terms or conditions of this Agreement shall not constitute a waiver or relinquishment by Lessor of any of said rights or conditions and all obligations of the Lessee and rights of the Lessor shall survive the expiration or termination of this

Agreement.

36. **Equipment.** It is agreed by the parties to this Agreement that title to all structure and improvements constructed, erected or placed upon the property by the Lessee, including trade fixtures, shall vest with the Lessee. Upon request of Lessor, or Lessee's decision, said structures and improvements shall be removed by Lessee within ninety (90) days after the expiration, cancellation or termination of this Agreement.
37. **Repairs.** The Lessee shall, at it's own expense, make all necessary repairs and replacements to the Leased Property and to any of the structures erected thereon by the Lessee at its expense. Such repairs and replacements, ordinary as well as extraordinary, and other structural as well and non-structural maintenance such as grass and weed trimming shall be made promptly when necessary. The Lessee shall at times during the term of this Agreement and any extensions or renewals maintain in good safe condition any of its equipment and improvements established on the Leased Property.

Within 45 days after expiration of the Agreement, or as soon as possible if weather or frozen ground delays the work in this paragraph, the Lessee agrees that it shall restore the surface of the property, as nearly as practicable, to the same condition as it was prior to the initial construction and erection of the aforementioned tower, and any subsequent maintenance, repair and removal of the above-described facilities.

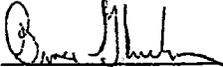
38. **Lessor's Right to Property.** Lessee agrees to allow Lessor the right to use the unfenced portion of the Leased Property not in use by the Lessor as a pasture or for farming, provided such use does not interfere with the purpose or use of Lessee or Lessee's tower, buildings, structures, anchors, guy wires, satellite dishes, or other equipment.

The employees or agents of the Lessor shall have the right to enter upon the property at all reasonable times during the term of the Agreement for inspection of the property, and for any other activity related to it's operations within the property.

39. **Lessor Certificate.** Lessor agrees to provide at any time, within 10 days of Lessee's written request, a statement certifying that this agreement is unmodified and in full force and effect or, if there has been modifications, stating such modifications and that such modifications are in full force and effect, whether Lessee is in default of any of its obligations hereunder, and if so, reasonable details thereof, and such other statements as may reasonably be required by the Lessee, including that Lessor has no ownership interest in or lien on Lessee's property on the Leased Premises. It is intended that any such statement delivered pursuant to this paragraph may be relied upon by any person receiving such certificate.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement through their authorized representatives.

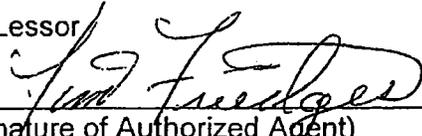
For Mediacom Minnesota LLC

By: 
(Signature of Authorized Agent)

Bruce Gluckman
Vice President of Legal and Regulatory Affairs

Date: 4/11/03

For Lessor

By: 
(Signature of Authorized Agent)

Jim Fiedges
(Printed Name of Authorized Agent)

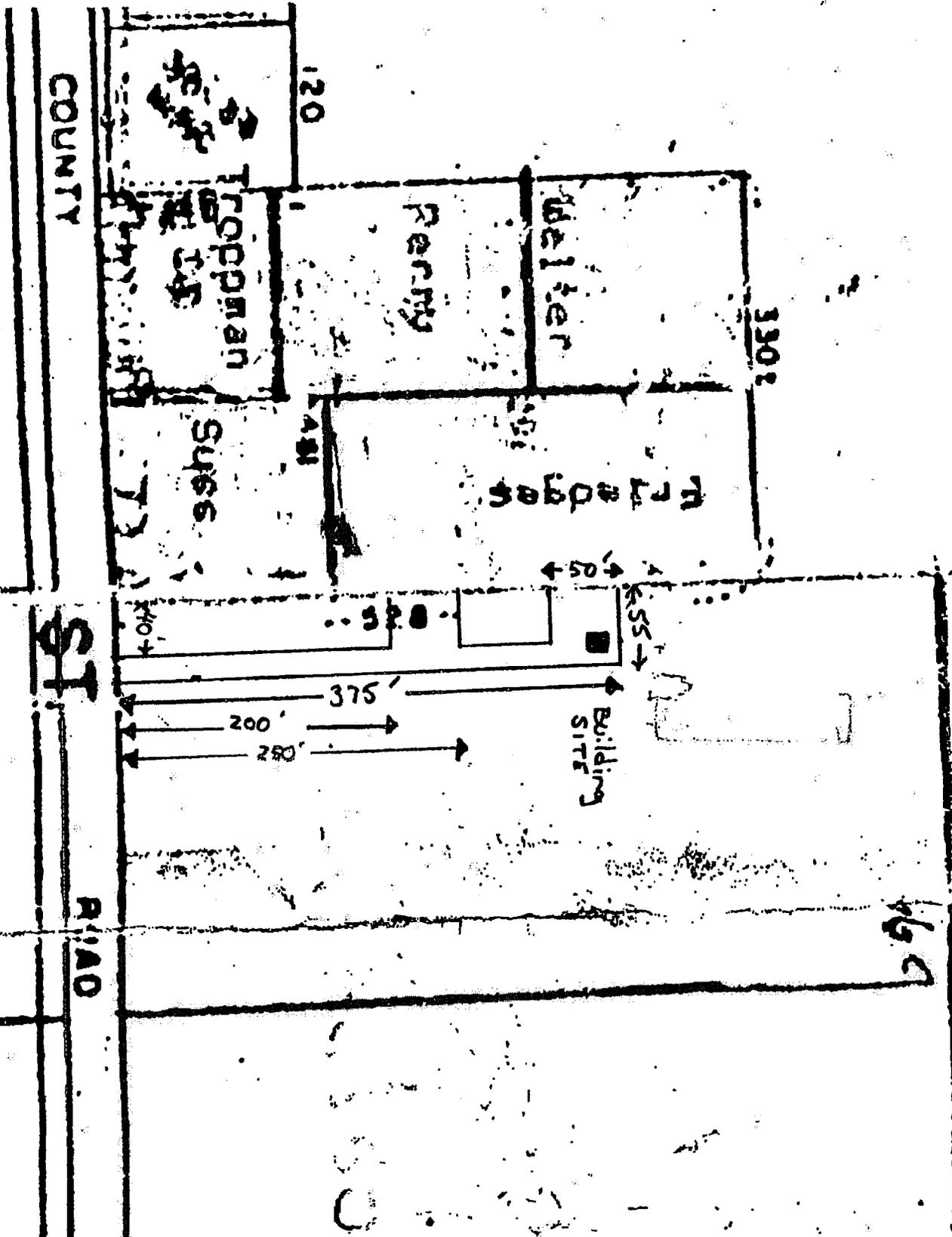
Date: 04-11-03

EXHIBIT A

The following described Real Estate situated in The City of New Market, County of Scott, in the State of Minnesota, to wit:

(See attached drawing)

EXHIBIT 'A'





STAFF MEMORANDUM

SUBJECT:	Agreement for Financial Management Services - AEM
MEETING DATE:	July 26, 2018
PREPARED BY:	Thomas Terry, City Administrator
REQUESTED ACTION:	Approve Agreement for Financial Management Services with AEM Financial Solutions, LLC and authorize the City Administrator to execute the revised contract documents

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

DISCUSSION

Lelia Leonhardt has resigned as accountant for the City of Elko New Market effective July 24, 2018. To provide for support until the vacant position is filled, Staff has worked out an agreement with AEM to provide the same financial services provided previously prior to the hiring of Lelia Leonhardt. The accounting services would include a financial person from AEM being at City Offices one day each week to provide financial support until the relationship between AEM and the City ends at the end of September 2018.

The City council is being asked to approve the Agreement for Financial Management Services with AEM Financial Solutions, LLC and authorize the City Administrator to execute the revised contract documents.

Proposal

City of Elko New Market

Elko New Market, Minnesota

Submitted
July 18, 2018

AEM Financial Solutions, LLC

Grandview Square
5201 Eden Avenue, Suite 250
Edina, Minnesota 55436
952.835.9090

Contact Person
Jean D. McGann, CPA
952.715.3059
jean.mcgann@aemfs.com



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LETTER OF TRANSMITTAL

Tom Terry, City Administrator
City of Elko New Market
601 Main Street
Elko New Market, Minnesota 55054

Dear Tom,

Thank you for the opportunity to submit this proposal to the City of Elko New Market, Minnesota (the City) for interim accounting services. Based on our past experience with cities of comparable size and complexity, we believe our structured contract with defined outcomes offered through AEM Financial Solutions, LLC (AEMFS) would provide the City with excellent accounting services.

The term of this contract shall be from July 23, 2018 through October 1, 2018.

An AEMFS representative will be in the City offices one day per week or as necessary to perform responsibilities as noted on the Scope of Services page. Services will also be performed remotely as necessary.

Investment by the City for services is indicated in the financial page.

AEMFS would like to thank the City for the opportunity. We look forward to exceeding your expectations and continuing our long-term, mutually beneficial relationship.

Sincerely,

AEM Financial Solutions, LLC
an Abdo, Eick & Meyers, LLP Company

Jean D. McGann, CPA
President, AEM Financial Solutions, LLC
Partner, Abdo, Eick & Meyers, LLP

Welcome to ABDO, EICK & MEYERS, LLP

“The investments into our People and Process make a difference for you, our valued client. We focus on the challenges and needs that are relevant to your business or government agency. This allows us to be thoughtful in our approach in providing you with the best solutions, and leaves you assured in the value of our deliverable.”

Steve McDonald - Managing Partner



**People
+ Process[®]**
**Going
Beyond the
Numbers**

People

Hire

We focus recruiting efforts on Minnesota state colleges and universities. Innovative recruiting strategies, including a strong social media presence, allow us to attract top talent.

Train

We've invested in a state-of-the-art, on-site training facility and a full-time Learning Director to ensure our team is prepared to exceed your expectations.

Reward

We focus on client results and reward our team based on specific goals, not hours billed.



Process

Listen

Our process begins with listening. We invest time to better understand your goals and challenges.

Engage

Active engagement with DFK International and domestic industry associations allows us to provide maximum value to your organization.

Deliver

Combining our internal expertise and technological resources with what we've learned about you allows us to deliver a solution that exceeds your expectations.



Going Beyond the Numbers

FIRM QUALIFICATIONS AND EXPERIENCE

For over 50 years, we've helped local governments throughout Minnesota serve their communities more efficiently. As the leading governmental auditing firm in the state, we provide accounting, financial, and audit services to over 200 governmental entities. In 2009, we established AEM Financial Solutions, LLC (AEMFS) a company dedicated to providing day-to-day accounting and financial management services for local governments. The success of AEMFS stems from having over 17 years of government finance and audit experience, six years of Big Four accounting Firm, and over 50 years of providing governmental services in Minnesota.

As an integral part of your team, we work with you to deliver one-of-a-kind solutions for improving best practices in your entire organization. You can expect to work with our partners and managers to resolve issues ranging from operational effectiveness to long term planning and workflow.

AEMFS is a division of Abdo, Eick & Meyers, LLP (the Firm). Overall the Firm has a professional staff of more than 160 in its Edina and Mankato offices. AEMFS specializes in the governmental industry. The following summarizes the type of services we provide.

Governmental Client Services

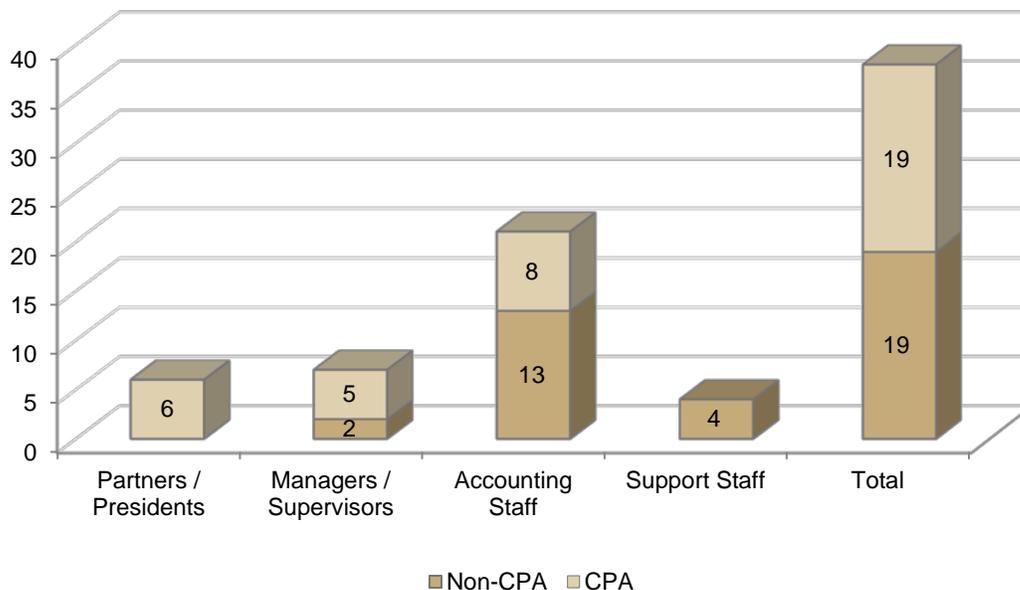
Our governmental client base is composed of cities, municipalities and other public entities. They are as follows:

- Finance director services for approximately 18 cities.
 - 3 municipal clients receive the GFOA's certificate of achievement for excellence in financial reporting
- Process evaluation studies and recommendations
- Operational effectiveness
- Work flow implementation
- Request for proposal development
- Project feasibility analysis
- Rate studies, long term strategic planning and capital improvement planning
- Budget development and analysis

Personnel

AEMFS has a tremendous level of expertise and experience in providing Governmental services. Detailed biographies can be found in Appendix A. This detail will demonstrate that when combined, we have over 55 years of providing solutions to governmental entities along with over 25 years of private sector experience.

Our substantial governmental client base and commitment of staff to governmental services has provided our firm with the competence to serve your professionally and efficiently.



AGREEMENT FOR FINANCIAL SERVICES

THIS AGREEMENT, is made and entered into on July 18, 2018 by and between the City of Elko New Market, Minnesota (hereinafter referred to as the "City"), and AEM Financial Solutions LLC (hereinafter referred to as the "Contractor").

Articles of Agreement & Recitals

WHEREAS, the City is authorized and empowered to secure from time to time certain professional services through contracts with qualified consultants; and

WHEREAS, the Contractor understands and agrees that:

1. The Contractor will act as an Independent Contractor in the performance of all duties under this Agreement. Accordingly, the Contractor shall be responsible for payment of all taxes, including federal, state and local taxes and professional/business license fees arising out of the Contractor's activities;
2. The Contractor shall have no authority to bind the City for the performance of any services or to obligate the City. The Contractor is not an agent, servant, or employee of the City and shall not make any such representations or hold himself/herself out as such;
3. The Contractor shall be the exclusive outsourced accounting service provider for the City during the term of this Agreement;
4. The Contractor shall perform all professional services in a competent and professional manner, acting in the best interests of the City at all times.
5. The Contractor shall not accrue any continuing contract rights for the services performed under this contract.

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, it is agreed as follows:

ARTICLE I

INCORPORATION OF RECITALS

The recitals and agreement set forth above are hereby incorporated into this Agreement.

ARTICLE II

LIABILITY INSURANCE

Section 1 Liability Insurance: The Contractor shall obtain professional liability insurance, at their expense with liability insurance coverage minimums in the amount of \$2,000,000, which Contractor must secure and maintain during the term of this Agreement. Contractor will provide City with proof of liability insurance coverage under this Agreement in writing upon request by the City.

AGREEMENT FOR FINANCIAL SERVICES - CONTINUED

ARTICLE III

DURATION OF THE AGREEMENT

Section 1 Duration: This Agreement shall commence upon date of execution by all parties and will remain in effect until October 1, 2018 unless earlier terminated as provided in Sections 2 and 3.

Section 2 City's Termination Rights: City may terminate this Agreement upon ten (10) days written notice in the event the City determines in its sole discretion that it is not in the City's best interest to continue using Contractor's services. The City may terminate on ten (10) days written notice of the Contractor fails to perform its obligations under this Agreement.

Section 3 Contractor's Termination Rights: Contractor may terminate this Agreement upon ten (10) days written notice to City in the event City does not pay Contractor compensation as required under Article 5, Section 9 within fifteen (15) days after invoice is received by City. In the event of non-payment within thirty (30) days, Contractor shall give City an opportunity to cure the default by giving a notice of such non-payment and an additional five (5) days after the City's receipt of the notice to remit such payment, prior to giving a notice of termination. Contractor can also terminate the Agreement with thirty (30) days written notice if the Contractor believes it is in its best interests to terminate the Agreement.

ARTICLE IV

RENEWAL OF THE AGREEMENT

Section 1 Renewal Period: Not less than ten (10) days prior to the expiration of this Agreement, the City may provide written notice of intent to renew this Agreement for an additional term of up to one year upon terms and conditions agreed upon by both parties to the Agreement. If no such renewal agreement is executed by the parties, the Agreement terminates without further action of either party on October 1, 2018.

ARTICLE V

GENERAL

Section 1 Authorized City Agent: The City's authorized agent for the purpose of administration of this Agreement is the City Administrator. Said agent shall have final authority for approval and acceptance of the Contractor's services performed under this Agreement and shall further have responsibility for administration of the terms and conditions of this Agreement. All notices under this Agreement shall be sent to the person and address indicated below on the signature lines.

Section 2 Amendments: No amendments or variations of the terms and conditions of this Agreement shall be valid unless in writing and signed by the parties.

Section 3 Assignability: The Contractor's rights and obligations under this Agreement are not assignable or transferable.

Section 4 Data: Any data or materials, including, but not limited to, reports, studies, photographs, negatives, or any and all other documents prepared by the Contractor or its outside consultants in the performance of the Contractor's obligations under this Agreement shall be the exclusive property of the City, and any such data and materials shall be remitted to the City by the Contractor upon completion, expiration, or termination of this Agreement. Further, any such data and materials shall be treated and maintained by the Contractor and its outside consultants in accordance with applicable federal, state and local. Further, Contractor will have access to data collected or maintained by the City to the extent necessary to perform Contractor's obligations under this Agreement. Contractor agrees to maintain all data obtained from the City in the same manner as the City is required under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 or other applicable law (hereinafter referred to as the "Act"). Contractor will not release or disclose the contents of data classified as not public to any person except at the written direction of the City. Upon receipt of a request to obtain and/or review data as defined in the Act, Contractor will immediately notify the City. The City shall provide written direction to Contractor regarding the request within a reasonable time, not to exceed fifteen (15) days. The City agrees to indemnify, hold harmless and defend Contractor for any liability, expense, cost, damages, claim, and action, including attorneys' fees, arising out of or related to Contractor's complying with the City's direction. Subject to the aforementioned, Contractor agrees to defend and indemnify the City from any claim, liability, damage or loss asserted against the City as a result of Contractor's failure to comply with the requirements of the Act. Upon termination and/or completion of this Agreement, Contractor agrees to return all data to the City, as requested by the City.

AGREEMENT FOR FINANCIAL SERVICES - CONTINUED

ARTICLE V - CONTINUED

GENERAL - CONTINUED

Section 5 Entire Agreement: This Agreement is the entire agreement between the City and the Contractor and it supersedes all prior written or oral agreements. There are no other covenants, promises, undertakings, or understandings outside of this Agreement other than those specifically set forth. Any term, condition, prior course of dealing, course of performance, usage of trade, understanding, or agreement purporting to modify, vary, supplement, or explain any provision of this Agreement is null and void and of no effect unless in writing and signed by representatives of both parties authorized to amend this Agreement.

Section 6 Severability: All terms and covenants contained in this Agreement are severable. In the event any provision of this Agreement shall be held invalid by any court of competent jurisdiction, this Agreement shall be interpreted as if such invalid terms or covenants were not contained herein and such holding shall not invalidate or render unenforceable any other provision hereof.

Section 7 Contractor Fiscal Decision Waiver: Contractor is responsible for providing the City with timely and accurate financial recommendations and information that allows City Council the ability to make final financial decisions. Contractor will provide final financial recommendations, but is not responsible for the final decisions made regarding financial matters.

Section 8 City Employment of Contractors Employees; Should the City desire to employ the Contractors employee that is assigned to the City during the term of this Agreement, it must have the written consent of the Contractor to enter into a City employee contract with the Contractors employee. Should the Contractor agree to such arrangement, the agreement will include a payment equal to 50% of the annual contracted cost, in addition to the annual contracted cost already paid to the Contractor. This restriction on employment applies only during the term of this agreement.

Section 9 Compensation: The parties agree that the Contractor shall be paid compensation for the services provided hereunder, payable for work performed in accordance with this Agreement, based on the fees indicated in Table 1 and under the attached scope of services. Additional fees will not be incurred without prior approval of the City.

Table 1

<u>Services Period</u> (July 23, 2018 – October 1, 2018) *	<u>Hourly Rate</u>
Client Services Accountant	\$ 145

*Travel time invoiced at ½ the hourly rate and mileage at the standard IRS rate.

We anticipate spending one day per week in Elko New Market. If additional time is needed or requested, the City Administrator will need to provide prior approval.

An invoice will be sent at the beginning of the month for the previous months' time.

Section 10 Additional Services: Should the City request additional services in addition to the Contracted Services, the Contractor will provide the City with proposed fees for the services to be provided. The City shall provide a written or electronic confirmation prior to the proposed services implementation.

Section 11 Outside Contractors: It shall be the responsibility of Contractor to compensate any other outside consultants retained or hired by Contractor to fulfill their obligations under this Agreement and shall be responsible for their work and Contractor, by using outside contractors, shall not be relieved of its obligations under this Agreement.

SCOPE OF SERVICES

Contract Task	City Responsibility	Planned Time Frame
1. Cash and Investment monitoring Reconcile cash and investments		Monthly
2. Monthly		
Process accounts payable invoices	Provide coding as appropriate	Weekly
Process accounts receivable	Provide coding as appropriate	Weekly
3. Miscellaneous Tasks		
Monitor compliance for assigned activities		On-going
Maintain office hours at 8 a week or as arranged in advance with the City Administrator.		On-going

SIMILAR ENGAGEMENTS WITH OTHER GOVERNMENTAL ENTITIES

We have long-term relationships with many cities in Minnesota and have provided a sample of references of those we serve as their Finance Director. Additional references are available upon request.

City of New Hope

Kirk McDonald | 763.531.5112
Engagement Partner – Jean McGann

City of Forest Lake

Dan Udem | 651.209.9727
Engagement Partner - Jean McGann

City of Le Sueur

Jasper Kruggel | 507.665.6401
Engagement Partner - Jean McGann

City of Oak Grove

Loren Wickham | 763.404.7075
Engagement Partner - Jean McGann

City of Crystal

Anne Norris | 763.531.1140
Engagement Partner - Jean McGann

AGREEMENT FOR THE PROVISION OF PROFESSIONAL SERVICES

CITY OF ELKO NEW MARKET, MINNESOTA

WHEREFORE, this Agreement was entered into on the date set forth below and the undersigned, by execution hereof, represent that they are authorized to enter into this Agreement on behalf of the respective parties and state that this Agreement has been read by them and that the undersigned understand and fully agree to each, all and every provision hereof, and hereby, acknowledge receipt of a copy hereof.

City of Elko New Market
601 Main Street
Elko New Market, Minnesota 55054

Name _____

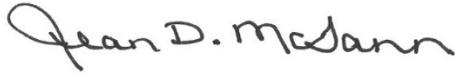
Title _____

Name _____

Title _____

Date _____

AEM Financial Solutions, LLC
5201 Eden Ave. Suite 250
Edina, Minnesota 55436



Name _____

Title _____ President and Partner

Date _____ July 18, 2018

Appendix A



Jean McGann, CPA

Mrs. McGann joined the Firm in 2013. She is licensed to practice as a CPA in Minnesota. Jean leads the Financial Solutions group providing financial management services, day-to-day accounting and customized solutions for local governments, businesses, nonprofit agencies and professional service firms.

When she's not contributing her time or expertise, Jean can be found spending time with family and friends, biking and reading. She resides in the Twin Cities with her husband and their children.

Partner, Abdo, Eick & Meyers, LLP

President, AEM Financial Solutions, LLC

Direct line 952.715.3059
jean.mcgann@aemfs.com

Qualifications

- 19 years of experience in finance and auditing
- Over 7 years of experience in operations management
- Highly skilled in strategic planning and financial forecasting
- Experienced in identifying and implementing cost containment processes, efficiencies and streamlining processes
- Policy development, internal control evaluation and project management experience
- MSRB Municipal Advisor Qualified Representative (Series 50)
- Mentor for the Business Program at the Minnesota Center for Advanced Professional Studies (MNCAPS)

Professional Memberships

- American Institute of Certified Public Accountants (AICPA)
- Minnesota Society of Certified Public Accountants
- Minnesota Government Finance Officers Association
- Government Finance Officers Association of the United States and Canada

Education

- Bachelor of Arts, Buena Vista University, Storm Lake, Iowa
- Continuing professional education as required by AICPA and Government Accountability Office



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People
+ Process
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Numbers



Yassine El Medkouri

Yassine El Medkouri joined the firm in October as an Accounting Specialist after completing his B.A. in Business Management from HECGI, with an additional educational focus on accounting from the University Quebec. Yassine has experience working as a financial analyst and accountant with a strong business background. He has professional experience developing Microsoft Office and SharePoint solutions. His background also includes experience using QuickBooks to significantly improve bookkeeping, operations and collections.

When not working, Yassine enjoys Biking, Boxing, Fishing.

Client Services Accountant

Direct line 952.715.3066

yassine.elmedkouri@aemfinancialsolutions.com

Qualifications

- 3 years of experience working with non-profits, and private businesses in finance/accounting as a bookkeeper, billing specialist and accounting specialist

Education

- Bachelor of Science in Business Management from HECGI
 - Additional educational focus on Accounting from the University Quebec.
- Continuing professional education



STAFF MEMORANDUM

SUBJECT:	Accept Councilmember Resignation and Declare Vacancy on City Council
MEETING DATE:	July 26, 2018
PREPARED BY:	Mark Nagel, Assistant City Administrator Sandra Green, City Clerk
REQUESTED ACTION:	Adopt Resolution 18-42 Accepting Councilmember Resignation and Declaring Vacancy on City Council

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 July 12, 2018, Councilmember Patricia Timmons submitted her resignation from the City Council due to relocation. With the resignation of Councilmember Timmons, effective July 31, 2018 a vacancy has been created on the City Council. Council is being asked to adopt Resolution 18-42 Accepting Councilmember Resignation and Declaring Vacancy on City Council.

With more than half of the term remaining for the position, the City must hold a special election to fill the vacancy for the remainder of the term. The seat will be placed on the general election this November. While State law requires the City Council to fill a vacancy until the special election by appointment of a qualified individual until the special election, the City Council may determine that the time period in which to advertise and interview candidates and make an appointment for the vacancy is insufficient given the short period of time remaining prior to the special election.

ACTION(S) REQUESTED:

Provide direction on actions to facilitate filing the vacancy on the Council in January.

BUDGET IMPACT:

None

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

Attachment:

- Resolution 18-42 Accepting Councilmember Resignation and Declaring a Vacancy on the City Council

CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA

RESOLUTION NO. 18-42

**RESOLUTION ACCEPTING COUNCILMEMBER RESIGNATION AND DECLARING
VACANCY ON CITY COUNCIL**

WHEREAS, Councilmember Patricia Timmons submitted her resignation from the City Council, effective July 31, 2018;

WHEREAS, a vacancy on the City Council exists as a result of the resignation of Councilmember Timmons;

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

1. Councilmember Timmon's resignation from the City Council is accepted, effective July 31, 2018;
2. A vacancy is declared to exist on the City Council created by the resignation of Councilmember Timmons, effective July 31, 2018;

APPROVED AND ADOPTED this 26th day of July, 2018 by the City Council of the City of Elko New Market.

CITY OF NEW ELKO MARKET

BY: _____
Robert Crawford, Mayor

ATTEST:

Sandra Green, City Clerk



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MEMORANDUM

Date: July 26, 2018
To: Mayor Crawford and the Elko New Market City Council
Tom Terry, City Administrator
From: Rich Revering, PE – City Engineer
Subject: Traffic Operations Change Request Policy
Elko New Market
Project No.: T15.100719

BACKGROUND

The City Council is being asked to the adopt the attached policy related to traffic operations change requests for the City of Elko New Market.

DISCUSSION

From time to time staff and/or councilmembers receive requests from the public for changes to traffic operations or control devices. These requests typically relate to crosswalks, STOP signs, speed complaints, or warning signs. It has long been the practice of the City to treat these requests or complaints seriously and to only make changes consistent with increasing safety and in conformance with accepted traffic engineering guidelines. The proposed policy would continue that practice.

The intent of this policy is to formalize and make more efficient the review of requests or complaints by setting forth some basic criteria for changing or not changing controls. The hope is to reduce involvement of the City Engineer's office except for the more complex requests or portions thereof. It is intended this policy will promote consistency in the processing of requests or complaints and continued uniformity of traffic control decisions in the city.

The City Engineer will provide a brief presentation on the policy and its supporting parts and field questions during the meeting.

RECOMMENDATION

It is recommended the council discuss to the point of full understanding, then approve the attached policy for Traffic Operations Change Requests.

End of Memo

Policy for the Review of Requests Related to Traffic Operations

City of Elko New Market

Introduction and Overview

It shall be the policy of the City of Elko New Market to receive and review all traffic operations change requests from the public. The City's policy shall be to support only citizen or staff requests for traffic operations practices with characteristics supportive of safety as described below. Requests for practices not supportive of or unproven related to safety shall be denied unless recommended by a licensed professional traffic operations engineer that has evaluated the practice at the request of and on behalf of the City. Changes to traffic operations practices requested for appearance, aesthetics, branding, or other non-safety related reasons shall be denied.

The purpose of this policy is solely to promote safety by implementing practices proven to result in measurably safer right of way user behavior with no need for increased enforcement to make the practice effective. The City often receives requests to implement measures that may be inappropriate for the perceived or actual problem. Implementing improper practices can result in no measurable positive change in user behaviors related to safety – and can result in negative changes in user behaviors. Inappropriate practices often lead to requests for increased enforcement to make them effective. Then, when enforcement fails to satisfy, requests for even more practices often follow.

For purposes of this policy, "traffic" means all persons using or occupying the City's rights of way, whether they be in an automobile, on foot, or using another conveyance. "Motorist" means persons traveling in or on a motorized vehicle capable of travelling at speeds compatible with other motorized vehicles on a given roadway. "Pedestrian" means a person on foot, using a motorized or non-motorized wheelchair or scooter, or pushing a bicycle or stroller or other user only generally capable of travelling at walking speeds. Users on bicycles are expected to obey laws pertaining to motorized vehicles when using City rights of way, and to defer to pedestrians when using City-owned shared use paths. "Practical responsibility" means taking responsibility in a practical way, even if not required legally or a different user is legally responsible. "Standard Practice" for this policy means practices as provided for in the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD).

All requests related to the rights of way of other jurisdictions such as Scott County, the State of Minnesota, or New Market Township, shall not be acted upon by the City other than to refer the petitioner to the correct jurisdiction. In certain cases as deemed prudent by the Council, the City may bring the petitioner's request or suggestion to the attention of the appropriate jurisdiction and advocate for or against its implementation by that jurisdiction as the City determines is in its best interest.

The following table is provided to illustrate the difference between practices that support safety versus those not proven to do so:

Characteristics of Practices Supportive of Safety	Characteristics of Practices Not (or Not Proven) Supportive of Safety
Address a safety issue that in the professional opinion of the Police Chief, Public Works Superintendent, and City Engineer meets warrants for specific practices based on measurable and/or observable data.	Are requested for reasons other than safety. Attempt to address issues that do not meet warrants for specific practices based on measurable or observable data.
Seek to alter behavior related to safety through geometry and/or visual cues that lead users to naturally respond to the changed condition AND do not rely on intentional compliance or additional enforcement to be effective. Recognize that signs, pavement markings, and lights provide information to users, but cannot control user behavior.	Attempt to change behavior through regulatory or warning practices that rely on willful compliance and/or enforcement. Assume all users will comply with regulatory practices and observe warning practices. These practices can actually endanger other users because of the potential for unpredictable non-compliance.
Reduce conflict points, minimize exposure time to conflict, reduce the number of potential conflicts, increase visibility between users, and/or provide refuge locations when extended conflict times are unavoidable.	Fail to proactively consider potential conflicts and thus often lead to requests for additional practices to mitigate the conflicts.
Recognize that the safest condition results when all users assume practical responsibility for safety, and thus are intended to promote or maintain vigilance by all users.	Attempt to transfer responsibility for safety to one user over another, relieving the user of practical responsibility for their own safety and potentially leading to complacency or even carelessness in other users.
Promote more consistent compliance and instinctive user recognition by conforming to standard practice.	Vary from standard practice or involve the application of standard practices in a manner contrary to the MMUTCD. This can lead to user confusion and/or increase non-compliance.
Educate users about safety practices at times and venues/mediums supportive of effective learning	Attempt to educate users within the rights of way and in real time. This can distract, rather than inform, and thus decrease safety.

General Policies

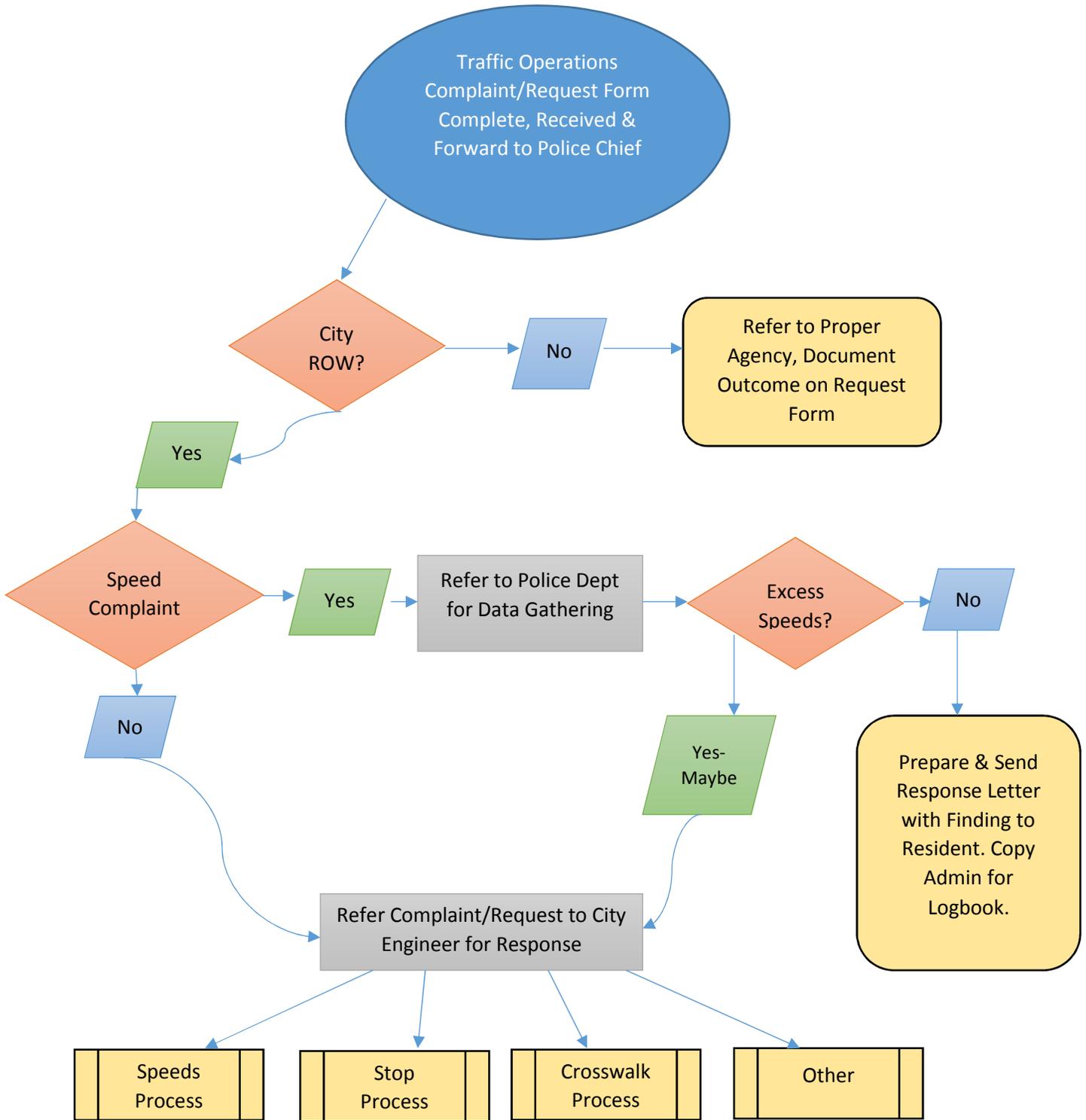
It shall be the policy of the City that all signs, pavement markings, or other traffic operations devices in its rights of way be installed by the City's Public Works Department or a contracted vendor after recommendation by the City Engineer and approval by the City Council and that such items installed by residents or others are prohibited and subject to immediate removal by City forces.

It shall be the policy of the City that it will not install or permit to be installed in its rights of way sign that is not provided for in the Minnesota Manual of Uniform Traffic Control Devices (the Manual). It shall be the policy of the City to install or permit to be installed only those warning signs provided for in the Manual and that these signs shall be used only when recommended by the City Engineer and only in accordance with guidance provided in the Manual. Traffic operations change requests not meeting this policy shall be denied; however, the request will be reviewed to determine if an underlying problem exists and whether it should be addressed in a different manner.

It shall be the policy of the City to set no speed limit that does not conform to Minnesota Statutes 169.14 or limits set by the Commissioner of the Minnesota Department of Transportation for non-statutory zones. No limit shall be set below 30 mph hour in zones where a lower limit may be permitted by Statute. Experience in other jurisdictions that have lower limits is that driver behavior does not change accordingly. The concern based on this is that enforcement requests will increase and limited resources will be expended for no observable benefit.

It shall further be the policy of the City of Elko New Market that the following procedures for reviewing requests for traffic operations changes be used by the City Engineer, Police Chief and/or Public Works Superintendent as applicable to the request.

TRAFFIC OPERATION CHANGE REQUEST FLOWCHART





TRAFFIC OPERATION CHANGE/COMPLAINT/REQUEST INTAKE

Date: _____

Requestor Name: _____

Requestor Address: _____

Requestor Email: _____

General Nature of Request:

Location of reported problem: _____

Specific Questions - Does the request involve:

- Excess Speed?
- Sight Distance Problems?
- STOP Sign Compliance Problems?
- Failure to Stop for Pedestrians Crossing Problems?
- Parking Issues? Describe: _____
- Request for Striping? What kind: _____
- Roadway, Signage, or Markings Condition Problems? Describe: _____
- Request for More Signage? What kind: _____
- Request for Other Traffic Control? What kind: _____

Completed by: _____

Forwarded to Police Chief

Crosswalks

General Information

Minnesota State Statute 169.21 provides details regarding the state law on crosswalks. ⁽¹⁾

Crosswalks are painted to advise pedestrians where to cross the roadway. ⁽²⁾

Crosswalk signing is implemented to bring attention to drivers in areas with a likelihood of a pedestrian crossing. ⁽²⁾

Often crosswalks are used in conjunction with other measures (slower speed roadway design, short crossing distances, lighting, enhanced crosswalk signs) to enhance safety for pedestrians.

Effectiveness

Volumes: Crosswalks generally do not result in a net reduction of traffic. ⁽⁶⁾

Speeds: Crosswalks generally do not result in a net reduction of speeds. ⁽⁶⁾

Safety: Crosswalk markings alone typically do not result in a decrease of crashes, and, if done in a high risk area, (high volume, more than three lanes) can actually result in higher crash rates. The cause of this increase is not fully known, but is believed to be because the markings send pedestrians a message that drivers will stop for them, when, of course, many do not. ⁽²⁾

When installed with additional safety measures, crosswalks are effective at improving safety because pedestrians are more likely to cross where they are expected by motorists. ⁽²⁾

Evaluation

Schedule a site inspection to review the issue with the citizen.

Perform crosswalk data collection. Identify how many crossings and compliance rate of vehicles at the requested location. If there are 20 pedestrian crossings in any one-hour period or more, consideration should be given for installing a crosswalk. ⁽³⁾

If the current crosswalk exists, determine compliance rate to identify if further enhancements may be necessary.

Things to Be Aware Of

Crosswalks should not be installed on high volume and/or four-lane roadways with a dual threat possibility without additional safety measures. This leads to unexpected drive behavior where one driver stops and another does not, resulting in a pedestrian crash. ⁽²⁾

Mid-block crosswalks are discouraged

Consider the proximity to other crosswalks before installing a new one.

Crosswalk markings require frequent maintenance.

Appropriate Additional Responses

Sight lines may be an issue. Selective no parking or reconfiguring the pedestrian ramp area and crosswalk alignment may improve visibility between motorist and pedestrian.

If motorist compliance is an issue, enforcement from local police may be necessary.

Plastic bollards to reduce roadway width and crossing distance may bring more attention to pedestrians in the crosswalk.

Temporary installation of crosswalk measures may test options to determine if they are effective before permanent installation.

RESOURCES/FOOTNOTES

1. [Minnesota State Statute](#)
2. [Minnesota Best Practices for Pedestrian/ Bicycle Safety](#) – Pages 3-8 include information regarding safety and a flow chart to determine best practices. Additionally, a table is included to determine when crosswalks are to be installed along certain roadway types.
3. [Pedestrian Crossings: Uncontrolled Locations](#) – Provides a flowchart for best practices and provides effectiveness for specific uncontrolled crossing treatments.
4. [Minnesota Guidance for Installation of Pedestrian Crosswalks on Minnesota State Highways](#)
5. [Safe Routes to School](#)
6. [Blaine Traffic Management Plan](#) – Page 21

Speed Limits

General Information

Speed limits are set by state statutes (169.14) and all agencies must follow the state statute.⁽¹⁾

Decisions on changing speeds are based on speed studies that require the state DOT commissioner's approval. Be sure to take the time to read and understand the statute, as there are other variations to speed limits included.^{(1) (8)}

In Minnesota, the statutory speed in an urban district is generally 30 mph. (169.14) ⁽¹⁾

Speeding complaints may be a result of drivers using a road as a cut through, with speed limits not being the issue. Further investigation would be important to determine if diverters, traffic circles, or enforcement is necessary.

Effectiveness

Volumes: Speed limit changes generally do not result in a net reduction of traffic. ^{(2) (9)}

Speeds: "Changing the speed limit" is unlikely to reduce speeds as motorists drive roadways at a speed they are comfortable with. Drivers select their safe speed based on their perception of actual roadway conditions (i.e. road width, pedestrian presence, parked vehicles, obstructions, and other factors). ^(3 & 12)

Safety: Actual crash data shows that crash rates do not decrease with a speed decrease. If there is an actual speeding issue, lowered speeds could result in safer streets.

High levels of enforcement, when present, may result in more vehicles driving the speed limit if an actual speeding issue is occurring.

Increased on-street parking can be an effective way to reduce speeds in residential areas.

Evaluation

Schedule a site inspection to review the issue with the citizen.

Review crash history, roadway geometry, and land use within the area.

Perform speed data collection via road tubes or radar detection (i.e. speed trailer/board) to determine what the speeds are. Identify the, average speed, 85th percentile speed, and 10 mph pace.

Reasons to Change Posted Limits

If the collected speed information indicates drivers are driving the roadway at a different speed than the established limit, a speed limit change can be submitted to the Commissioner's office for review. Note, this sometimes results in a speed increase rather than decrease.

Things to Be Aware Of

Speed related complaints are typically identified by someone's perception of a vehicle speeding, not an actual speed issue.

Speeding issues where the request is to install speed table/speed humps are larger scale issues involving much more time and money to evaluate. Also, speeds tend to only be affected near the humps, not necessarily in between.

A change in speed limits likely have a low effectiveness at solving the identified concern.

Speed limits within neighborhoods are likely already at the minimum based on state law and city policy.

Often citizens request for a sign to be installed in residential areas that reflects the unposted statutory speed limit. However, posting speed limits advertises that a given speed is acceptable even though it is desired that drivers drive slower.

Roadway narrowing to reduce speeds can be effective, but can be an expensive measure. ⁽¹²⁾

Often the speed offenders are people that live in the neighborhood. ⁽¹²⁾

Appropriate Additional Responses

Meet with the citizen and identify vehicle speeds using a radar gun to determine if it is only a perception, not an issue.

Encourage the citizen to talk with their neighbors in person, as they are typically the offenders. ⁽¹²⁾ Use a community event such as “Night to Unite” to have the discussion. Avoid using social media.

If speed is the key issue, install a temporary speed trailer to monitor traffic speeds, speed trailers can bring attention to drivers that their speeds are too high.

Citizens can help their cause by parking on street (can help reduce speeds)

Increase compliance patrols with the police department.

RESOURCES/FOOTNOTES

1. [Minnesota State Statute](#)
2. [Manual on Uniform Traffic Control Devices – Section 2B](#)
3. [Minnesota’s Best Practices for Traffic Sign Maintenance/Management Handbook – Page F-3, AP -9](#)
4. [FHWA Methods and Practices for Setting Speed Limits – Page 9](#)
5. [FHWA Engineering Speed Limits](#)
6. [USLIMITS2 – FHWA Tool to Determine Speed Limits](#)
7. [FHWA Speed Management Reference](#)
8. [MnDOT Speed Brochure](#)
9. [Blaine Traffic Management Plan – Page 8](#)
10. NCITE Neighborhood Traffic Control Handbook Page 13-1
11. WSDOT Traffic Management Guide Page 29
12. [Multi-way Stops -The Research Shows the MMUTCD is Correct!](#)

STOP Signs

This section is identified for STOP signs, but the guidance may also apply to a yield sign.

General Information

- STOP signs are intended to assign right-of-way for drivers and are not speed control devices. ⁽¹⁾
- Increasing the number of STOP signs does not necessarily reduce crashes. ⁽⁴⁾
- Improperly applied or installed STOP signs have poor compliance rates and may create driver confusion.
- Poor compliance rate could lead to further safety issues based on driver behavior and driver expectancy. ⁽¹⁰⁾
- STOP signs may be appropriate for gap or sight distance issues. ⁽¹⁰⁾

Effectiveness

Volumes: Depends on the makeup of traffic, number of STOP signs, and the available adjacent routes. STOP signs generally do not result in a net reduction of traffic.

Speeds: Unlikely to reduce speeds, and depending on the saturation of STOP signs, improperly installed signs can often lead to increases in speed between intersections to reduce lost time stopping at the STOP sign. ^(3 & 10)

Safety: If installed in a location that does not warrant a STOP sign or where motorists are likely to ignore the sign, the STOP sign can lead to an increase in crashes due to driver behavior. ^(3 & 10) If sight distance is poor due to a permanent installation blocking driver's line of sight, STOP signs can have a positive effect on safety. ⁽¹⁰⁾

Can add unnecessary delay to the roadway network.

Can lead to increased demands for enforcement if improperly placed.

Evaluation

Schedule a site inspection to determine if other factors are leading to the issue. (i.e. sight distance, lack of gaps, etc.)

If a lack of gaps is the issue, collect traffic data to determine if STOP signs are warranted.

Provide STOP/yield sign warrant analysis

Reasons to Install

The proposed STOP sign will alleviate an existing safety or congestion problem caused by uncertainty over rights of way.

The intersection traffic volumes meet stop control warrants and are determined to be necessary.

Things to Be Aware Of

If a STOP sign is installed, there will be an increase in acceleration and deceleration, potentially resulting in noise impacts to the surrounding citizens. ⁽³⁾

Due to likely low compliance, there could be an increase in crashes and/or pedestrian safety issues. Installing a STOP sign could create a false sense of security

Adding unnecessary and unwarranted STOP signs will likely have a low effectiveness at solving the perceived problem.

Additional STOP signs can make the intersection feel like it is busier

Additional Acceptable Responses

If speed is the actual issue that is prompting the STOP sign request, see the Speed Limits section for ideas on addressing speeding.

If sightlines are the issue, determine the cause. Things such as trimming bushes or moving a fence post may be effective.

Increase compliance patrols by the police department.

Install a yield sign, if warranted by the MMUTCD and is indicated based on the problem identified.

RESOURCES/FOOTNOTES

1. [Manual on Uniform Traffic Control Devices](#) – Section 2B - Provides warrant analysis for STOP signs.
2. Example procedures for responding to STOP sign requests:
3. [STOP Control Policy](#) (City of Lakeville)
4. [Traffic Safety Committee](#) (City of Edina)
5. [Street and Traffic Control Policy](#) (City of Moorhead)
6. [Minnesota's Best Practices for Traffic Sign Maintenance/Management Handbook](#) – Page F-4, AP-8
7. [Traffic Management Plan](#) (City of Blaine)
8. Response procedure summary (pages 3-7)
9. Table of STOP sign effectiveness broken by traffic concern (page 8)
10. Detailed summary on the effects, advantages/ disadvantages on STOP signs (page 17).
11. NCITE Neighborhood Traffic Control Handbook – Includes a list of traffic control techniques and their effects on traffic volume, speed, environmental issues and safety. (STOP signs on page 15-1)
12. [City of Minnetonka](#) - Provides language regarding the improper installation of STOP signs and why they are not a speed control device.
13. [Virginia DOT/TRB](#) - evaluated the effectiveness of AWSC for residential traffic management.
14. WSDOT Traffic Management Guide Page 28;
15. STOP, Yield, and No Control at Intersections
16. [Multi-way Stops -The Research Shows the MMUTCD is Correct!](#)

Warning signs

Examples:

- Children at Play
- Animal Crossing Warning
- Deaf/Blind/Autistic Person
- Playground
- Blind Driveway
- No Outlet/Dead End
- Trail Crossings

General Information/Effectiveness

Some of these signs are not in the MMUTCD because they have not been shown to be effective in changing driver behavior.

The message on the sign should be clear so the driver knows what to do when they see the sign, and so that response is consistent across all drivers. For example, "Slippery When Wet" leads most motorists to slow down when noticing the roadway is wet.

"Children at Play" and Deaf/Blind/Autistic Person types of signs should not be installed and are commonly being removed by agencies. These signs warn of hazards that are not always present, leading to complacency. They also warn of a hazard that may or may not be meaningfully different from any other pedestrian. Many drivers won't know what to do with vague information. "Children at Play" signs may send the unintended message that playing in the street is safe.

Animal crossing signs may provide the wrong impression that animals will only be crossing in that location.

If applied correctly, warning signs can be effective in improving safety. This is most notable for conditions drivers cannot readily detect or know about with no sign and when knowledge of those conditions would cause most motorists to change behavior.

Evaluation

Site visits should be completed to determine if sight distance is an issue when evaluating Blind Driveway and Trail Crossing sign requests.

Dead End/No Outlet locations can be reviewed on a case by case basis.

Things to Be Aware Of

Signs should be installed sparingly and in locations that provide a benefit all day, every day to ensure the correct message is being conveyed. These are typically Blind Driveway, Dead End/No Outlet, and Trail Crossing signs.

Signs that do not give a warning of continued, unexpected occurrences are discouraged.

The typical application of "No Outlet" signs is when motorists cannot see the end of the street when contemplating entering the street. "No Outlet" signs can be added as a small sign on top of a street name sign.



STAFF MEMORANDUM

SUBJECT: Monthly Police Activity – June 2018
MEETING DATE: July 26, 2018
PREPARED BY: Steve Mortenson, Chief of Police
REQUESTED ACTION: Info 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:

June 14 – Staff participated in Active Shooter Training at Eagle View Elementary. The purpose of the training was to train officer(s) response to an active shooter. ENMFD Firefighters assisted by being “role players” during scenarios. Officers from New Prague PD also participated in the training.

June 15 – Staff participated in 2nd round interviews for police officer. One candidate was selected to continue to the background investigation phase. Staff will update the city council on the hiring process.

June 16 – Officers Josh Gareis & John Machaby participated at Kid’s Night at Elko Speedway. Josh & John provided tours of the squad, visited with race spectators and handed out police stickers. See photographs.

June 17 – Officer John Machaby attended the Father’s Day Chicken Cookout at St. Nicholas Church. John visited with residents and provided tours of the squad to children.

June 23 – Staff participated in the many events for Fire Rescue Days.

June 28 – Officers Craig Bell & Melissa Wirtz attended Family Fun Night in the Park and presented a summer safety presentation to residents.

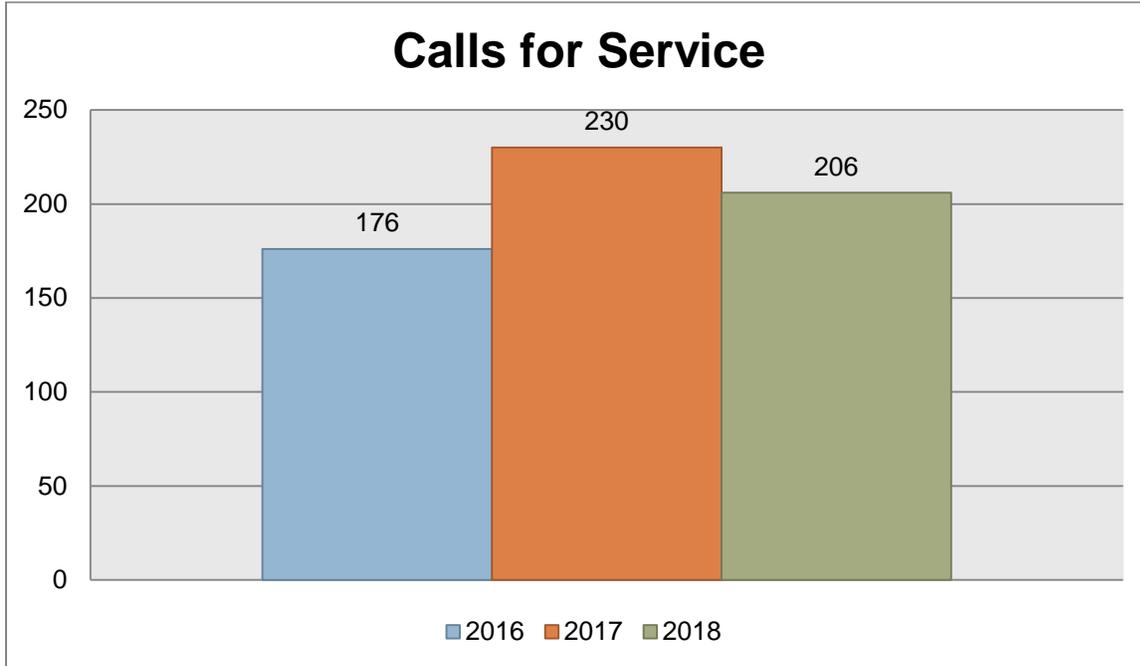
STATISTICAL INFORMATION – JUNE 2018

Types of calls officers responded to:

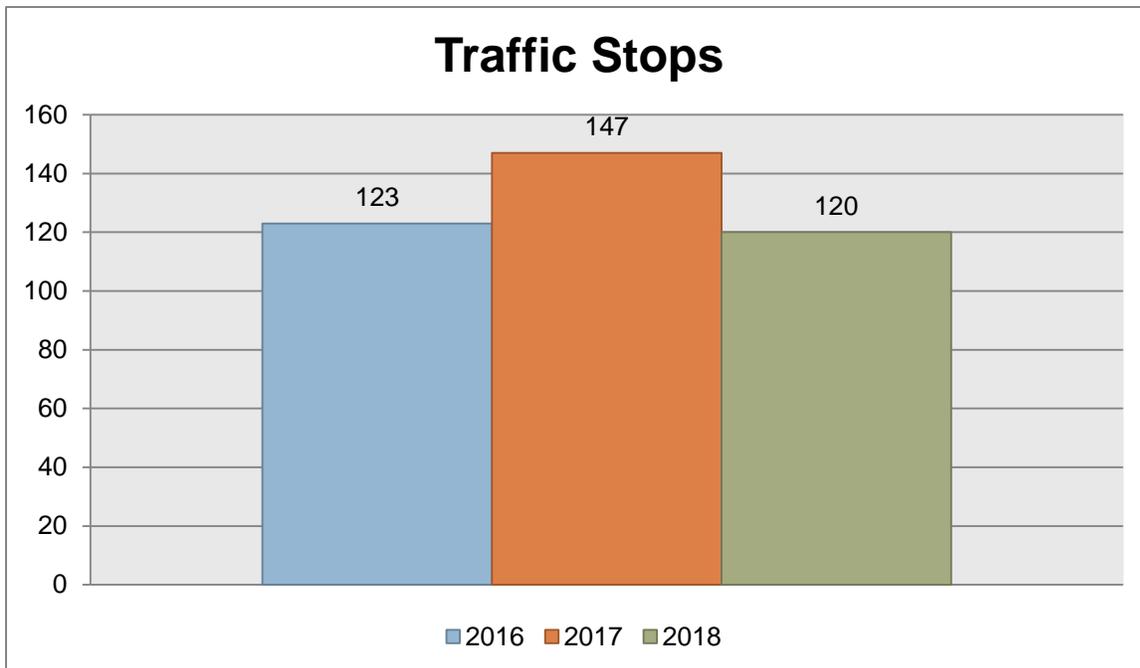
- 1 DWI Arrest – An adult male was arrested for Gross Misdemeanor DWI. His breath test was recorded at .30
- 1 Warrant Arrest (an adult male was arrested for a Dakota County Felony warrant. He was also charged and arrested for violation of an order for protection that he was violating at the time of the arrest.)
- 2 Mental Health (officers responded to mental health calls and in both cases placed the person on a 72 hour Health & Safety hold.)
- 5 Domestic (verbal only, no assault.)
- 2 Disturbances
- 9 Medicals
- 1 Fraud
- 3 Theft (2 from motor vehicle.)
- 2 Alarms (both fals.)
- 1 Vandalism
- 1 Noise complaints
- 1 Motor vehicle crash
- 1 Hit & Run motor vehicle crash
- 20 Suspicion (Includes: Suspicious activity, vehicles and people.)

A total of **2** people, both adult males were arrested and transported to the Scott County Jail in June.

Calls for Service:

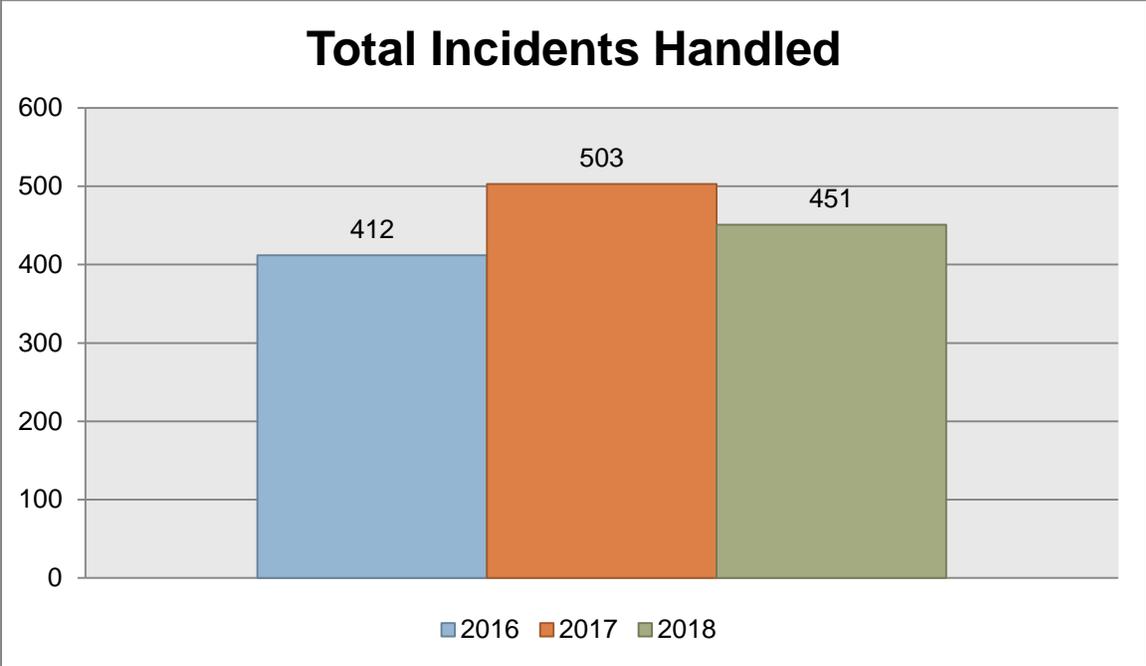


Total Traffic Stops:



120 traffic stops were conducted in June 2018. **93** warnings issued and **27** citations issued for speed, stop sign violation, no proof of insurance/no insurance, no seat belt use, and driving after revocation.

Total Incidents Handled:



PICTURES – JUNE 2018











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MEMORANDUM

Date: July 26, 2018
To: Mayor Crawford and the Elko New Market City Council
Tom Terry, City Administrator
From: Rich Revering, PE – City Engineer
Subject: Webster Wetland Restoration Project
Elko New Market
Project No.: T15.100717

BACKGROUND

The City Council is being asked to support the continued pursuit of grant funding for restoration of the wetland basin on city property located south of The Farm 3rd Subdivision adjacent to the easterly side of Webster Avenue.

DISCUSSION

Excerpts from a packet of materials submitted to the Vermillion River Watershed Joint Powers Organization (WRWJPO) in response to requests for project ideas for available water quality grant money are attached for council's use in understanding the proposed scope of work.

In addition to the benefits described in the submittal, staff is recommending continued pursuit because the decades-old tile line the city inherited with the Farm 3rd outlot dedication will eventually require replacement. Increased precipitation, described ad nauseum in prior communications to council, is causing the pipe to operate under pressure more frequently. This leads to "blowouts" – when water pushing out of the pipe joints up through the soil places stress on the pipe in its weakest direction, eventually causing cracks and breaks. The resulting holes tend to get larger and larger with repeated significant runoff events until a collapse of the soil occurs, potentially blocking the pipe and requiring repairs. Public Works staff is aware of numerous small blowout locations in the segment of the existing tile on city property.

A cost estimate for the proposed project is attached; however, no design has yet been prepared. We think a design to essentially replace the pipe adjacent to its existing alignment and provide only a performance-based specification can be done for 10% of the construction cost. The construction estimate includes a 10% contingency that would cover design if the contingency is not used. If the full contingency is required, the total project cost is \$80,622.30. Bidding would be by invitation to two or more known contractors. We're assuming for a straight-forward and shallow pipe installation in a permanent open area that full-time observation would not be justified, so no construction engineering is included. It would be performed by staff. If the work is done by a contractor, we would include a requirement that the line be mandrel tested to demonstrate it was placed with adequate side-support. The contractor would be required to provide his own grade control for a straight-line grade to match existing pipes.

The estimated city share of the project is \$7,329.30 without contingencies. Work in lieu of cash (such as plantings or pipe removal) would be an option for the city's share. BWSR has been advised that at this time,

Date: March 22nd, 2018

the City intends a cash contribution since PW availability can't be predicted so far ahead. There are currently sufficient moneys in the stormwater capital budget to fund this amount.

The project would be funded through the Minnesota Board of Water and Soil Resources as part of a program aimed at increasing water quality in lakes and streams through wetland restoration and other tactics. Staff has been advised the project is approvable and expects official notification and process information in late August of this year.

RECOMMENDATION

Recognize the city would have a 10 percent cost share as estimated above and endorse staff's continued effort in gaining grant funding for this project.

City of Elko New Market
Webster Wetland Restoration
April 26, 2018

The City of Elko New Market is proposing to restore a six acre, partially drained wetland that is located in the highest tributary reach of the Vermillion River. The wetland area to be restored is located in an outlot owned by the City, which was platted as part of a subdivision known as the The Farm 3rd Addition.

This wetland is listed as a farmed, Type 1 (PEMC/Ad) basin in the August, 2013 wetland report prepared for an earlier investigation into restoring this wetland. The overall wetland plant community is dominated by reed canary grass, with scattered curly dock, field penny cress, and cinquefoil. The Scott County Soil Survey indicates that the soils consist of Peat, surrounded by Webster-Glencoe silty clay loams, both of which are hydric soils. This wetland shows up on the National Wetland Inventory maps as a PEMC wetland.

There is a field tile that runs in a northwest direction that is installed through the middle of the wetland, running the entire length. This tile currently drains the wetland between rainfall events. This field tile also serves as a drain for a farmed wetland further upstream on private property. It is unknown whether secondary tile lines connect to this tile and further drain the wetland.

The City proposes to replace the field tile through this wetland with solid pipe (to maintain the upstream drainage) and construct an outlet structure to protect Webster/Zane Avenue from overtopping and provide a consistent normal water level. The restored water level would result in depths of 6 to 36 inches in the center of the wetland (deep marsh) and surface saturation to 6 inches deep at the edges (shallow marsh). The field has been used to raise alfalfa for decades, so emergent native wetland vegetation establishment below the resulting water level is proposed to be part of the design. The partially drained condition has allowed Reed Canary Grass to become dominant. This species will be drowned out by the restored hydrology. It is not proposed to attempt eradication or replacement of this species above the restored water level.

This project will result in increased water quality benefits to Whispering Creek and the Vermillion River. Using the P8 Urban Catchment Model, the predicted removal amounts for Total Suspended Sediment (TSS), Total Phosphorus (TP) and Total Kjeldahl Nitrogen (TKN) are as follows:

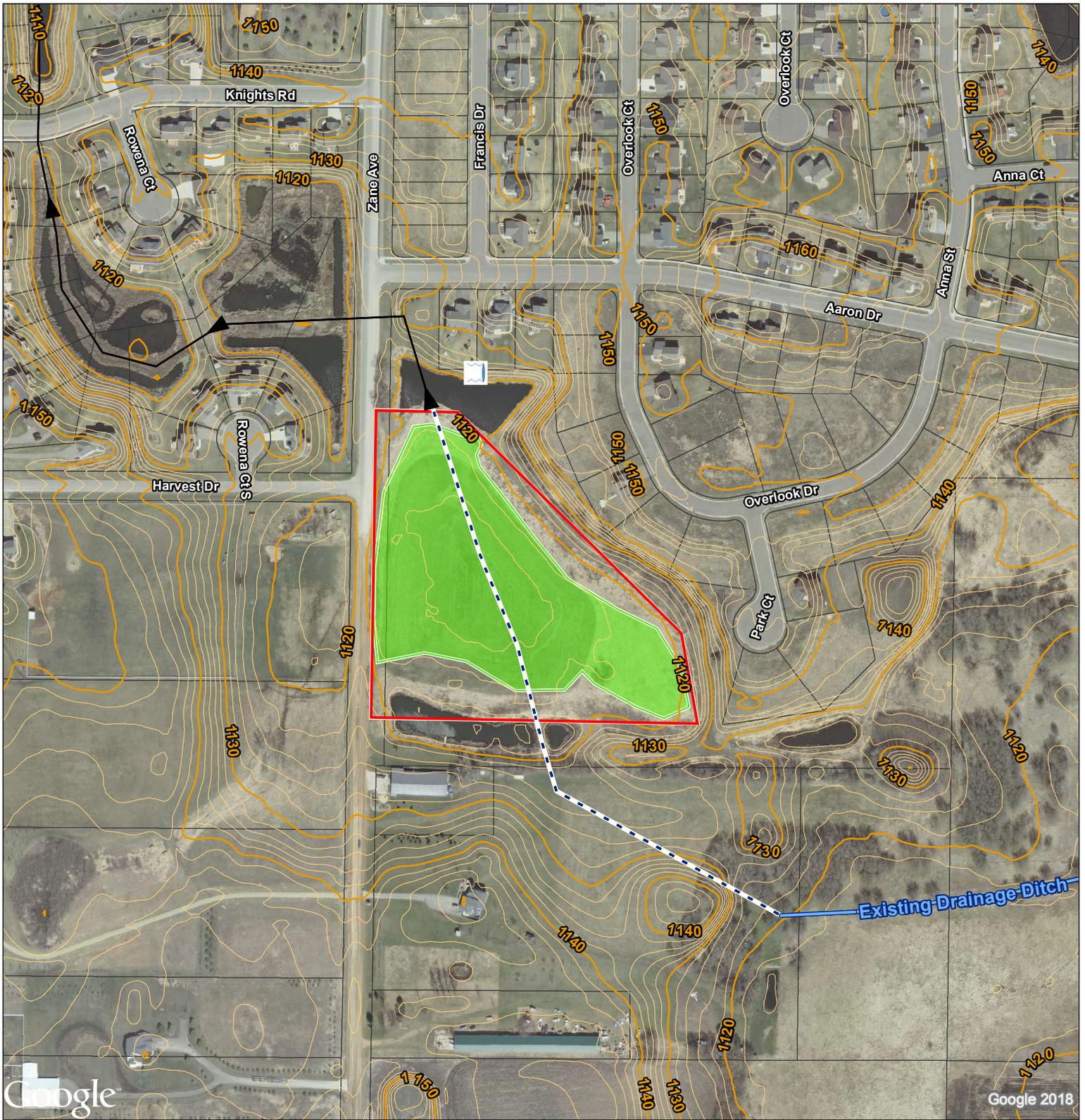
<u>Component</u>	<u>lbs/yr</u>
TSS	11,063 lbs/yr
TP	26.4 lbs/yr
TKN	110.4 lbs/yr

This project would offer benefits in addition to water quality improvements resulting from capture of sediments and nutrients. The restored emergent vegetation would improve wildlife

habitat, enhance open space in the growing community, and exemplify the potential for future, additional wetland restoration upstream.

Plat maps from before the turn of the 20th century depict a shallow lake titled “Vermillion Lake” in the drained and farmed wetland upstream of this project on the same tile line. As the community grows to encompass this area, restoration of the shallow lake is envisioned as the land would likely be unsuitable for development. The Webster wetland could be tied to this future shallow lake restoration via trails and greenways. This project would provide part of the future infrastructure needed for level and flood control of the future lake. Restoration of the shallow lake is not part of this project and is currently in no City Capital Improvement Plan.

The estimated project cost for the Webster Wetland Restoration is \$50,000 to \$100,000, depending upon the vegetation design.



Google

Google 2018



Real People. Real Solutions.

-  Existing Drainage Ditch
-  Existing Drainage Pipe (Clay)
-  Existing Drainage Pipe (Thermoplastic)
-  Culvert

-  Delineated Wetland
-  Parcel
-  Project Boundary
-  10' Elevation Contour
-  2' Elevation Contour

WEBSTER WETLAND RESTORATION

Existing Conditions Topographic Map



Source: Met Council Imagery, City of Elko New Market

April 2018

**WEBSTER WETLAND DRAINAGE IMPROVEMENT
CITY OF ELKO NEW MARKET, MN**

Engineer's Estimate

LINE	ITEM	APPROX. QUANT.	UNIT	UNIT PRICE	AMOUNT
1	MOBILIZATION	1	LUMP SUM	\$4,000.00	\$4,000.00
2	COMMON EXCAVATION	500	CY	\$8.00	\$4,000.00
3	48" DIA. OUTLET CONTROL STRUCTURE	1	EACH	\$10,000.00	\$10,000.00
4	OBSERVATION MANHOLE	1	EACH	\$2,800.00	\$2,800.00
5	15" HDPE	1000	LF	\$40.00	\$40,000.00
6	PERENNIAL PLANT PLUGS	5.30	AC	\$1,100.00	\$5,830.00
	SUBTOTAL =				\$66,630.00
	10% CONTIGENCY =				\$6,663.00
	TOTAL AMOUNT				<u><u>\$73,293.00</u></u>



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

MEMORANDUM

TO: CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE
FROM: RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST
SUBJECT: COMMUNITY DEVELOPMENT UPDATES
DATE: JULY 17, 2018

Background / History

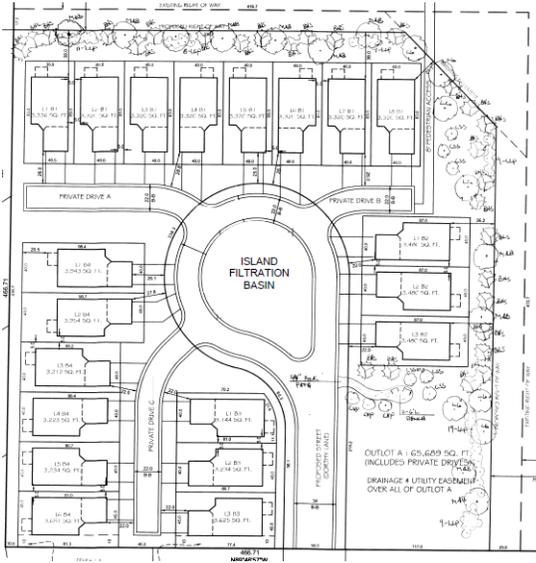
The purpose of this memo is to provide updates regarding miscellaneous projects and activities being worked on by Community Development staff. Below is a summary of projects that are currently being worked on, inquiries received, and miscellaneous information:

KL Group, LLC (Former Barsness Site) – Staff has met on multiple occasions with the property owners of this commercially zoned property to better understand the site, zoning regulations and access restrictions related to the site. Staff also met with the real estate broker who now has a listing agreement on the property.



Boulder Pointe 7th Addition The recently approved plat of Boulder Pointe 7th Addition, containing 11 single-family residential lots and 8 detached residential townhome lots has now been recorded with the Scott County recorder. The lots are now eligible for building permits. The owner / developer is Bjorn Vogen, RAV Holdings and the lots are located along Oxford Lane.





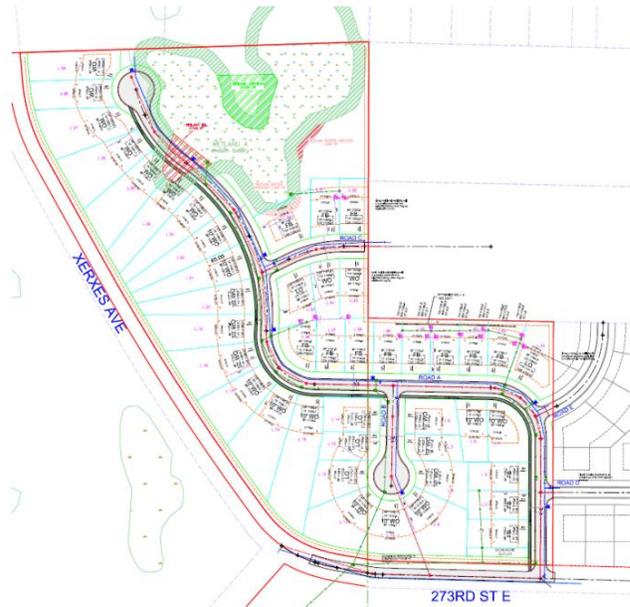
Christmas Pines – The City Council approved the application for final plat approval of Christmas Pines on April 26th. This is a residential detached townhome subdivision containing 20 lots. During the month of June the developer contacted City staff to inquire about additional measures to minimize project costs. The City’s Parks Commission has offered an alternative to the cash contribution requirement and the City has also agreed to assess some development fees to the lots rather than requiring up-front payments. The developer is currently evaluating the alternatives and has indicated their intention to finalize their decision by late July / early August. The owner / developer is Onsite Marketing. The plat and development contract need to be signed by the developer; the project has been fully approved by the City.

Komo Builders / Lanie Estates – Staff has been working with Kevin Komorouski of Komo Construction regarding the proposed residential development of ten acres on the west side of the City (diagram to right). On June 26th the City’s Park’s Commission and Planning Commission reviewed the concept development plan and made recommendations regarding the development to the City Council. The City Council will consider the matter pm July 26th and give staff final direction regarding the concept development plan and possible annexation.



Pheasant Hills – On July 12th City staff met with the property owner and a potential developer/contractor who are evaluating the feasibility of this potential residential development. The development had received PUD and preliminary plat approval prior to the recession but was never completed/constructed. The original construction plans from 2006 were reviewed and alternative methods to reduce construction costs were discussed. The owner and developer are continuing to evaluate the financial viability of the project.

Pete's Hill Park – On June 12, 2018 staff met with the real estate broker and a potential developer / contractor regarding this potential residential development. The property is located immediately south of Pete's Hill Park along the east side of Xerxes Trail. The current concept plan shows 46 potential single family residential lots. Staff has continued to correspond with the developer regarding possible timelines for annexation and development of the property since the time of the meeting. The project requires annexation of property from New Market Township.



Dakota Acres / City Owned Property – On June 14th the City Council approved a purchase agreement for the sale of a 3.1 acre City-owned property in Dakota Acres. The property can reasonably be used for medium or high density residential development. The buyer's intended use of the property is a 56-unit apartment development (three separate buildings). Below is a rendering of a proposed sixteen-unit building. The purchaser is currently in their due-diligence period and staff would expect a closing on the property in approximately September/October, 2018.



Dakota Acres / Syndicated Properties – On May 15th the City issued building permits to construct 13 townhome units in Dakota Acres. Construction is expected to take approximately four months. All units contain three bedrooms and are expected to be rental units.



Dakota Acres 1st Addition – On June 26th the City’s Planning Commission considered a request for rezoning and preliminary plat approval of Dakota Acres 1st Addition, a townhome development containing 28 units. The Planning Commission has recommended approval of the development to the City Council, who is expected to consider final approval of the development on August 9, 2018.



Elko New Market Retail Center - There are currently two vacant spaces within the retail center. The owner representative for the retail center has reported that he is currently negotiating leases with three potential tenants.



China City – The owner of China City has reported that they intend to open in approximately two weeks (early August).

Building Permits – The City issued permits for three single family homes in June, 2018.

Roundabout Project – The final report for the initial evaluation phase of the roundabout project was accepted by the City Council on July 12, 2018. The initial phase identified components to be included in the final engineering design of the project, which is currently scheduled for construction in 2020, pending final approval by the City Council. The City Council also authorized the next phase of engineering design for the project.



Industrial Lead – Ryan Companies is currently working on a large industrial lead for Park I-35, a user that would construct a 1.5 million square foot distribution center. The City has not currently been asked to provide any information for this particular lead; staff was informed through Ryan Companies of the potential lead.

Ordinance Updates – Staff has not actively worked on any ordinance amendments/updates over the past month. There has been some initial research (spring 2018) regarding reducing minimum residential lot size requirements and food truck regulations, however, the topics have not advanced due to limited staff resources.

MINUTES
CITY OF ELKO NEW MARKET
PLANNING COMMISSION MEETING
June 26, 2018
7:00 PM

1. CALL TO ORDER

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

Commission members present: Thompson, Kruckman, Smith, Vetter, Hartzler and Ex-officio member Anderson

Members absent and excused: None

Staff Present: Community Development Specialist Christianson, City Planner Kirmis and City Engineer Revering

2. PLEDGE OF ALLEGIANCE

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

3. APPROVAL OF AGENDA

A motion was made by Kruckman and seconded by Vetter to approve the agenda as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

4. PUBLIC COMMENT

There were no public comments.

5. ANNOUNCEMENTS

Community Development Specialist Christianson advised the Planning Commission that Kent Hartzler's resignation (from the Commission) will take effect following the meeting and that the June 26, 2018 meeting is therefore his last as a member of the Elko New Market Planning Commission.

6. APPROVAL OF MINUTES

A motion was made by Thompson and seconded by Smith to approve the minutes of the May 29, 2018 Planning Commission meeting as written. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

7. PUBLIC HEARINGS

A. Rezoning and Preliminary Plat of Dakota Acres 1st Addition - Syndicated Properties, Applicant

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 related to the Dakota Acres rezoning and preliminary plat request.

Christianson explained that the applicant purchased the 2.17-acre subject property from the City of Elko New Market in the fall of 2017 and that the property, together with additional property to the north, east and west had been approved for a 71-unit townhome development prior to the recession.

Christianson noted that the original development was planned to be developed in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots (townhome units). Eight of the originally approved 21 units were constructed before the recession, leaving 13 platted townhome units vacant. Christianson explained that the original developer defaulted on assessments against the properties and the City ultimately assumed possession of his remaining property (13 platted lots and the remaining outlots).

Christianson explained that the applicant also purchased the originally platted 13 units, and townhomes are currently under construction on all 13 of those lots.

Christianson explained that the applicant has, at this time, requested formal approval of the following:

1. The **rezoning** the 2.17-acre subject property to PUD, Planned Unit Development (to accommodate layout changes from the previously approved PUD).
2. A **preliminary plat** entitled Dakota Acres 1st Addition, containing 28 residential (townhouse) lots and one outlot.

Community Development Specialist Christianson summarized the following development issues identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Garbage/trash
- Site circulation
- Off-street parking
- Lighting
- Landscaping
- Easements
- Utilities
- Transportation/access issues/closing Oriole St access
- Sidewalk and trails

- Open space/park dedication

Christianson stated that Planning Staff is supportive of the project and has recommended approval of the rezoning and preliminary plat subject to various conditions as provided in the Staff report dated June 26, 2018.

Following Community Development Specialist Christianson's presentation, Chairman Thompson opened the public hearing at 7:20 p.m.

The following comments were received at the public hearing:

Chris Flaherty - 25830 Oriole Street. Mr. Flaherty raised concern over the existing Oriole Street access (to James Parkway) and expressed his support for the removal of such access as part of the development project.

Jon Krapu - 25825 Oriole Street. Mr. Krapu reiterated Mr. Flaherty's concern over the existing Oriole Street access. Similarly, he expressed his support for the removal of the access.

Joe Lehrer - Applicant (Syndicated Properties, LLC.) Mr. Lehrer advised the Planning Commission that he was available to respond to questions. Mr. Lehrer also noted the following:

- In response to received feedback, the applicant prefers to leave the Oriole
- is open to either leaving the existing Oriole Street access to James Parkway open, or removing it.
- The inclusion of the freestanding single-family home in the project represents an attempt to maximize the number of units in the project.
- The single-family home is to be handicap accessible and its connection to the neighboring multi-family building to the north is not possible due to grade issues.

Following the received public testimony, a motion was made by Thompson and seconded by Hartzler to close the public hearing at 7:20 pm. Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Following the closure of the public hearing, the following comments/questions were raised by the Planning Commission:

- All Commissioners expressed support for the closure of the Oriole Street access to James Parkway. Prompted by comments provided by the City Engineer, the Commission specifically recommended that, as a condition of project approval, the developer be responsible for the removal of the Oriole Street access and establishment of curbing and turf (consistent with City requirements) in such area.
- Question was raised related to the need for a vehicle turnaround area at the northern terminus of Oriole Street.

- Concern was voiced over the 5-foot structure setbacks proposed along the subject site's western property line.
- One Planning Commissioner voiced concern over the inclusion of a single family detached home in the project and the allowance of a 5-foot setback for such home along the project's private street.
- Question was raised regarding setback requirements which are to be imposed upon patios.

Following the Planning Commission discussion, Community Development Specialist Christianson reviewed Staff's fourteen recommended conditions of project approval as provided in her staff report dated June 26, 2018.

With no further comments from the Planning Commission or City Staff, a motion was made by Hartzler and seconded by Vetter to recommend approval of the request to rezone property to Planned Unit Development (PUD), and preliminary plat approval of Dakota Acres 1st Addition, consisting of 28 lots and 1 outlot on 2.71 acres, as proposed by Syndicated Properties, for the following reasons:

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

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

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

Garage Width	Stall Area &	Attached garage of minimum 540 sq ft & minimum width of 20'	Attached garages of 418 sq ft minimum & 19' minimum width
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And noting the following improved subdivision design elements:

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

And with the following conditions:

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

- 13) A lighting plan meeting the requirements of City Code must be submitted for review by City staff. The lighting plan shall utilize the Domus style fixture or visually equivalent.
- 14) Garbage receptacles shall be stored within garages or fully screened from view.
- 15) The developer shall be responsible for the removal of the Oriole Street access (to James Parkway) and restoration of area, as approved by the City Engineer.

And noting that:

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

Vote for: Thompson, Kruckman, Smith, Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

8. GENERAL BUSINESS

A. The Preserve at Elko New Market Concept Plan - Kevin Komorouski, applicant

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated June 26, 2018 regarding “The Preserve at Elko New Market” concept plan.

Prior to making her formal presentation, Christianson advised the Planning Commission that the applicant (Kevin Komorouski) was not in attendance at the meeting and that the applicant’s engineer, Reese Sudtelgte of ISG Engineering, would be representing the request and available to answer questions.

Christianson explained that the applicant has requested feedback and recommendation from the Planning Commission on a proposed 35 lot single-family development located upon a 10-acre site located south of County Road 2 and west of the Whispering Creek 2nd Addition. Christianson noted that the subject site presently lies outside of the City and that annexation of the property would be necessary prior to the acceptance of any development applications.

Community Development Specialist Christianson also noted that proposed lot sizes are smaller than that currently allowed in the City’s R-1 District and that a PUD zoning designation would be requested to accommodate lot area and width flexibility. It was noted that the developer is proposing the following lot sizes and widths:

- 70’ x 130’ (9,100 square feet) along the east side of the proposed public street
- 50’ x 130’ (6,500 square feet) along the west side of the proposed public street

Christianson also indicated that the developer has proposed 5-foot side yard setbacks.

Community Development Specialist Christianson summarized the following development issues as identified in her memorandum dated June 26, 2018:

- Comprehensive Plan land use directives (2030 Plan and draft 2040 Plan)
- Purpose of PUD (and requested flexibilities)
- Lot sizes and widths
- Setbacks
- Height requirements
- Building design requirements
- Site circulation
- Landscaping and buffers
- Utilities
- Wetland delineations
- Transportation issues
- Sidewalk and trails
- Open space/park dedication (including specific Park Commission recommendations)

In conclusion, Community Development Specialist Christianson asked the Planning Commission to provide comment and recommendation regarding the following:

1. *Does the Planning Commission support the annexation of the property for residential development?*
2. *Does the Planning Commission support the lot sizes as proposed? If not, what lot sizes (area and width) are supported by the Planning Commission?*
3. *Does the Planning Commission support the proposed 5' side setback?*
4. *Would the Planning Commission support a deviation from the requirement that the lots be designed to accommodate a 3-car attached garage?*

Following Christianson's presentation, the Planning Commission provided the following feedback regarding the proposed land use and concept plan (for the applicant's consideration):

- All Planning Commissioners agreed that use of the site for single-family residential use is appropriate and support the annexation of the subject property for such use.
- All Planning Commissioners supported Planned Unit Development (PUD) zoning for the property.
- All Planning Commissioners expressed support for the proposed 70-foot wide lots but were opposed to the inclusion of 50-foot wide lots within the development. In this regard, the Planning Commission recommended that all single-family residential lots within the development be a minimum of 70-feet in width.

- The Planning Commission did not support the application of 5-foot side yard setbacks. Rather, setbacks of 5 feet along the garage side of homes and 10 feet along occupied portions of the home were supported or 15 feet between each home.
- The following recommendations/comments were raised regarding desired trail and sidewalk locations.
 - The Commission recommended that sidewalks be provided on the east side of the proposed north-south street and the south side of Park Street.
 - Consistent with the recommendation of the Park Commission, the developer provide a location for a future trail connection leading from the development to the future trail along the south side of County Road 2.
 - Consistent with the recommendation of the Park Commission, the developer contribute to the cost of a future trail segment along County Road 2.
 - The Commission suggested that a trail connection to the DNR wetland area located south of the subject site be provided within the 10-acre site to the west (when it is developed), due to grade issues on the subject property.
 - Concern was raised regarding the impact an on-street bicycle lane may have upon on-street parking to the east of the subject property.
- The Planning Commission offered varied opinions related to the imposition of architectural requirements (which exceed the minimum requirements of the Ordinance). One Commissioner expressed a concern that such requirements significantly impact the “affordability” of homes. Another Commissioner supported the idea of imposing some architectural requirements (as part of PUD approval) but not to an extreme degree. There was discussion regarding requiring some brick/stone on the fronts of homes.
- The Commissioners recognized that proposed “narrow” lot widths likely limit the ability of the applicant to provide homes with three-car attached garages.
- The Planning Commission recommended that the developer make contact with the neighboring property owner to the west.

In conclusion, the Planning Commission supported annexation of the property for a proposed residential development, noting the above recommendations.

9. MISCELLANEOUS

A. City Staff/Consultant Business Updates and Reports

Community Development Specialist Christianson made reference to her memorandum dated June 8, 2018 (included in the Planning Commission meeting packet) which provided updates on various City projects. Specific discussion did however, take place regarding the following projects:

- Commercial vehicle parking amendment

- Dakota Acres property transaction
- Barsness property status

B. Planning Commission Questions and Comments

Chairman Thompson Tenure. Planning Commission Chairman Thompson advised the Commission and City Staff that he will be moving out of the City of Elko New Market (to the City of Savage) in the near future and that his resignation from the Commission will be forthcoming. Thompson further indicated that the date of his resignation will be dependent upon the timing of the sale of his home. Thompson recommended that another Commissioner participate in the upcoming Planning Commissioner interviews rather than himself due to his pending resignation.

Commissioner Hartzler Resignation. Chairman Thompson, along with other members of the Planning Commission, formally thanked Commissioner Hartzler for his years of public service with both the City of Elko and the City of Elko New Market.

10. ADJOURNMENT

A motion was made by Hartzler and seconded by Smith to adjourn the meeting at 8:56 p.m. Vote for: Thompson, Kruckman, Smith and Vetter and Hartzler. Against: None. Abstained: None. Motion carried: (5-0).

Submitted by:



Renee Christianson, Community Development Specialist



STAFF MEMORANDUM

SUBJECT:	2017 Household & Population Estimates by Metropolitan Council
MEETING DATE:	July 26, 2018
PREPARED BY:	Renee Christianson, Community Development Specialist
REQUESTED ACTION:	No Action Requested, Provided for Informational Purposes 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

Under Minnesota State Statute, the Metropolitan Council is responsible for preparing local population and household estimates for cities and townships in the seven-county Twin Cities area. These estimates are the official population and household estimates for state government purposes and are used to determine local government aid and local street allocations. By July 15th of each year, the Metropolitan Council certifies the estimates of population, households, and average household size to the State Demographer and Commissioner of Revenue. These estimates also assist planners across the region in evaluating the need for future investments in transportation, wastewater infrastructure, and housing.

The Metropolitan Council provided the preliminary estimates to the City in May, 2018. Because our population estimate actually **decreased** from the previous year's estimate, City staff spent a significant amount of time reviewing the City's growth information with Metropolitan Council staff. Although the number of households within the City shows an increase of twenty-six (26), the estimated number of persons per household decreased from 3.279 to 3.220, resulting in an overall estimated population decrease of five (5) persons. The estimated number of persons per households is an estimate that is provided by the United States Census Bureau and is determined by the most recent American Community Survey information.

Below is a comparison of the City's 2016 and 2017 household and population estimates, and also the current data for other Scott County Communities.

Metropolitan Council Estimates for Elko New Market			
	Households	Persons per Household	Population
4-1-16	1,437	3.279	4,716
4-1-17	1,463	3.220	4,711

City or Township	Population, 2010 Census	Population, 2017 Preliminary Estimate	2010-2017 Population Growth	Households, 2010 Census	Households, 2017 Preliminary Estimate	2010-2017 Household Growth
Belle Plaine	6,661	7,144	483	2,362	2,431	69
Belle Plaine township	878	932	54	310	324	14
Blakeley township	418	444	26	165	171	6
Cedar Lake township	2,779	3,114	335	939	998	59
Credit River township	5,096	5,678	582	1,662	1,791	129
Elko New Market	4,110	4,711	601	1,259	1,463	204
Helena township	1,648	1,868	220	548	582	34
Jackson township	1,464	1,525	61	486	504	18
Jordan	5,470	6,106	636	1,871	2,106	235
Louisville township	1,266	1,402	136	425	452	27
New Market township	3,440	3,539	99	1,146	1,204	58
New Prague (part)	4,280	4,571	291	1,618	1,693	75
Prior Lake	22,796	25,735	2,939	8,447	9,332	885
St. Lawrence township	483	511	28	161	167	6
Sand Creek township	1,521	1,665	144	554	566	12
Savage	26,911	30,713	3,802	9,116	10,362	1,246
Shakopee	37,076	41,519	4,443	12,772	13,797	1,025
Spring Lake township	3,631	3,540	-91	1,267	1,242	-25
Scott County Total	129,928	144,717	14,789	45,108	49,185	4,077

ACTION REQUESTED

No action is requested; the materials are provided for informational purposes only.

Attachments:

Metropolitan Council memo dated July 13, 2018.

July 13, 2018

Thomas Terry, City Administrator
City of Elko New Market
PO Box 99
Elko New Market, MN 55020

Dear Mr. Terry:

Earlier this year, the Metropolitan Council calculated preliminary population and household estimates for your community as of April 1, 2017. (As a reminder, these estimates are different from the Council's local forecasts that your community has reviewed before. Forecasts look ahead to the coming decades; the annual estimates communicated below look back in time to the previous year.)

During the local government review of population estimates, several communities suggested revisions to the estimates. Considering these comments as well as other available data sources, the Council has made changes to the housing stock data used in the estimates calculations for your community. As a result, your community's final estimate is higher than its preliminary estimate:

2017 Annual Population Estimate (FINAL)

The Metropolitan Council estimates that the City of Elko New Market had 4,711 people and 1,463 households as of April 1, 2017. Household size averaged 3.220 persons per household.

In accordance with *Minnesota Statutes* 473.24, the Metropolitan Council has certified these estimates to the State Demographer and the Commissioner of Revenue.

We greatly appreciate your community's efforts to improve our estimates. A full report showing the calculation of this estimate is enclosed; if you would like additional details, please contact me at Matt.Schroeder@metc.state.mn.us or (651) 602-1513.

Preliminary estimates for April 1, 2018 will be calculated next year; your community should receive those in May 2019.

Sincerely,



Matt Schroeder
Senior Researcher

Elko New Market city, Scott County

2017 Annual Population Estimate

Published July 2, 2018 (following community review)



	Housing units	Occupancy rate	Households	Persons per household	Population in households	Population in group quarters	Total population
2017 Estimate	1,519	96.31%	1,463	3.220	4,711	0	4,711
2010 Census	1,328	94.80%	1,259	3.261	4,106	4	4,110

The Metropolitan Council estimates population using the housing stock method, which answers three main questions for each community as of April 1, 2017.

First, how many housing units did the community have?

- We start with housing units measured by the 2010 Census, then add units built between 2010 and 2016, based on permits reported to us by communities. (Permit data are available on our website (https://stats.metc.state.mn.us/data_download/DD_start.aspx))
 - We assume that 95% of single-family detached units and 90% of townhome/duplex/triplex/quadplex units permitted in 2016 were completed and occupiable by April 1, 2017; the remainder are assumed to have been completed after that date and will count toward next year's estimates (for April 1, 2018).
 - Multifamily units permitted between 2010 and 2013 are assumed to be completed. Units permitted between 2014 and 2016 are counted only if they were open by April 1, 2017; the remaining units will count toward next year's estimates if they were open by April 1, 2018. According to our records, Elko New Market permitted 0 multifamily units in 2014 or 2015 that were not open by April 1, 2017. and 0 units permitted in 2016 that were not open by April 1, 2017.
 - Manufactured home data comes from our annual surveys of manufactured home park operators and local governments.
 - Data on other housing (boats, RVs, etc. used as housing) comes from the most recent American Community Survey data; this housing is included in the estimates only if occupied.
- We also examine other housing stock changes reported by communities. These include demolitions, building conversions (units added or lost), boundary changes (units annexed in or out), and other changes reported by city and township staff.

	Housing stock April 1, 2010	Permitted and built since 2010	Other changes since 2010	Housing stock April 1, 2017
<i>Single-family detached</i>	1,135	139	-1	1,273
<i>Townhome (Single-family attached)</i>	138	4	0	142
<i>Duplex/triplex/quadplex</i>	6	0	0	6
<i>Multifamily (5 or more units)</i>	49	49	0	98
<i>Accessory dwelling units (ADU)</i>	0	0	0	0
<i>Manufactured homes</i>	0			0
<i>Other units</i>	0			0
Total	1,328			1,519

Second, how many of these housing units were occupied by households?

- Each housing type has an estimated occupancy rate. These data come from the most recent American Community Survey estimates for housing units and households, decennial census data from the U.S. Census Bureau, and the U.S. Postal Service.
- Multiplying the number of housing units of each type by the occupancy rate yields the number of households (occupied housing units).

Third, how many people lived in these occupied housing units?

- Each housing type has an estimated average household size. These data come from the most recent American Community Survey estimates of households and population in households as well as decennial census data from the U.S. Census Bureau.
- Multiplying the number of households in each housing type by the average household size yields the population in households.

	Housing stock April 1, 2017	Occupancy rate	Households (Occupied housing units)	Persons per household	Population in households
<i>Single-family detached</i>	1,273	96.04%	1,223	3.374	4,126
<i>Townhome (Single-family attached)</i>	142	97.49%	138	3.374	466
<i>Duplex/triplex/quadplex</i>	6	97.39%	6	1.035	6
<i>Multifamily (5 or more units)</i>	98	97.79%	96	1.172	113
<i>Accessory dwelling units (ADU)</i>	0	97.79%	0	1.172	0
<i>Manufactured homes</i>	0	93.75%	0	1.000	0
<i>Other units</i>	0	N/A	0	2.587	0
Total	1,519	96.31%	1,463	3.220	4,711

To obtain the total population, we also add the number of residents in group quarters facilities.

These are residences that are not part of the standard housing market, such as college dormitories, nursing homes, prisons and jails, and group homes. Data come from the Metropolitan Council's annual survey and the Minnesota Department of Human Services.

Population in households	Population in group quarters	Total population April 1, 2017
4,711	0	4,711

Due to rounding, not all estimates can be reproduced exactly from the above inputs.

For more information, see our methodology document, available from <https://www.metrocouncil.org/populationestimates>.

**ELKO NEW MARKET PARKS COMMISSION
TUESDAY, JULY 10, 2018
REGULAR MEETING MINUTES**

PRESENT:

Present at Roll Call were Commissioner Zahratka; Commissioner Dornseif; Commissioner Melgaard and Chair Mike Sutton. Also present were Assistant City Administrator Mark Nagel; Mayor Bob Crawford; and Councilmember Joe Julius.

CALL TO ORDER:

The meeting was called to order at 4:06 PM in Conference Room B at Elko New Market City Hall, 601 Main Street.

APPROVE AGENDA:

Mr. Nagel said that there were no additional items for the July Meeting Agenda. On motion by Chair Sutton, seconded by Commissioner Zahratka, the July Meeting Agenda was approved as printed.

CITIZEN COMMENTS:

There were no citizens present at the July Parks Commission Meeting to make comments to the Parks Commission.

**APPROVAL OF MINUTES OF JUNE 12, 2018 PARKS
COMMISSION MEETING:**

Upon motion by Commissioner Melgaard; seconded Chair Sutton, the Parks Commission Unanimously approved the June 12, 2018 Parks Commission Meeting Minutes as printed.

APPROVAL OF MINUTES OF JUNE 26, 2018 SPECIAL PARKS COMMISSION MEETING:

Upon motion by Commissioner Dornseif; seconded by Commissioner Melgaard, the Parks Commission unanimously approved the June 26, 2018 Special Parks Commission Minutes as printed.

PETITIONS, REQUESTS, AND COMMUNICATIONS:

Mr. Nagel reviewed the Pete's Hill Eagle Scout Project with Commissioners noting that Hartman Sadusky would be building 8 benches – 6 to be placed along the trail and the other 2 near Lake Elko for birdwatching, assuming permission could be obtained from the property owner. He said that the benches would be constructed on the morning of Saturday, July 14th and placed along the trail with the 2 remaining ones being placed at Windrose Park near the playground equipment pending their possible installation at Lake Elko.

UPDATES:

Mr. Nagel reviewed the June 27, 2018 ENM Parks Commission Update, which contained 22 items, with the Commissioners. He noted that the SkatePark equipment had been installed and was seeing increased use, plus it was much quieter. He also mentioned that the first phase of the Rowena Pond RePurposing project- moving the playground equipment - was scheduled to be underway on Thursday, July 12th.

Chair Sutton reported that the Fire Rescue Days, which is assisted by the CCEC, was a success. Next up will be the Halloween festivities on Saturday morning, October 27th.

OLD/NEW BUSINESS:

Mr. Nagel said that at the June Meeting that the Parks Commission was willing to consider accepting a piece of property of about 7.5 acres off of Dakota Avenue at the City's northern boundary instead of the approximately \$40,000 in Park Dedication fees for the Christmas Pines subdivision to be developed at the corner of CSAH 2 and CSAH 2, if made and subject to acceptable terms and conditions. After further discussion on the potential use of the property by Commissioners, Mr. Nagel said that the developer had not yet made a proposal to consider, so the

item would need to be tabled until the August Parks Commission Meeting. Upon motion by Commissioner Melgaard , seconded by Commissioner Dornseif, the Parks Commission unanimously approved a motion to table consideration of the Christmas Pines Park Dedication Fee until such time as a proposal is received from the project developer.

Mr. Nagel called Commissioner's attention to an email from Leiviska Golf Design on the design for a disc golf course in Elko New Market at Windrose Park. Mr. Nagel said that he met with the company and said that the course would \$8,100, plus some brush clearing by the City. Commissioners reviewed the layout from the company and made a suggestion that none of the holes go over wetlands or water. Mr. Nagel said that he would convey that revision to the company. He said that the next step, should the Parks Commission decide to proceed, would be bring a formal agreement at a future meeting. Upon motion by Commissioner Dornseif; seconded by Chair Sutton, the Parks Commission unanimously approved concept and course layout for disc golf at Windrose Park and asked Mr. Nagel to bring back an agreement at a future meeting.

Mr. Nagel handed out a copy of the promotional materials from the National Recreation and Park Association for Park and Recreation Month. He said that he would like to use some of the social media templates on the City's website, Facebook and Twitter sites, since they're relevant to promoting the use of City parks. Consensus of the Parks Commissioners was to move forward on this project.

Mr. Nagel reviewed the offer by the N.E.W. Lions Club to donate up to \$700 for an electric stove/oven to be placed in the Wagner Park Shelter. After discussion of the pros/cons of having a stove/oven in the Shelter for use by renters of the facility, a motion was made by Chair Sutton and seconded by Commissioner Dornseif to recommend acceptance of this donation of up to \$700 by the N.E.W. Lions Club for a new electric stove/oven for the Wagner Park Shelter. Motion passed unanimously.

Mr. Nagel said that the Annual "Night to Unite" event would take place on Tuesday, August 7th. He said that the Parks Commission had approved the cost of "Dazzling Dave the YoYo Master" to go around with Police Officers to the various neighborhood parties. He noted that the Parks Commission has traditionally started the festivities by having a ribbon cutting at one of parks, plus ice cream treats for attendees. He suggested that the Parks Commission move their meeting up a week to August 7th at 4 PM and then move to Wagner Park where there would

be a ribbon cutting for the new SkatePark equipment at 5:30 PM. After the ribbon cutting, Parks Commissioners could stay and hand out ice cream treats to those attending. Upon motion by Commissioner Zahratka, seconded by Commissioner Dornseif, the Parks Commission unanimously approved to change the meeting date of the August Parks Commission Meeting to Tuesday, August 7th at 4 PM at ENM City Hall and to hold a ribbon cutting for the new SkatePark equipment at 5:30 PM that same evening.

Mr. Nagel presented the Bill List to the Commissioners – Schlomka's Portable Restrooms for \$710.00 for July services; Mad Science of Minnesota for \$325 for a Winter event at the ENM Library; American Ramp Company for \$22,181.22 for the remainder of the SkatePark equipment; and \$350 to Criterion Pictures for showing movies at 2 City events. Upon Motion by Chair Sutton; seconded by Commissioner Melgaard, the Parks Commission unanimously approved the Bill List as presented.

OTHER BUSINESS:

There were no additional business items to come before the Parks Commission at the July 10th meeting.

NEXT MEETINGS:

The next meeting of the ENM Parks Commission was requested for Tuesday, August 7, 2018 at 4 PM. Mr. Nagel that this was a week earlier than scheduled, but coincided with the annual "Night to Unite" sponsored by the Police Department. He said that traditionally the event "kicks off" with a ribbon cutting by the Parks Commission for a new park project at 5:30 PM, so rather than have the meeting a week later, he was recommending that the Parks Commission meet at 4 PM, then move to a ribbon cutting for the new SkatePark equipment at 5:30 PM with ice cream treats to be served. On motion by Commissioner Dornseif; seconded by Commissioner Zahratka, the August Meeting was set for Tuesday, August 7 that 4 PM in Conference Room B of Elko New Market City Hall with a ribbon cutting for the new SkatePark Equipment to follow at 5:30 PM at Wagner Park.

PARK COMMISSIONER COMMENTS:

Parks Commissioners directed Mr. Nagel to re-mark the trail easement in Rowena Pond to insure that residents knew there may be a future trail leading to the pond.

ADJOURNMENT:

There being no further business to come before the Parks Commission, on motion by Commissioner Zahratka, seconded by Commissioner Melgaard, the July Parks Commission meeting was unanimously adjourned by voice vote at 5:23 PM.

Respectfully Submitted,

Mark Nagel, Assistant City Administrator

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