

**CITY OF ELKO NEW MARKET  
CITY COUNCIL AGENDA  
ELKO NEW MARKET CITY HALL  
601 MAIN STREET  
ELKO NEW MARKET, MINNESOTA 55054  
THURSDAY, OCTOBER 25, 2018**

**BUSINESS MEETING  
7:30 PM**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Adopt/Approve Agenda**

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

- a. Presentation for Chad Shell

**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 October 11, 2018 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Resolution 18-67 Approving Outdoor Concerts and Events for Christmas Tree Lighting
- d. Adopt Resolution 18-68 Appointing an Acting City Clerk and Deputy City Clerk
- e. Change Requests to Financial Services Contracts – AEM
- f. Approve Proposed Zoning Ordinance Amendment, Definitions and B1 Zoning District – Uses
- g. Adopt Ordinance No. 178 Rezoning Property from Planned Unit Development to R4
- h. Chief of Police Emergency Management Director
  - i. Approve revised Chief of Police Emergency Management Director Job Description
  - ii. Authorize Staff to Advertise for position

**7. Public Hearings**

**8. General Business**

**9. Reports**

- a. Administration
- b. Public Works
- c. Police Department

- d. Fire Department
- e. Engineering
- f. Community Development
  - i. Community Development Updates
- g. Parks Department
  - i. 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**

# City Council Business Meeting

## OCTOBER 11, 2018

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# MINUTES

### 1. CALL TO ORDER

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

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

Members Absent: None

Also Present: City Administrator Terry, Police Chief Mortenson, City Attorney Poehler, City Engineer Revering and City Clerk Green

### 2. PLEDGE OF ALLEGIANCE

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

### 3. ADOPT/APPROVE AGENDA

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

Add Business Item 8b Discussion Regarding the Acquisition of 261 Main Street  
Add Reports 9eii Update on 2019 Pavement Rehabilitation

### APIO, MOTION CARRIED

### 4. PRESENTATIONS, PROCLAMATIONS AND ACKNOWLEDGEMENTS

None

### 5. PUBLIC COMMENT

None

### 6. CONSENT AGENDA

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

- a. Approve September 27, 2018 Minutes of the City Council Meeting
- b. Approve Payment of Claims and Electronic Transfer of Funds
- c. Adopt Ordinance No. 177 Summary Ordinance of 176
- d. Approve Revised to Maintenance Worker I Job Description
- e. Adopt Resolution 18-66 Authorizing the Levy of Special Assessments for the Collection of Delinquent Utility Bills and Charges for Services

### APIO, MOTION CARRIED

### 7. PUBLIC HEARINGS

None

### 8. GENERAL BUSINESS

### Detachment of Previously Annexed Property

Community Development Specialist Christianson updated the City Council that she had attended the New Market Township Board Meeting on September 4, 2018. At this meeting, the Township Board inquired about previous annexations of properties where the planned development did not occur and the fact that these properties remain undeveloped and in the City limits. Staff requested Council direction on whether any of these undeveloped properties should be detached from the City of Elko New Market and revert back to the jurisdiction of New Market Township.

Council directed Staff not to pursue this item unless the City is approached by one of the property owners to detach from the City.

### Discussion Regarding the Acquisition of 261 Main Street

Staff and Council discussed the feasibility of the City purchasing property located at 261 Main Street. **MOTION** by Councilmember Berg, second by Councilmember Timmerman to pursue acquisition of property located at 261 Main Street. **APIF, MOTION CARRIED**

## 9. REPORTS

### a) ADMINISTRATION

None

### b) PUBLIC WORKS

Written Report included in Council Packet.

### c) POLICE DEPARTMENT

Written Report included in Council Packet. Chief Mortenson gave a brief update on the status of hiring full-time officer.

### d) FIRE DEPARTMENT

None

### e) ENGINEERING

#### Preserving Pond and Wetland Buffers

The City Council had requested Staff provide background information and recommendations on preserving pond and wetland buffers by correcting or preventing encroachments from adjacent landowners. After a lengthy discussion, Council directed Staff to use their best judgement to look into this item and determine how extensive the issue is and bring back to Council for further discussion.

### Update 2019 Pavement Rehabilitation

City Engineer Revering gave the Council updates on:

- o Feedback received at the recently held Streets Expo including:
  - i. Providing more background on City’s maintenance regimen
  - ii. Determine if “worst-first” be considered in lieu of “predicted failure/functional class/uniform assessments”
  - iii. Explain “why now”
- o Recently held meeting with Scott County on preliminary design phase of the CSAH 2/91 Roundabout including roundabout staging impact concerns.

f) COMMUNITY DEVELOPMENT

September 25, 2018 Planning Commission Minutes included in Council Packet

g) PARKS DEPARTMENT

September 30, 2018 Parks Commission Update included in Council Packet

h) OTHER COMMITTEE AND BOARD REPORTS

i. SCALE

None

ii. MVTA

None

iii. I35 SOLUTIONS ALLIANCE

None

iv. CHAMBER OF COMMERCE

None

v. REGIONAL COUNCIL OF MAYORS

None

vi. COMMUNITY AND CIVIC EVENTS COMMITTEE

None

vii. DOWNTOWN IMPROVEMENT COMMITTEE

None

viii. 50 BY 30 COLLECTIVE IMPACT PROJECT

- Steering Committee – None

- Transportation Committee –None
- Housing Committee – None
- Work Force Committee –None

#### 10. DISCUSSION BY COUNCIL

None

#### 11. ADJOURNMENT

**MOTION** by Councilmember Julius, second by Councilmember Timmerman to adjourn the meeting at 9:14 p.m. **APIF, MOTION CARRIED**

Respectfully submitted by:

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Sandra Green, City Clerk



# STAFF MEMORANDUM

|                          |   |
|--------------------------|---|
| <b>SUBJECT:</b>          | Presentation of Elko New Market Claims and Electronic Transfer of Funds |
| <b>MEETING DATE:</b>     | October 25, 2018  |
| <b>PREPARED BY:</b>      | Sandra Green, City Clerk  |
| <b>REQUESTED ACTION:</b> | Approve Payment of Current Claims                                       |

## COMMUNITY VISION:

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

## 5 YEAR GOALS:

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

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

**BACKGROUND**

Each month the City Clerk 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©

October 25, 2018

### AUTO PAYS

|                     |        |                           |            |                    |                                |
|---------------------|--------|---------------------------|------------|--------------------|--------------------------------|
| Paid Chk#           | 005751 | ENEW MARKET BANK          | 9/30/2018  | \$2,334.00         | Sept Payroll ACH Fee           |
| Paid Chk#           | 005752 | EPSN                      | 9/30/2018  | \$58.50            | Pmt H38-18 Cancelled           |
| Paid Chk#           | 005753 | EPERA                     | 10/16/2018 | \$7,166.62         | Vendor Liability               |
| Paid Chk#           | 005754 | EMN DEPT OF REVENUE       | 10/16/2018 | \$1,854.16         | Vendor Liability               |
| Paid Chk#           | 005755 | EINTERNAL REVENUE SERVICE | 10/16/2018 | \$8,655.74         | Vendor Liability               |
| Paid Chk#           | 005756 | EINTEGRA TELECOM INC.     | 10/20/2018 | \$324.62           | Police Dept Phone/Fax          |
| Paid Chk#           | 005757 | EINTEGRA TELECOM INC.     | 10/20/2018 | \$545.81           | Area Hall Phone/SCADA          |
| Paid Chk#           | 005758 | EXCEL ENERGY              | 10/30/2018 | \$392.43           | Streetlights                   |
| Paid Chk#           | 005759 | EXCEL ENERGY              | 10/31/2018 | \$4,943.37         | 601 Main Street                |
| Paid Chk#           | 005760 | EPSN                      | 10/5/2018  | \$1,268.56         | Webstore/Credit Card Processin |
| Paid Chk#           | 005761 | EMN VALLEY ELECTRIC CO    | 10/22/2018 | \$19.00            | 268X Xerxes Water Tower, Elko  |
| Paid Chk#           | 005762 | EINTEGRA TELECOM INC.     | 10/20/2018 | \$49.99            | 139503 - 25499 Natchez Ave     |
| Paid Chk#           | 005763 | EINTEGRA TELECOM INC.     | 10/20/2018 | \$169.13           | 937759 - 25499 Natchez Ave Bld |
| Paid Chk#           | 005764 | EMINNESOTA ENERGY         | 10/22/2018 | \$142.93           | 50 Church Street               |
| <b>Total Checks</b> |        |                           |            | <b>\$27,924.86</b> |                                |

### PRE-PAID

|                     |        |                            |            |                   |                       |
|---------------------|--------|----------------------------|------------|-------------------|-----------------------|
| Paid Chk#           | 038993 | IUOE LOCAL #49             | 10/8/2018  | \$105.00          | Marty Deutsch         |
| Paid Chk#           | 038994 | VERIZON WIRELESS           | 10/8/2018  | \$806.27          | Cell Phones           |
| Paid Chk#           | 038995 | OFFICE OF ADMIN. HEARTINGS | 10/8/2018  | \$50.00           | Komorouski Annexation |
| Paid Chk#           | 038996 | SURPUS SERVICES            | 10/9/2018  | \$820.00          | Large Tools           |
| Paid Chk#           | 038997 | UNITED STATES POSTAL SERV  | 10/15/2018 | \$319.88          | Postage               |
| Paid Chk#           | 038998 | PAYROLL                    | 10/18/2018 | \$69.26           |                       |
| Paid Chk#           | 038999 | PAYROLL                    | 10/18/2018 | \$429.25          |                       |
| Paid Chk#           | 039000 | PAYROLL                    | 10/18/2018 | \$46.17           |                       |
| Paid Chk#           | 039001 | PAYROLL                    | 10/18/2018 | \$69.26           |                       |
| Paid Chk#           | 039002 | VISA                       | 10/16/2018 | \$597.12          | PO Box 99 Annual Fee  |
| Paid Chk#           | 039003 | UNITED STATES POSTAL SERV  | 10/17/2018 | \$299.04          | Postage               |
| <b>Total Checks</b> |        |                            |            | <b>\$3,611.25</b> |                       |

### CHECK REGISTER

|           |        |                            |            |             |                                |
|-----------|--------|----------------------------|------------|-------------|--------------------------------|
| Paid Chk# | 039004 | ADELMANN FARMS (NEW        | 10/25/2018 | \$61,348.87 | Adelmann Concept Plans         |
| Paid Chk# | 039005 | ADVANCED GRAPHIX INC       | 10/25/2018 | \$160.50    | PD Vehicle Maint/Repairs - Squ |
| Paid Chk# | 039006 | AIRGAS USA, LLC            | 10/25/2018 | \$156.45    | FD - Oxygen                    |
| Paid Chk# | 039007 | ALI, ZABIR & NAFEEZA       | 10/25/2018 | \$27.21     | Utility Billing Credit Refund  |
| Paid Chk# | 039008 | ANCOM COMMUNICATIONS, INC. | 10/25/2018 | \$240.00    | FD - Pagers                    |
| Paid Chk# | 039009 | APPLE FORD LINCOLN         | 10/25/2018 | \$812.19    | PD Fleet                       |
| Paid Chk# | 039010 | BOLTON & MENK              | 10/25/2018 | \$1,219.00  | T43-115114 - CSAH 2 & 91 Round |
| Paid Chk# | 039011 | CAMPBELL KNUTSON           | 10/25/2018 | \$5,674.00  | Meetings                       |
| Paid Chk# | 039012 | CARTUS FINANCIAL           | 10/25/2018 | \$129.42    | Utility Billing Credit Refund  |
| Paid Chk# | 039013 | CINTAS CORPORATION NO. 2   | 10/25/2018 | \$115.45    | PW UNIFORMS                    |
| Paid Chk# | 039014 | CULLIGAN BOTTLED WATER     | 10/25/2018 | \$39.00     | Bottled Water                  |
| Paid Chk# | 039015 | DAO, KHANE                 | 10/25/2018 | \$50.42     | Utility Billing Credit Refund  |
| Paid Chk# | 039016 | EDINA REALTY TITLE         | 10/25/2018 | \$39.70     | Credit Processing Fee          |
| Paid Chk# | 039017 | EMERGENCY AUTO TECH INC    | 10/25/2018 | \$180.00    | Pest Control                   |
| Paid Chk# | 039018 | FASTENAL COMPANY           | 10/25/2018 | \$419.36    | PW Building Maint              |
| Paid Chk# | 039019 | FISH ROCK COUNTRY MARKET   | 10/25/2018 | \$5.67      | PW Water Samples               |
| Paid Chk# | 039020 | FUZIONPRINT                | 10/25/2018 | \$339.01    | City Newsletter                |
| Paid Chk# | 039021 | GALLS, LLC                 | 10/25/2018 | \$197.98    | PD Uniforms                    |
| Paid Chk# | 039022 | GOPHER STATE ONE CALL      | 10/25/2018 | \$91.80     | Locates                        |
| Paid Chk# | 039023 | HAWKINS, INC.              | 10/25/2018 | \$10.00     | PW - Water Chemicals           |
| Paid Chk# | 039024 | LAKEVILLE SANITARY, INC.   | 10/25/2018 | \$330.09    | 11755 - City Hall              |
| Paid Chk# | 039025 | JOHN MACHABY               | 10/25/2018 | \$9.58      | Bug Spray - Reimbursement      |
| Paid Chk# | 039026 | METROPOLITAN COUNCIL       | 10/25/2018 | \$35,521.20 | 3rd Qtr 2018 SAC               |
| Paid Chk# | 039027 | MINNESOTA EQUIPMENT        | 10/25/2018 | \$505.71    | PW - Fleet Maint & Equip       |
| Paid Chk# | 039028 | MSFDA                      | 10/25/2018 | \$148.00    | 2019 MSFDA Membership Dues     |
| Paid Chk# | 039029 | NORTHWEST ASSOCIATED       | 10/25/2018 | \$37.20     | City Code Update Pages         |

|           |        |                           |            |                     |                                |
|-----------|--------|---------------------------|------------|---------------------|--------------------------------|
| Paid Chk# | 039030 | NAPA AUTO PARTS           | 10/25/2018 | \$62.97             | PW - Fleet Maint & Equip       |
| Paid Chk# | 039031 | NORTHLAND PEST CONTROL    | 10/25/2018 | \$21.25             | Pest Control - Library         |
| Paid Chk# | 039032 | PALMER JOHNSON POWER      | 10/25/2018 | \$3,233.32          | PW - Fleet Maint & Equip       |
| Paid Chk# | 039033 | POMPS TIRE SERVICE, INC.  | 10/25/2018 | \$243.20            | PW - Fleet Maint & Repairs     |
| Paid Chk# | 039034 | QUILL CORPORATION         | 10/25/2018 | \$91.99             | Office Supplies                |
| Paid Chk# | 039035 | R&R CLEANING CONTRACTORS, | 10/25/2018 | \$92.70             | Rugs - Sep 18                  |
| Paid Chk# | 039036 | SCOTT COUNTY TREASURER    | 10/25/2018 | \$270.00            | MDT State Access 3rd Qtr 2018  |
| Paid Chk# | 039037 | SCOTT COUNTY RECORDER     | 10/25/2018 | \$92.00             | F15-18 Fence Encroachment Agmt |
| Paid Chk# | 039038 | C/O SHRED RIGHT           | 10/25/2018 | \$15.00             | Shredding                      |
| Paid Chk# | 039039 | SUEL PRINTING COMPANY     | 10/25/2018 | \$237.50            | Legal Ads                      |
| Paid Chk# | 039040 | WATER CONSERVATION SVC,   | 10/25/2018 | \$324.57            | PW Water Repairs               |
|           |        | <b>Total Checks</b>       |            | <b>\$112,492.31</b> |                                |

**DIRECT DEPOSIT**

Paid Edi-Weekly ACH 10/18/18

**Total Checks**

**\$30,075.47**



# STAFF MEMORANDUM

|                          |  |
|--------------------------|--|
| <b>SUBJECT:</b>          | Approve Outdoor Concerts and Events Permit                             |
| <b>MEETING DATE:</b>     | October 25, 2018   |
| <b>PREPARED BY:</b>      | Sandra Green, City Clerk   |
| <b>REQUESTED ACTION:</b> | Adopt Resolution 18-67 Approving an Outdoor Concerts and Events Permit |

## COMMUNITY VISION:

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## 5 YEAR GOALS:

- Diverse tax base, employment opportunities, additional businesses and services, promote high quality broad spectrum of residential development
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- 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**

Erin Smith has submitted an Outdoor Concerts and Events Application for an event to be held on December 1, 2018.

## **DISCUSSION**

Erin Smith, on behalf of the Elko New Market Chamber of Commerce, has submitted an Application for an Outdoor Concerts and Events Permit for a Christmas Tree Lighting Event to be held on December 1, 2018 from 5:00 p.m. to 8:00 p.m. at Firehouse Grille located at 7875 Old Town Road, Elko New Market.

This will be the third annual Christmas Tree Lighting Event to be sponsored by the Chamber of Commerce.

With the City Council adoption of Resolution 14-48, dated July 24, 2014, which permanently waived the permit fee for outdoor events held by local non-profits, there will be no permit fee for the Chamber of Commerce event.

## **Attachments:**

- Resolution 18-67 Outdoor Concerts and Events Permit Application for Chamber of Commerce

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

**RESOLUTION NO. 18-67**

**WHEREAS;** Erin Smith, on behalf of the Elko New Market Chamber of Commerce, has submitted an application for an Outdoor Concerts and Events permit for an event to be held at Firehouse Grille, 7875 Old Town Road, Elko New Market on December 1, 2018 between the hours of 5:00 p.m. and 8:00 p.m.;

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Elko New Market, Minnesota, that an Outdoor Concerts and Events permit be issued to Elko New Market Chamber of Commerce for the premises located at 7875 Old Town Road, Elko New Market, Minnesota, for an Outdoor Concerts and Events Permit for December 1, 2018 between the hours of 5:00 p.m. to 8:00 p.m.

This permit is issued contingent upon Applicant's compliance with the above-approved time frames and the City's ordinances, including the outdoor concert and event ordinance and noise ordinance.

**APPROVED AND ADOPTED** this 25<sup>th</sup> day of October, 2018.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Robert Crawford, Mayor

**ATTEST:**

\_\_\_\_\_  
Sandra Green, City Clerk



# STAFF MEMORANDUM

|                          |   |
|--------------------------|---|
| <b>SUBJECT:</b>          | Acting City Clerk and Deputy City Clerk   |
| <b>MEETING DATE:</b>     | October 25, 2018  |
| <b>PREPARED BY:</b>      | Sandra Green, City Clerk  |
| <b>REQUESTED ACTION:</b> | Adopt Resolution 18-68 Appointing Tom Terry, City Administrator as Acting City Clerk and Appointing Mark Nagel, Assistant City Administrator as Deputy Clerk. |

## COMMUNITY VISION:

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## COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

**BACKGROUND**

Sandra Green has submitted her resignation as City Clerk effective December 14, 2018.

**DISCUSSION**

With the resignation of Sandra Green, the position of City Clerk will be vacant effective December 14, 2018. Per Minn. Stat. 412.151, the City Council is authorized to appoint an acting City Clerk until such time as the City Clerk's position is filled and Deputy City Clerk.

City Council is being asked to adopt Resolution 18-68 appointing Tom Terry as Acting City Clerk and Mark Nagel as Deputy Clerk.

**Attachment:**

Resolution 18-68 Appointing an Acting City Clerk and Deputy City Clerk

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

**RESOLUTION NO. 18-68**

**RESOLUTION  
APPOINTING AN ACTING CITY CLERK AND DEPUTY CITY CLERK**

**WHEREAS**, the City Council is authorized by Minn. Stat. §412.151 to appoint an acting city clerk and deputy city clerk;

**WHEREAS**, Sandra Green, City Clerk, has submitted her resignation effective December 14, 2018, and the City Council desires to appoint Tom Terry, City Administrator, as the acting City Clerk until such time as the City Clerk's position is filled;

**WHEREAS**, the City Clerk is authorized to appoint a deputy City Clerk with the consent of the City Council and the City Clerk has appointed Mark Nagel, Assistant City Administrator, as the deputy City Clerk;

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

1. Tom Terry is hereby appointed as the acting City Clerk, which will include the City Clerk's designation as the responsible authority in charge of collecting and disseminating such information as required by the provisions of Minnesota Statutes, Chapter 13 and compliance officer who is responsible for responding to questions and concerns regarding problems and obtaining data.
2. The City consents to the appointment of Mark Nagel as the deputy City Clerk.

**PASSED, ADOPTED AND APPROVED** this 25<sup>th</sup> day of October, 2018.

**CITY OF ELKO NEW MARKET**

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Robert Crawford, Mayor

**ATTEST:**

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Sandra Green, City Clerk



# STAFF MEMORANDUM

|                          |  |
|--------------------------|--|
| <b>SUBJECT:</b>          | Change Requests to Financial Services Contracts - AEM  |
| <b>MEETING DATE:</b>     | October 25, 2018   |
| <b>PREPARED BY:</b>      | Thomas Terry, City Administrator   |
| <b>REQUESTED ACTION:</b> | Approve Change Requests to Agreements for Financial Management Services with AEM Financial Solutions |

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## COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

## **DISCUSSION**

The City is still in the process of hiring an Accountant to fill the vacant position. To provide for support until the vacant position is filled, the City had previously entered into an agreement with AEM to provide the same financial services provided previously prior to the hiring of Lelia Leonhardt. The accounting services included a financial person from AEM being at City Offices on a regular basis to provide finance support until the relationship between AEM and the City ends at the end of September 2018. The Accountant position is not expected to be filled until late November or early December. In addition, the City has recently hired a part-time Finance Director. However, several projects are in process that were initiated with Zach Doud from AEM (Budget, Utility Fund Analysis and Rate Study, etc.).

The City Council is being asked to approve a Change Request to the Agreements for Financial Management Services with AEM Financial Solutions, LLC to extend services through December 31, 2018 in order to complete the Accountant recruitment process, assist with the transition for both the Accountant and part-time Finance Director positions, assist with year end activities (as necessary), as well as complete key projects that are currently underway.



October 5, 2018

## Change Order Form

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

Proposed by: Jean D. McGann

### Change Request:

Per request of City of Elko New Market (the City) we are modifying the Financial Management Services agreement such that services are performed on an hourly basis. The existing Financial Management Services agreement expired as of October 1, 2018. AEM Financial Solutions, LLC will assist the City with their transition to an internal Finance Director on an hourly basis as stated below.

*Reason for requiring the change order:* Expiration of Financial Management Services agreement and transition to internal City Finance Director

*Nature of work to be performed:* Financial Management Services

*Hourly rate for services:* \$195.00

*AEM Employee; Zach Doud, Client Services Supervisor*

*Contract extended to:* December 31, 2018

### Estimated Cost of Change/ Additional Work:

The City of Elko New Market will be billed based an hourly rate as stated above. The terms and conditions of payment will be the same as in the original contract.

**Approved:**

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

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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

Name Jean D. McJann

Title President

Date October 5, 2018

\* \* \* \* \*

**Rejected:**

I do not want AEM Financial Solutions, LLC to perform the additional services required. I will be responsible for ensuring that our personnel will provide the requested assistance.

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

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

## Change Order Form

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

Proposed by: Jean D. McGann

### **Change Request:**

Per request of City of Elko New Market (the City) we are extending the Interim Accounting Services agreement to December 31, 2018. At this time we agree to extend the contract dated July 18, 2018 to allow the City adequate time to complete their recruitment process.

*Reason for requiring the change order:* Recruitment efforts by City  
*Nature of work to be performed:* Accounting Services  
*Contract extended to:* December 31, 2018

### **Estimated Cost of Change/ Additional Work:**

The City of Elko New Market will be billed based on the terms outlined in the original agreement dated July 18, 2018. The terms and conditions of payment will be the same as in the original contract.

**Approved:**

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

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

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

Name Jean D. McJann

Title President and Partner

Date October 5, 2018

\* \* \* \* \*

**Rejected:**

I do not want AEM Financial Solutions, LLC to perform the additional services required. I will be responsible for ensuring that our personnel will provide the requested assistance.

City of Elko New Market  
601 Main St  
Elko New Market, MN 55054

Name \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_



# STAFF MEMORANDUM

|                          |   |
|--------------------------|---|
| <b>SUBJECT:</b>          | Zoning Ordinance Amendments   |
| <b>MEETING DATE:</b>     | October 25, 2018  |
| <b>PREPARED BY:</b>      | Renee Christianson, Community Development Specialist  |
| <b>REQUESTED ACTION:</b> | Adopt Ordinance No. 179 Concerning Amendments to the City's Zoning Ordinance, and Adopt Summary Ordinance No. 180 |

## COMMUNITY VISION:

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

## 5 YEAR GOALS:

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

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

## **BACKGROUND**

The Planning Commission recently considered amendments to the City's Zoning Ordinance which would simplify the list of permitted and conditional uses in the B1 Neighborhood Business zoning district. The B1 zoning district allows a fairly wide variety of uses including various retail, service, and restaurant type uses. The changes being recommended by the Planning Commission at this time will make it easier for certain businesses to locate (office uses and (commercial) daycare facilities, in particular) by allowing them as "permitted uses" as opposed to the current requirement that they are a "conditional use". In addition, the previous lengthy list of retail uses has not been simplified into a more general "retail" category.

The proposed changes to the B1 zoning district requirements also triggered some changes to the other sections of the City Code, primarily the "Definitions" and "Parking" sections of the code.

## **DISCUSSION**

Based on the information provided to the Planning Commission, the recommendations of City staff, public comment received and discussion at the meeting, the Planning Commission has unanimously recommended approval of the request to amend various sections of the City's Zoning Ordinance as depicted in draft Ordinance #179.

## **BUDGET IMPACT**

The budget impact for this item is the cost of City staff time, City Attorney review time and the cost to revise the City Code.

## **CITY ATTORNEY RECOMMENDATION**

The City Attorney has reviewed the staff report, the Planning Commission recommendation and draft Ordinance #179 and #180, and has recommended approval of the draft ordinances.

## **REQUESTED ACTION:**

The City Council is being asked to adopt Ordinance No. 179 and the accompanying Summary Ordinance No. 180.

### **Attachments:**

9.25.18 Planning Commission Report  
9.25.18 DRAFT Planning Commission Minutes  
Draft Ordinance No. 179  
Draft Ordinance No. 180

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

**ORDINANCE NO. 179**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE  
TITLE 11, CHAPTER 2-2, CONCERNING DEFINITIONS AND  
TITLE 11, CHAPTER 5-14 CONCERNING DAYCARE FACILITIES AND  
TITLE 11, CHAPTER 9-10 CONCERNING PARKING REGULATIONS AND  
TITLE 11 CHAPTERS 25 AND 26 CONCERNING PERMITTED AND  
CONDITIONAL USES**

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 add the following definitions:

CLINIC: Any establishment where human patients are examined, diagnosed or treated by licensed practitioners, and does not involve overnight stays. For this purpose, a licensed practitioner includes physicians, dentist, osteopaths, chiropractors, optometrists, psychologists, therapists, and physical therapists.

DAYCARE FACILITY: Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minnesota statutes section 245A.02, subdivision 10.

PHYSICAL RECREATION OR TRAINING: A business that provides physical exercise, training or recreation equipment or space for use on site. Health and fitness centers and clubs, dance studios, karate facilities and gymnastics facilities shall be considered examples of such use. Training or self-improvement shall be an important component of the activity, which is differentiated from commercial recreation uses, where sports are the predominate activity.

RECREATION, COMMERCIAL: A business directed towards the general public that offers recreational entertainment such s bowling alleys, billiard halls, ballrooms, roller rinks, movie theaters, miniature golf, golf courses, driving ranges, tennis courts, ball fields and the like that are operated by a private enterprise with the intention of earning a profit by providing entertainment for the public.

RETAIL ESTABLISHMENT: Establishments displaying and selling products produced off site intended for sale directly to the consumer within a building or portion of a building.

SERVICE ESTABLISHMENT: An establishment that provides labor, maintenance, repair services conducted within a building and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as shoe repair shop, seamstress or tailor shop, computer repair, appliance repair or other uses of similar character.

**SECTION 2.** Section 11-2-2 of the Elko New Market City Code is hereby amended to delete the following definitions:

~~COMMERCIAL RECREATION: Uses such as bowling alleys, driving ranges, and movie theaters that are privately owned and operated with the intention of earning a profit by providing entertainment for the public.~~

~~DAYCARE NURSERY:~~

- ~~A. Any state licensed facility as defined by Minnesota statutes section 245A.02, subdivision 10, as it may be amended, or home where children under twelve (12) years of age who are not members of the family or the superior or custodian in charge:
  - ~~a. Meet or are scheduled to meet regularly for more than one day a week, for all or part of the day; and,~~
  - ~~b. Need either to be watched or cared for while their parent or guardian is otherwise engaged, or to afford themselves opportunities for physical, social, emotional or intellectual growth.~~~~
- ~~B. This term shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting.~~

~~RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.~~

**SECTION 3.** The definition of “Office” in Section 11-2-2 of the Elko New Market City Code is amended to read as follows:

OFFICE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations including attorneys, financial advisors, consultants, insurance and other uses of similar character. This includes administrative services provided to persons both on-site and off-site, and on a walk-in or appointment basis.

**SECTION 4.** Section 11-5-14 of the Elko New Market City Code is hereby amended as follows:

**11-5-14: ~~COMMERCIAL~~ DAYCARE FACILITIES:**

- A. Purpose: The regulation of ~~commercial~~ daycare facilities in this section is to establish standards and procedures by which daycare facilities can be conducted within the city without jeopardizing the health, safety, and general welfare of the daycare participants and/or the surrounding neighborhood. This section establishes the city's minimum requirements for the establishment of ~~commercial~~ daycare facilities ~~rather~~ other than in-home daycare facilities as allowed by state statute.
- B. Procedure: ~~Commercial~~ Daycare facilities, except as otherwise provided, shall be allowed as a ~~conditional use~~ in accordance with the zoning districts established by chapter 14 24 of this title, ~~subject to the regulations and requirements of section 11-3-2 of this title.~~ In addition to the city regulations, all daycare facility operations shall comply with the minimum requirements of the applicable Minnesota department of human services regulations.
- C. Special Requirements: ~~Commercial~~ Daycare facilities shall meet the following requirements as applicable:
1. Lot Requirements And Setbacks: The proposed site for a ~~commercial~~ daycare facility shall have a minimum lot area as determined by the Minnesota department of human services and the base zoning district in which it is located. The daycare facility shall meet the minimum setback requirements of the respective zoning districts.
  2. Screening: Where the ~~commercial~~ daycare facility is in or abuts any commercial or industrial use or zoned property, the daycare facility shall provide screening along the shared boundary of the two (2) uses. All of the required fencing and screening shall comply with the fencing and screening requirements in sections 11-5-4 and 11-5-5 of this chapter.
  3. Parking:
    - a. There shall be adequate off street parking which shall be located separately from any outdoor play area and shall be in compliance with chapter 9 of this title.
    - b. There shall be adequate short term parking or drop off area provided within close proximity to the main entrance. Short term or drop off parking shall accommodate three (3) car spaces and shall be designated as temporary in nature. The short term parking or drop off area shall not conflict with off street parking access and shall not conflict with pedestrian movement. The short term parking or drop off area is in addition to off street parking and loading spaces required by chapter 9 of this title.
    - c. Except as may be approved as part of a joint parking arrangement, as regulated by section 11-9-5 of this title, when a daycare facility is an accessory use within a structure containing another principal use, each use

shall be calculated separately for determining the total off street parking spaces required.

4. Signage: All signing and informational or visual communication devices shall be in compliance with chapter 12 of this title.
5. Building Requirements: The building plans for the construction or alteration of a structure that is to be used as a daycare facility shall be submitted to the city for review by the city building official to ensure that the structure is in compliance with the state building code. The facility shall meet the following conditions:
  - a. Architectural Appearance: The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or area as to cause incompatibility with neighboring properties or constitute a blighting influence within a reasonable distance of the lot.
  - b. Land Use Compatibility: Internal and external site land use compatibility and sufficient peripheral area protections shall be provided by the daycare facility.
  - c. Play Space: Play space shall be adequately enclosed where necessary to prevent children from leaving the premises unattended.
  - d. Outdoor Areas: Outdoor play areas shall not be provided within the required front yard setbacks.
6. Conditions Of Permit: The planning commission and city council may impose such conditions on the granting of a ~~commercial~~ daycare facility conditional use permit as may be necessary to carry out the purpose and provisions of this title.
7. State Licenses Required: Proof of approved applicable state licenses shall be provided to the zoning administrator prior to the building official granting a certificate of occupancy.
8. ~~Noneonforming Facilities: Existing commercial daycare facilities lawfully existing on the effective date hereof may continue as nonconforming uses. They shall, however, be required to obtain applicable state and city permits for their continued operation. Any existing commercial daycare facility that is discontinued for a period of more than thirty (30) days, or is in violation of the ordinance provisions under which it was initially established, shall be brought into conformity with the provisions of this section.~~
89. Inspections: The city hereby reserves the right, upon issuing any ~~commercial~~ daycare facility conditional use permit, to inspect the premises in which the occupation is being conducted to ensure compliance with the provisions of this section or any conditions additionally imposed.

**SECTION 5.** Section 11-9-10 of the Elko New Market City Code is hereby amended as follows:

**11-9-10: NUMBER OF PARKING SPACES REQUIRED:**

| <u>Uses</u> | <b>Required Number Of<br/><u>Parking Spaces</u></b> |
|-------------|---|
|-------------|---|

|             |  |   |
|-------------|--|---|
| Commercial: |  |   |
|             | Automobile repair (associated with motor fuel station)     | 2 for each service stall, plus motor fuel requirements  |
|             | Automobile repair, major                                   | At least 2, plus 4 for each service stall   |
|             | Automobile repair, minor                                   | 1 per 200 square feet of floor area   |
|             | Automobile sales   | 1 per 500 square feet of showroom, plus 1 for each 3,000 square feet of outdoor sales lot   |
|             | Bank   | - 1 for each 300 square feet of floor area; <del>plus 5 stacking spaces for each drive-up window</del>                              |
|             | Bar, tavern, nightclub                                     | At least 1 per 3 patron seats, plus 1 per employee on the largest work shift  |
|             | <del>Beauty shop or barbershop</del>                       | - <del>2 per chair, plus 1 per employee on the largest work shift</del>   |
|             | Boarding house   | At least 1 for each person for whom accommodations are provided for sleeping  |
|             | Bowling alley  | 5 for each alley, plus additional spaces as may be required herein for related uses contained within the principal structure        |
|             | Car wash (accessory to motor fuel station)                 | 4 off street stacking spaces per drive-through car wash. The bay inside the car wash shall not be considered a stacking space       |
|             | Car wash (drive-through) as principal use                  | A minimum of 10 or 1 for each employee on the maximum shift, whichever is greater   |
|             | Community center, private club, lodge, museum, art gallery | 10, plus 1 for each 150 square feet in excess of 2,000 square feet of floor area in the principal structure                         |
|             | Convenience <del>grocery</del> <u>store</u>                | 1 per 100 square feet of floor area. Parking areas at pump islands may be counted as parking spaces                                 |
|             | <del>Fitness center</del>                                  | - <del>1 per exercise station (e.g., strength machine or cardiovascular), plus 1 per employee on the largest work shift, plus</del> |

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|  |  | <del>additional parking spaces required for ancillary uses</del>   |
|  | Funeral home   | 20 per chapel or parlor, plus 1 for each company vehicle maintained on site. Adequate stacking space shall also be provided for staging funeral processions                                      |
|  | Grocery or supermarket   | 1 per 100 square feet of floor area of customer sales and service, plus 1 per 200 square feet of floor area of storage   |
|  | Hotel or motel   | At least 1 for each dwelling unit or lodging room, plus 1 additional for each 8 units. Additional spaces shall be required for liquor or restaurant facilities                                   |
|  | <del>Instructional studio (dance, karate, music, and similar uses)</del>   | <del>1 for each 200 square feet of floor area</del>  |
|  | Laundromat   | 1/2 per machine  |
|  | Ministorage  | 2 per dwelling unit or employee area, plus 1 per 6,000 square feet of indoor storage area  |
|  | Motor fuel station   | 1 per pump, plus 1 per employee on the largest work shift. With convenience grocery, include 1 per 100 square feet of floor area. Parking areas at pump islands may be counted as parking spaces |
|  | Outdoor storage and/or display of retail merchandise   | 1 per 2,000 square feet of outdoor storage or display area in addition to the total parking required on the site for the individual use  |
|  | <u>Personal Service (beauty shops, electrolysis, nail care, tanning, physical therapy, therapeutic massage, tattooing, and similar uses)</u> | <u>2 per chair or bed, plus 1 per employee on the largest work shift</u>   |
|  | <u>Physical Recreation or Training (fitness centers, dance studios, karate facilities and similar uses)</u>                                  | <u>1 per 200 square feet of floor area</u>   |
|  | Pool hall and arcade   | 1 per 4 patrons at the maximum occupancy load of the facility, plus 1 per employee on the largest work shift, plus 1 per 100   |

|                       |  |   |
|-----------------------|--|---|
|                       |  | square feet of kitchen, dining, or snack bar area   |
|                       | Religious institution, theater, auditorium                             | 1 for each 3 seats, based upon maximum design capacity, plus additional spaces as may be required herein for related uses contained within the principal structure                          |
|                       | Restaurant (fast food)   | 1 per 50 square feet of floor area, plus 1 per employee on the largest work shift   |
|                       | Restaurant (sit down) including outdoor seating                        | 5 per 1,000 square feet of floor area   |
|                       | Restaurant, take out (no seating)                                      | 1 per 100 square feet of floor area   |
|                       | <del>Retail sales and multiple occupancy retail service building</del> | 1 per 250 square feet of floor area and outdoor sales space   |
|                       | <del>Retail establishments-Retail sales/service and storage-</del>     | 1 per 200 square feet of floor area of retail space and 1 per 500 square feet of storage area-  |
|                       | <u>Service establishments (provides labor, maintenance or repair)</u>  | <u>1 per 200 square feet of floor area</u>  |
| <b>Industrial:</b>    |  |   |
|                       | Industrial   | A minimum of 1 per employee on the largest work shift, plus 1 per company vehicle regularly stored on premises, plus additional spaces that may be required depending upon the specific use |
|                       | Manufacturing, fabricating or processing of a product                  | 1 per 1,000 square feet of floor area, plus 1 for each company owned truck (if not stored inside the principal structure)   |
|                       | Manufacturing, office  | 1 per 350 square feet of floor area, plus 1 per company vehicle not stored within the principal structure   |
|                       | <b>Warehouse:</b>  |   |
|                       | Office area  | 1 per 400square feet of office area   |
|                       | Warehouse area   | 1 per 1,000 square feet of floor area, plus 1 per company vehicle not stored within the principal structure   |
| <b>Institutional:</b> |  |   |

|               |   |  |   |
|---------------|---|--|---|
|               | Cemetery  |  | 1 per employee  |
|               | Church  |  | 1 per 3 seats of maximum capacity   |
|               | Community recreation center                         |  | 1 per 250 square feet of floor area, or 1 per 4 patrons at the maximum occupancy load, whichever is greater, plus 1 per employee on the largest work shift  |
|               | Hospital  |  | 2 per 3 patient beds, plus 1 per employee on the largest work shift   |
|               | Library   |  | 1 per 250 square feet of floor area or 1 per 4 seats at the maximum occupancy load, whichever is greater, plus 1 per employee on the largest work shift     |
|               | School, college or trade                            |  | 1 per staff member on the largest work shift, plus 1 per 2 students of the largest class attendance period  |
|               | School, elementary and junior high                  |  | 1 per 7 students based upon building design   |
|               | School, high school and post high school facilities |  | 1 per 3 students based upon building design capacity, plus 1 per classroom  |
| Office:       |   |  |   |
|               | Medical, dental, or chiropractic office or clinic   |  | 5 per doctor or dentist, plus 1 for each employee on the largest work shift   |
|               | Office ( <del>business and professional</del> )     |  | 1 for each 400 square feet of floor space   |
|               | Veterinary office (with or without kennels)         |  | 3 per doctor, plus 1 per employee on the largest work shift   |
| Recreational: |   |  |   |
|               | Athletic field (private or private nonprofit)       |  | 1 per 8 seats of design capacity  |
|               | Athletic stadium/auditorium/indoor sports area      |  | 1 per 4 seats   |
|               | Golf course   |  | 4 per hole, plus 50 percent of the requirements for any other associated use, except in planned residential, resort, or commercial developments, which have |

|              |   |  |
|--------------|---|--|
|              |   | otherwise adequate provisions for parking  |
|              | Golf driving range, miniature golf, archery range   | 10, plus 1 for each 100 square feet of floor area  |
|              | Skating rink, ice or roller   | 1 per 300 square feet of floor area, plus 1 per employee on largest work shift   |
|              | Tennis, racquet, handball court   | 4 per court, plus 1 per employee on the largest work shift   |
| Residential: |   |  |
|              | Assisted living facility  | $\frac{1}{2}$ per unit   |
|              | Daycare <del>facility</del> nursery –   | 1 per teacher/employee on the largest work shift, plus 1 off street loading space per 6 students   |
|              | Elderly (senior citizen) housing (uses with occupancy limited to persons age 55 and over) | 1 per unit; $\frac{1}{2}$ of required stalls may be provided at initial development for projects with occupancy restricted to persons age 55 and older. The development shall include a proof of parking area sufficient to meet the parking requirements  |
|              | Group home (dwelling)   | 1 per sleeping room or 1 for every 4 beds  |
|              | Manufactured home   | 2 per manufactured home (a minimum of 1 shall be enclosed)   |
|              | Multiple-family (apartment) dwelling (see also Multiple-family guest parking herein)      | $1\frac{1}{2}$ for each efficiency and 1-bedroom unit and $2\frac{1}{4}$ for units with 2 or more bedrooms. A minimum of 1 of the required parking spaces per unit shall be an enclosed garage space. A land area requirement credit of 300 square feet toward the satisfaction of lot area requirements shall be given for each garage under the principal building |
|              | Multiple-family guest parking   | $\frac{1}{2}$ per townhouse or apartment unit, distributed throughout the development, in addition to the required parking per unit  |
|              | Nursing home other than assisted living facility  | 1 per 6 patient beds, plus 1 per employee on the largest work shift  |
|              | One- and two-family residence   | A 440 square foot attached garage shall be constructed at the same time as the   |

|  |  |   |
|--|--|---|
|  |  | principal structure. For lots of record established after the effective date hereof, all site plans for single-family homes shall provide for the location of a 3 stall attached garage, whether or not construction is intended  |
|  | Townhome dwelling unit (see also Multiple-family guest parking herein) | Each dwelling unit shall have an attached garage with a minimum of 2 garage spaces and 2 driveway spaces per unit. The minimum garage shall be 220 square feet for dwellings with basements and 540 square feet for dwellings without basements. Garages shall be a minimum of 20 feet in width |
|  | Uses not listed  | The parking requirement for a use not specifically mentioned herein shall be the same as required for a similar use as determined by the zoning administrator   |

**SECTION 6.** The reference to “Commercial Daycare Facilities” in Section 11-25D-4 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 7.** The reference to “Commercial Daycare Facilities” in Section 11-25E-4 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 8.** Section 11-26A-2 of the Elko New Market City Code is hereby amended as follows:

**11-26A-2: PERMITTED USES:**

Subject to applicable provisions of this title, the following are permitted uses in the B-1 district:

- Clinics
- Daycare facilities
- Office
- Personal wireless service antennas located on a public structure or existing tower as regulated by [chapter 13](#) of this title
- Personal services
- Physical recreation or training
- Restaurant, fast food (without drive-through facilities)
- Restaurant, sit down
- Retail establishments
- Service establishment

Sexually oriented business, accessory, subject to the provisions of section [11-5-16](#) of this title

Sexually oriented business, principal, subject to the provisions of section [11-5-16](#) of this title

Veterinary clinic (without animal kennels)

**SECTION 9.** Section 11-26A-4 of the Elko New Market City Code is hereby amended to delete “commercial daycare facilities” and “professional and commercial (leased) offices” as conditional uses, and the reference to “Motor Fuel Stations” as a conditional use is amended to read “Motor Fuel Stations and Convenience Stores.”

**SECTION 10.** The reference to “Daycare Nurseries” in Section 11-26B-2 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 11.** The reference to “Commercial Daycare Facilities” in Section 11-26B-5 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 12.** Section 11-26C-2 of the Elko New Market City Code is hereby amended to delete Commercial Recreation as a Permitted Use, and add Recreation, Commercial as a Permitted Use.

**SECTION 13.** The reference to “Commercial Daycare Facilities” in Section 11-26C-4 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 14.** Section 11-26D-3 of the Elko New Market City Code is hereby amended to delete Retail Sales Establishment as a Permitted Use, and add Retail Establishments as a Permitted Use.

**SECTION 15.** The reference to “Commercial Daycare Facilities” in Section 11-26D-5 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 16.** Section 11-26E-2 of the Elko New Market City Code is hereby amended to delete Commercial Recreation as a Permitted Use, and add Recreation, Commercial as a Permitted Use.

**SECTION 17.** The reference to “Commercial Daycare Facilities” in Section 11-26E-4 of the Elko New Market City Code is hereby amended to read “Daycare Facilities.”

**SECTION 18.** Section 11-26F-4 of the Elko New Market City Code is hereby amended to delete Indoor Commercial Recreation as a Conditional Use, and add Recreation, Commercial as a Conditional Use.

**SECTION 19.** Section 11-26G-4 of the Elko New Market City Code is hereby amended to delete Indoor Commercial Recreation as a Conditional Use, and add Recreation, Commercial as a Conditional Use.

**SECTION 20.** This Ordinance shall take effect immediately upon its passage and publication.

**ADOPTED** this 25<sup>th</sup> day of October, 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

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

**SUMMARY ORDINANCE NO. 180**

**AN ORDINANCE AMENDING CITY OF ELKO NEW MARKET CITY CODE TITLE  
11, CHAPTER 2-2, CONCERNING DEFINITIONS AND  
TITLE 11, CHAPTER 5-14 CONCERNING DAYCARE FACILITIES AND  
TITLE 11, CHAPTER 9-10 CONCERNING PARKING REGULATIONS AND TITLE 11  
CHAPTERS 25 AND 26 CONCERNING PERMITTED AND CONDITIONAL USES**

**NOTICE IS HEREBY GIVEN** that, on October 25, 2018, Ordinance No. 179 was adopted by the City Council of the City of Elko New Market, Minnesota.

**NOTICE IS FURTHER GIVEN** that, because of the lengthy nature of Ordinance No. 179, the following summary of the ordinance has been prepared for publication.

**NOTICE IS FURTHER GIVEN** that the ordinance adopted by the Council amends City Code Title 11, Zoning Regulations, by amending certain definitions, references to daycare facilities, parking regulations, and amendments to the permitted and conditional uses in various Business zoning districts. A printed copy of the whole ordinance is available for inspection by any person during the City's regular office hours.

**APPROVED** for publication by the City Council of the City of Elko New Market this 25<sup>th</sup> day of October, 2018.

**CITY OF ELKO NEW MARKET**

By: \_\_\_\_\_  
Bob Crawford, Mayor

By: \_\_\_\_\_  
Sandra Green, City Clerk

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated September 25, 2018 regarding Rezoning Request #R4-2018.

Christianson reported that the City of Elko New Market owns a piece of property along the south side of James Parkway that had been approved for a town home development prior to the recession. The original 71-unit development was approved by way of PUD zoning. The original developer (2006) defaulted on assessments against the property and the City ultimately ended up with possession of the undeveloped portions of the property. The City currently has a purchase agreement on the final remaining undeveloped parcel which consists of 3.19 acres. The purchaser is Global Properties, LLC.

Christianson explained that one condition of the purchase agreement is that the buyer have reasonable assurance that they will be able to use the property for their intended use. Global Properties is planning to construct apartment buildings on the property. To provide the reasonable assurances, the purchaser has requested that the City rezone the property to R4 High Density Residential as a condition of the sale. The R4 zoning district allows multiple-family dwelling structures containing more than eight units as a permitted use. The criteria for granting a rezoning request were reviewed.

Chairman Thompson opened the required public hearing at 7:12 p.m., and with no comments from the public, it was moved by Humphrey, seconded by Kruckman to close the public hearing at 7:13 p.m.

Commissioner Smith asked about the large stockpile of fill and dirt on the site, and questioned whether there needed to be any coordination with the adjacent property owner to the west, since the stockpile seemed to cross over both properties. Christianson stated that the buyer is aware of the stockpile location in relation to the property lines. Upon sale of the property, any responsibility for coordination would be assumed by the buyer.

With no further discussion, it was moved by Smith and seconded by Vetter to recommend approval of the request for Rezoning #R4-2018 to rezone the subject property from Planned Unit Development (PUD) to High Density Residential (R4) for the following reasons:

1. Rezoning of the property to R4 is consistent with the City's Comprehensive Plan, which guides the property to a Residential Mixed Use land use Category, and the Residential Mixed Use land use category provides for development of multi-family housing.
2. The proposed R4 zoning of the property is compatible with adjacent land uses.
3. The City's existing infrastructure can accommodate multi-family development on the property.
4. The site borders on a City minor collector street which can adequately handle traffic from high density residential development.

Motion carried: (5-0).

**B. Draft Amendment to Zoning Ordinance – Definitions and Uses in the B1 Zoning District**

Community Development Specialist Christianson introduced the agenda item and explained that the topic of simplifying the list of permitted and conditional uses in the B1 Neighborhood Business zoning district was introduced by City staff at the August Planning Commission. The B1 zoning district allows a wide variety of uses including various retail, service, and restaurant uses. The purpose of the district as stated in the Zoning Ordinance is “to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished.” Staff suggested, and the Commission supported, that the list of many various individually listed retail and services uses should be simplified into more generic categories, and it was also agreed that office uses should be a permitted use in the B1 district and not a conditional use.

Christianson reviewed in detail the changes proposed to Section 11-26A of the City Code, related to the B1 Neighborhood Business District and Section 11-2-2 Definitions. The proposed changes were summarized as follows:

- Deleted the many individually listed retail and service type uses listed as permitted uses in the B1 district and replaced with the following permitted uses in the B1 district:
  - Clinics
  - Daycare facilities
  - Office uses
  - Personal wireless service antennas located on a public structure or existing tower
  - Personal services
  - Physical recreation or training
  - Restaurants, fast food
  - Restaurants, sit down
  - Retail establishments
  - Service establishments
  - Sexually oriented business, accessory
  - Sexually oriented business, principal
- Added Convenience Store as a conditional use
- Changed Daycare Facility from a conditional use to a permitted use
- Changed Office Uses from a conditional use to a permitted use
- Deleted definition of Daycare Nursery and added definition for Daycare Facility
- Amended definition of Office Use
- Added definition for Physical Recreation or Training
- Added definition for Recreation, Commercial
- Added definition for Service Establishment
- Deleted definition of Retail Sales and added definition for Retail Establishment

Christianson stated that the proposed changes would make it easier businesses to locate within the B1 zoning district without needing a conditional use permit and will also clean up some of the currently listed definitions.

Chairman Thompson and Commissioner Humphrey asked about sexually oriented uses. Christianson explained to the Commission that a city must provide opportunities for sexually oriented uses to locate. She explained that the Elko New Market code allows them in certain zoning districts with conditions, such as minimum required setbacks to schools and daycares. She explained that if, by applying all the conditions, there is no place for a sexually oriented use to locate, the City's code would be considered unconstitutional. She stated that she has discussed the specific matter with the City's legal counsel because of concerns for such uses in the B1 zoning district. Legal counsel has recommended, that until a new evaluation is completed to determine that there are reasonable places for sexually oriented uses to locate, they should remain a permitted use in the B1 zoning district.

Christianson noted that the City Attorney also recommended a slight change to the definition of Commercial Recreation. The City Attorney has also recommended, as a result of the currently proposed ordinance amendments, changes to other sections of the ordinance as follows:

- Change all ordinance references for Daycare Nursery to Daycare Facility
- Change all ordinance references for Retail Sales to Retail Establishment
- Change all ordinance references for Indoor Commercial Recreation to Recreation, Commercial
- Add parking requirements for Service Establishments

Chair Thompson questioned whether these additional changes suggested by the City Attorney would require an additional public hearing. Christianson stated the City Attorney is in the process of determining if an additional public hearing would be required or if, because they are a connected action, a hearing would not be required.

Commissioner Smith questioned whether Sexually Oriented Uses could be removed from the list of permitted uses in the B1 district. Following discussion by the Commission, it was agreed that until a full evaluation and mapping exercise could be completed to ensure that the City has reasonable opportunities for Sexually Oriented Uses to locate, they should remain in the B1 district.

A public hearing was opened at 7:33 p.m. Mayor Crawford expressed concern for making sure the City's ordinance was constitutional in regards to Sexually Oriented Uses. With no further comments from the public, it was moved by Smith and seconded by Humphrey to close the public hearing at 7:35 p.m.

It was moved by Humphrey, seconded by Smith to recommend to the City Council changes to Section 11-2-2 (Definitions) and Section 11-26A (Neighborhood Business District) as shown in the Planning Commission Memorandum dated September 25, 2018, and adding changes suggested by the City Attorney. It was further recommended that staff complete an evaluation of Sexually Oriented Uses within the City to determine the constitutionality of the City's ordinance, and potentially make amendments in this regard. Motion carried: (5-0).



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

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**RE:** PROPOSED ZONING ORDINANCE AMENDMENT  
DEFINITIONS AND B1 ZONING DISTRICT - USES  
**DATE:** SEPTEMBER 25, 2018

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### **Background / History**

At the August Planning Commission meeting staff introduced the topic of simplifying the list of permitted and conditional uses in the B1 Neighborhood Business zoning district. The B1 zoning district allows a fairly wide variety of uses including various retail, service, and restaurant uses. The purpose of the district as stated in the Zoning Ordinance is “to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished.”

Office use is not currently listed as a permitted use in the B1 zoning district. “Professional and Commercial (leased) Offices” are listed as a conditional use, subject to certain conditions. The Commission agreed at the August Planning Commission meeting that Office uses should be a permitted use rather than a conditional use in the B1 district. In addition, it was suggested that the list of many various retail uses be simplified into a more generic “Retail” category.

Attached are the proposed changes to Section 11-26A of the City Code, related to the B1 Neighborhood Business District and also Section 11-2-2 Definitions. The proposed changes can be summarized as follows:

- Deleted the many individually listed retail and service type uses listed as permitted uses in the B1 district
- Added as permitted uses in the B1 district:
  - Clinics
  - Daycare facilities
  - Essential services, except transmission lines...
  - Office uses
  - Personal wireless service antennas located on a public structure or existing tower
  - Personal services
  - Physical recreation or training
  - Restaurants, fast food

- Restaurants, sit down
- Retail establishments
- Service establishments
- Sexually oriented business, accessory
- Sexually oriented business, principal
- Added Convenience Store as a conditional use
- Changed Daycare Facility from a conditional use to a permitted use
- Changed Office Uses from a conditional use to a permitted use
- Changed Essential services from needing administrative permit to permitted use
- Added definition for Clinic
- Deleted definition of Daycare Nursery and added definition for Daycare Facility
- Amended definition of Office Use
- Added definition for Physical Recreation or Training
- Added definition for Recreation, Commercial
- Deleted definition of Retail Sales and added definition for Retail Establishment
- Added definition for Service Establishment

The proposed changes will make it easier for certain businesses to locate within the B1 zoning district without needing a conditional use permit and will also clean up some of the currently listed definitions.

**Requested Action**

The Planning Commission is being asked to hold a public hearing on the proposed ordinance amendment. If the Commission is comfortable with the proposed changes, a recommendation for approval should be made to the City Council.

**Attachments**

- Proposed Changes to Section 11-2-2 Definitions
- Proposed Changes to Section 11-26A B1 Zoning District Standards

## **PROPOSED CHANGES TO SECTION 11-2-2 DEFINITIONS:**

CLINIC: Any establishment where human patients are examined, diagnosed or treated by licensed practitioners, and does not involve overnight stays. For this purpose, a licensed practitioner includes physicians, dentist, osteopaths, chiropractors, optometrists, psychologists, therapists, and physical therapists.

### DAYCARE NURSERY:

- ~~A. Any state licensed facility as defined by Minnesota statutes section 245A.02, subdivision 10, as it may be amended, or home where children under twelve (12) years of age who are not members of the family or the superior or custodian in charge:~~
- ~~1. Meet or are scheduled to meet regularly for more than one day a week, for all or part of the day; and,~~
  - ~~2. Need either to be watched or cared for while their parent or guardian is otherwise engaged, or to afford themselves opportunities for physical, social, emotional or intellectual growth.~~
- ~~B. This term shall not include hospitals, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meetings when such club or organization regularly meets no more than once a week, or casual babysitting.~~

DAYCARE FACILITY: Any state licensed facility, public or private, which for gain or otherwise regularly provides one or more persons with care, training, supervision, habilitation, rehabilitation, or developmental guidance on a regular basis, for periods of less than twenty four (24) hours per day, in a place other than the person's own home. Daycare facilities include, but are not limited to: family daycare homes, group family daycare homes, daycare centers, day nurseries, nursery schools, daytime activity center, day treatment programs, and other "nonresidential programs" as defined by Minnesota statutes section 245A.02, subdivision 10.

OFFICE USE: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations including attorneys, financial advisors, consultants, insurance and other uses of similar character. This includes administrative services provided to persons both on-site and off-site, and on a walk-in or appointment basis.

PHYSICAL RECREATION OR TRAINING: A business that provides physical exercise, training or recreation equipment or space for use on site. Health and fitness centers and clubs, dance studios, karate facilities and gymnastics facilities shall be considered examples of such use. Training or self-improvement shall be an important component of the activity, which is differentiated from commercial recreation uses, where sports are the predominate activity.

RECREATION, COMMERCIAL: Includes all uses such as tennis courts, ball fields, picnic areas and the like that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a private enterprise for the purpose of providing recreation.

~~RETAIL SALES: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.~~

RETAIL ESTABLISHMENT: Establishments displaying and selling products produced off site intended for sale directly to the consumer within a building or portion of a building.

SERVICE ESTABLISHMENT: An establishment that provides labor, maintenance, repair and activities incidental to business production or distribution where the customer patronizes the location of the operation, such as banks, copy centers, barber/beauty salons, tanning salons, laundromats, dry cleaners, funeral homes and mortuaries, animal grooming, appliance repair tailor shop, travel bureaus or other uses of similar character.

**PROPOSED CHANGES TO SECTION 11-26A – B1 NEIGHBORHOOD BUSINESS DISTRICT:**

**ARTICLE A. B-1 NEIGHBORHOOD BUSINESS DISTRICT**

**11-26A-1: PURPOSE:**

**11-26A-2: PERMITTED USES:**

**11-26A-3: PERMITTED ACCESSORY USES:**

**11-26A-4: CONDITIONAL USES:**

**11-26A-5: INTERIM USES:**

**11-26A-6: USES BY ADMINISTRATIVE PERMIT:**

**11-26A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

**11-26A-8: BUILDING HEIGHT:**

**11-26A-1: PURPOSE:**

The purpose of the B-1 neighborhood business district is to provide for the establishment of local centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

**11-26A-2: PERMITTED USES:**

Subject to applicable provisions of this title, the following are permitted uses in the B-1 district:

~~Antique or gift shops.~~

~~Appliance stores.~~

~~Art and school supply stores.~~

~~Bakery goods sales and baking of goods for the retail sales on the premises.~~

~~Banks.~~

~~Barbershops.~~

~~Beauty shops.~~

~~Bicycle sales and repair.~~

~~Bookstores.~~

~~Camera and photographic supply and processing stores.~~

~~Candy, ice cream, popcorn, nuts, frozen dessert and soft drink shops.~~

~~Clothing.~~

~~Convenience grocery stores (not supermarket type and without motor fuel facilities).~~

~~Delicatessens.~~

~~Drugstores.~~

~~Dry cleaning and laundry pick up stations including incidental pressing and repair.~~

~~Fitness centers.~~

~~Florists.~~

~~Furniture sales and repair.~~

~~Hardware stores.~~

~~Hobby stores.~~

~~Jewelry sales and jewelry repair.~~

~~Laundromats, self-service.~~

~~Locksmiths.  
Meat markets but not including processing for a locker.  
Medical and dental clinics or offices.  
Music stores.  
Office supply and stationery stores.  
Paint, wallpaper sales.  
Personal services subject to any applicable city, county or state licensing requirements.~~

~~Personal wireless service antennas located on a public structure or existing tower as regulated by chapter 13 of this title.  
Photographic studios.  
Private educational services.  
Record shops.  
Restaurants within a building having a principal use other than a restaurant and without an accessory drive-through facility.  
Sexually oriented uses – principal and accessory, subject to the provisions of section 11-5-16 of this title.  
Veterinary clinics (without animal kennels). (Ord. 50, 1-28-2010; amd. 2011 Code; Ord. 80, 11-17-2011)~~

### Clinics

#### Daycare facilities

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section 11-4-5 of this title

#### Office uses

Personal wireless service antennas located on a public structure or existing tower as regulated by chapter 13 of this title

#### Personal services

#### Physical recreation or training

Restaurant, fast food (without drive-through facilities)

#### Restaurant, sit down

#### Retail establishments

#### Service establishment

Sexually oriented business, accessory, subject to the provisions of section 11-5-16 of this title

Sexually oriented business, principal, subject to the provisions of section 11-5-16 of this title

Veterinary clinic (without animal kennels)

### **11-26A-3: PERMITTED ACCESSORY USES:**

The following are permitted accessory uses in a B-1 district:

Accessory and secondary use antennas as regulated by chapter 13 of this title.

Ground source heat pump systems as regulated by chapter 14 of this title.

Off street parking as regulated by chapter 9 of this title, with the exception of semitrailer trucks.

Solar energy systems as regulated by chapter 14 of this title.

Structures for a use accessory to the principal use but such use shall not exceed thirty percent (30%) of the gross floor space of the principal use.

Wind energy systems up to thirty five feet (35') in height as regulated by chapter 14 of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

#### **11-26A-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in the B-1 district and require a conditional use permit based upon procedures set forth in section 11-3-2 of this title:

Accessory drive-through facilities; provided, that:

- A. Not less than one hundred twenty feet (120') of segregated automobile stacking shall be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty feet (60') per lane.
- B. The stacking lane and its access shall be designed to control traffic in a manner to protect the buildings and will not interfere with on site traffic circulation or access to the required parking space.
- C. No part of the public street or boulevard may be used for stacking of automobiles.
- D. The stacking lane, order board telecom, and window placement shall be designed and located in such a manner as to minimize glare to adjacent premises, particularly residential premises, and to maximize maneuverability of vehicles on the site.
- E. The drive-through window and its stacking lanes shall be screened from view of adjoining residential zoning districts and public street rights of way.
- F. A lighting and photometric plan will be required that illustrates the drive-through service lane lighting and shall comply with section 11-4-7 of this title.

Accessory outdoor dining/seating, the area of which exceeds fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The dining/seating facilities are an accessory to a principal use allowed within the B-1 district.
- B. The dining/seating area shall be located on private property.
- C. The dining/seating area shall not exceed forty five percent (45%) of the gross floor area of the principal use.
- D. The outdoor dining/seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by the city.
- E. The consumption of alcoholic beverages within the outdoor dining/seating area may be allowed subject to applicable liquor licensing provisions of this code.
- F. Signage shall be posted that restricts consumption of alcohol outside of the designated outdoor dining/seating area.
- G. No food or beverages shall be served to persons outside of the designated outdoor seating area except in association with other city approvals.
- H. If outdoor alcohol service is available, patrons shall access the outdoor dining/seating area through the principal building.
- I. Dining/seating areas shall be located so as not to obstruct required entrances and exits.
- J. If located on private sidewalks or walkways, the dining/seating area shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.
- K. Parking shall comply with chapter 9 of this title.
- L. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M. and shall comply with city noise regulations.

- M. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- N. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section 11-4-7 of this title.
- O. The outdoor dining/seating area shall not abut an R-1 or R-2 zoning district.

Accessory outdoor sales and display, the area of which exceeds fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The sales and display activities are an accessory to a principal use allowed within the B-1 district.
- B. The sales/display area shall not exceed forty five percent (45%) of the gross floor area of the principal use.
- C. The sales and display area shall be screened from view of neighboring residential uses.
- D. The sales and display area shall be surfaced to control dust and erosion.
- E. Parking shall comply with chapter 9 of this title.
- F. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- G. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section 11-4-7 of this title.

Commercial car washes (drive-through and self-service); provided, that:

- A. The architectural appearance and functional plan of the building and site shall not be so dissimilar to the existing buildings or areas as to cause impairment in property values or constitute a blighting influence.
- B. Magazining or stacking space is constructed to accommodate that number of vehicles which can be washed during a maximum thirty (30) minute period and shall be subject to the approval of the city engineer.
- C. At the boundaries of a residential district, a strip of not less than five feet (5') shall be landscaped and screened in compliance with section 11-5-4 and chapter 10 of this title.
- D. Parking or car magazine storage space shall be screened from view of abutting residential districts in compliance with section 11-5-4 of this title.
- E. The entire area, other than occupied by the building or plantings, shall be surfaced with material which will control dust and drainage, which is subject to the approval of the city engineer.
- F. The entire area shall have a drainage system which is subject to the approval of the city.
- G. All lighting shall be hooded and so directed that the light source is not visible from the public right of way or from an abutting residence and shall be in compliance with section 11-4-7 of this title.
- H. Vehicular access points shall be limited, shall create a minimum of conflict with through traffic movement and shall be subject to the approval of the city engineer.
- I. Provisions are made to control and reduce noise.

~~Commercial daycare facilities as regulated by section 11-5-14 of this title.~~

Commercial, private, and public satellite dish transmitting or receiving antennas greater than two meters (2 m) in diameter as regulated by chapter 13 of this title.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section 11-4-5 of this title are determined to be satisfied.

Governmental and public utility buildings and structures necessary for the health, safety and general welfare of the community; provided, that:

- A. Conformity with the surrounding neighborhood is maintained and required setbacks and side yard requirements are met.
- B. Equipment is completely enclosed in a permanent structure with no outside storage.
- C. Adequate screening and landscaping from neighboring residential districts is provided in accordance with section 11-5-4 and chapter 10 of this title.

Motor fuel stations and Convenience stores; provided, that:

- A. Motor Fuel Facilities: Motor fuel facilities shall be installed in accordance with state and city standards. Additionally, adequate space shall be provided to access fuel pumps and allow maneuverability around the pumps. Underground fuel storage tanks are to be positioned to allow adequate access by motor fuel transports and unloading operations which do not conflict with circulation, access and other activities on the site. Fuel pumps shall be installed on pump islands.
- B. Architectural Standards:
  - 1. As a part of the conditional use permit application, a color illustration of all building elevations shall be submitted.
  - 2. The architectural appearance, scale, and functional plan of the building(s) and canopy shall be complementary and compatible with each other and the existing buildings in the neighborhood setting.
  - 3. Exterior wall treatments such as brick, stone (natural or artificial), decorative concrete block and stucco shall be used.
- C. Canopy: A protective canopy structure may be located over the pump island(s) as an accessory structure. The canopy shall meet the following performance standards:
  - 1. The edge of the canopy shall be thirty feet (30') or more from the front and/or side lot line; provided, that adequate visibility both on site and off site is maintained.
  - 2. The canopy shall not exceed eighteen feet (18') in height and shall provide fourteen feet (14') of clearance to accommodate a semitrailer truck passing underneath.
  - 3. The canopy fascia shall not exceed three feet (3') in vertical height.
  - 4. The architectural design, colors, and character of the canopy shall be consistent with the principal building on the site.

5. Signage may be allowed on a detached canopy in lieu of wall signage on the principal structure; provided, that the individual canopy sign does not exceed more than twenty percent (20%) of the canopy facade facing a public right of way.
6. Canopy posts/signposts shall not obstruct traffic or the safe operation of the gas pumps.

D. Pump Islands: Pump islands shall comply with the following performance standards:

1. Pump islands shall be elevated six inches (6") above the traveled surface of the site.
2. All pump islands shall be set at least thirty feet (30') back from any property line. Additionally, the setback between the pump islands' curb face shall be at least twenty four feet (24').

E. Dust Control And Drainage: The entire site, other than taken up by a building, structure, or plantings, shall be surfaced with asphalt, concrete, cobblestone, or paving brick. Plans for surfacing and drainage shall be subject to approval of the city engineer. Drainage from all fueling areas shall be directed to an oil/grit separator. Minimum design standards for the oil/grit separator shall include the following:

1. A minimum of four hundred (400) cubic feet of permanent pool storage capacity per acre of drainage area.
2. A minimum pool depth of four feet (4').
3. A minimum oil containment capacity of eight hundred (800) gallons.
4. Minimum maintenance inspection of two (2) times per year and/or after measurable spill events. A measurable spill shall be defined by the Minnesota pollution control agency (MPCA). Any measurable spill event shall be reported to the MPCA.

F. Landscaping:

1. Minimum required green area shall be in accordance with the provisions of chapter 10 of this title.
2. At the boundaries of the lot, the following landscape area shall be required:
  - a. From side and rear property lines, an area of not less than ten feet (10') wide shall be landscaped in compliance with chapter 10 of this title.
  - b. From all road rights of way, an area of not less than fifteen feet (15') wide shall be landscaped in compliance with chapter 10 of this title.
  - c. Where lots abut residentially zoned property, a buffer yard of not less than twenty feet (20') wide shall be landscaped and screened in accordance with section 11-5-4 and chapter 10 of this title.
  - d. The property owner shall be responsible for maintenance of all landscaping, including within the boulevard.

G. Exterior Lighting: The lighting shall be accomplished in such a way as to have no direct source of light visible from adjacent land in residential use or from the public right of way and shall be in compliance with section 11-4-7 of this title. A comprehensive lighting plan shall be submitted as part of the conditional use permit application, and shall be subject to the following performance standards:

1. Canopy Lighting: Canopy lighting under the canopy structure shall consist of canister spotlights recessed into the canopy. No portion of the light source or fixture may extend below the ceiling of the canopy. Total canopy illumination below the canopy shall not exceed one hundred fifteen (115) foot-candles at ground level.
  2. Illumination: Maximum site illumination shall not exceed limits set forth in section 11-4-7 of this title.
  3. Access: Vehicular access points shall create a minimum of conflict with through traffic movement and shall comply with chapter 9 of this title.
- H. Circulation And Loading: The site design shall accommodate adequate turning radius and vertical clearance for a semitrailer truck. Designated loading areas shall be exclusive of off street parking stalls and drive aisles. A site plan shall be provided to illustrate adequate turning radius, using appropriate engineering templates.
- I. Parking:
1. Parking spaces shall be calculated solely based upon the use(s) and the square footage of the principal building(s).
  2. Parking spaces shall be screened from abutting residential properties in accordance with section 11-5-4 of this title.
- J. Noise: Public address system shall not be audible at any property line. Playing of music or advertisement from the public address system is prohibited. Noise control shall be required as regulated by section 11-4-8 of this title.
- K. Outside Storage, Sales And Service: No outside storage or sales shall be allowed, except as follows:
1. Public phones may be located on site as long as they do not interrupt on site traffic circulation and are not located in a yard abutting residentially zoned property.
  2. Propane sales of twenty (20) pound capacity tanks may be located outside, provided the propane tanks are secured in a locker and meet all state and city building and fire codes.
  3. A compressed air service area may be located on site as long as it does not interrupt on site traffic circulation.
- L. Litter Control: The operation shall be responsible for litter control on the subject property, which is to occur on a daily basis. Trash receptacles shall be provided at convenient locations on site to facilitate litter control.
- M. Additional Stipulations: All conditions pertaining to a specific site are subject to change when the city council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying or expanding the conditions set forth herein.

Personal wireless service antennas not located upon a public structure or existing tower as regulated by chapter 13 of this title.

~~Professional and commercial (leased) offices; provided, that:~~

Proposed Zoning Ordinance Amendments - Definitions and B1 District Uses

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September 25, 2018

- ~~A. The gross floor area of the office building shall not exceed ten thousand (10,000) square feet.~~
- ~~B. The services which are provided are for the local area rather than the community or region.~~
- ~~C. The traffic generated will not raise traffic volumes beyond the capacity of the surrounding streets.~~
- ~~D. The architectural appearance of the building housing the office use shall reflect the building character of the area and shall not be so dissimilar as to cause impairment of property values or constitute a blighting influence within the neighborhood.~~

Satellite antennas greater than two meters (2 m) in diameter as regulated by chapter 13 of this title.

Wind energy systems up to seventy five feet (75') in height as regulated by chapter 14 of this title. (Ord. 5, 12-14-2006; amd. Ord. 74, 8-11-2011; Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

**11-26A-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in the B-1 district and require an interim use permit based upon procedures set forth in and regulated by section 11-3-3 of this title:

Farms, farmsteads and farming.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the uses will be in compliance with the provisions hereof or other applicable provisions of this code. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

**11-26A-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in a B-1 district based upon procedures set forth in and regulated by section 11-3-4 of this title:

Accessory outdoor dining/seating, the area of which does not exceed fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. ~~A~~The dining/seating facilities are an accessory to a principal use allowed within the B-1 district.
- B. The dining/seating area shall be located on private property.
- C. The outdoor dining/seating area shall be defined with the use of landscaping, temporary fencing or other means that contains the tables and chairs for the use as demonstrated on a site plan and approved by the city.
- D. The consumption of alcoholic beverages within the outdoor dining/seating area is prohibited except upon approval of a conditional use permit.
- E. No food or beverages shall be served to persons outside of the designated outdoor seating area except in association with other city approvals.
- F. Dining/seating areas shall be located so as not to obstruct required entrances and exits.

- G. If located on private sidewalks or walkways, the dining/seating area shall be located so as to leave a minimum of a four foot (4') wide passageway for pedestrians.
- H. Parking shall comply with chapter 9 of this title.
- I. All exterior sound equipment shall be shut off at ten o'clock (10:00) P.M. and shall comply with city noise regulations.
- J. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- K. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section 11-4-7 of this title.
- L. The outdoor dining/seating area shall not abut an R-1 or R-2 zoning district.

Accessory outdoor sales and display, the area of which does not exceed fifteen percent (15%) of the gross floor area of the principal use, provided that:

- A. The sales and display activities are an accessory to a principal use allowed within the B-1 district.
- B. The sales and display area shall be screened from view of neighboring residential uses.
- C. The sales and display area shall be surfaced to control dust and erosion.
- D. Parking shall comply with chapter 9 of this title.
- E. Except as otherwise limited by this use or the city noise regulations, the maximum noise level at the perimeter of the site shall be within the limits set by the Minnesota pollution control agency and the federal environmental protection agency.
- F. Lighting shall be permitted to the extent that it only illuminates the designated area. Lighting shall not shine or cause glare upon other public or private property outside the designated area or as permitted in section 11-4-7 of this title.

~~Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section 11-4-5 of this title.~~

Model homes as regulated by section 11-5-10 of this title.

Personal wireless service antennas located upon a public or quasi-public structure or existing tower as regulated by chapter 13 of this title.

Temporary outdoor uses as regulated by section 11-5-11 of this title. (Ord. 5, 12-14-2006; amd. 2011 Code; Ord. 74, 8-11-2011; Ord. 80, 11-17-2011)

**11-26A-7: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

The following minimum requirements shall be observed in a B-1 district, subject to additional requirements, exceptions and modifications set forth in this title:

- A. Lot area: Twenty thousand (20,000) square feet.
- B. Lot width: One hundred feet (100').
- C. Setbacks:

1. From streets:
  - a. Principal/minor arterial streets: Sixty five feet (65').
  - b. Collector streets: Sixty five feet (65').
  - c. Local streets: Thirty five feet (35').
2. Side yards: Twenty feet (20').
3. Rear yards: Thirty feet (30'). (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

**11-26A-8: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section 11-5-2 of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)



# STAFF MEMORANDUM

|                          |  |
|--------------------------|--|
| <b>SUBJECT:</b>          | Dakota Acres Rezoning                                    |
| <b>MEETING DATE:</b>     | October 25, 2018   |
| <b>PREPARED BY:</b>      | Renee Christianson, Community Development Specialist     |
| <b>REQUESTED ACTION:</b> | Adopt Ordinance No. 178 Rezoning Property from PUD to R4 |

## COMMUNITY VISION:

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

## 5 YEAR GOALS:

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

## COMMUNITY ORIENTED LOCAL GOVERNMENT:

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

## **BACKGROUND**

The City of Elko New Market owns a piece of property along the south side of James Parkway that had been approved for a town home development prior to the recession. The original development included 71 townhome units and was planned to be developed/platted in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots / townhome units. Eight of those units were constructed before the recession and the remaining thirteen are currently under construction. The original 71-unit development was approved by way of PUD zoning.

The original developer (2006) defaulted on assessments against the property and the City ultimately ended up with possession of the undeveloped portions of the property. The City has since sold a portion of the property to Syndicated Properties for townhome development (proposed as Dakota Acres 1<sup>st</sup> Addition) and the City currently has a purchase agreement on the final remaining undeveloped parcel which consists of 3.19 acres. The purchaser is Global Properties, LLC.

One condition of the purchase agreement is that the buyer have reasonable assurance that they will be able to use the property for their intended use. Global Properties is planning to construct apartment buildings on the property. To provide the reasonable assurances, the purchaser has requested that the City rezone the property to R4 High Density Residential as a condition of the sale. The R4 zoning district allows multiple-family dwelling structures containing more than eight units as a permitted use. The City initiated a rezoning of the property and held a public hearing regarding the rezoning at the September Planning Commission meeting.

## **DISCUSSION**

Based on the information provided to the Planning Commission, the recommendations of City staff, public comment received and discussion at the meeting, the Planning Commission has unanimously recommended approval of the request to rezone the subject property from PUD, Planned Unit Development, to R4, High Density Residential for the following reasons:

1. Rezoning of the property to R4 is consistent with the City's Comprehensive Plan, which guides the property to a Residential Mixed Use land use Category, and the Residential Mixed Use land use category provides for development of multi-family housing.
2. The proposed R4 zoning of the property is compatible with adjacent land uses.
3. The City's existing infrastructure can accommodate multi-family development on the property.
4. The site borders on a City minor collector street which can adequately handle traffic from high density residential development.

## **BUDGET IMPACT**

The budget impact for this item is the cost of City staff time.

## **CITY ATTORNEY RECOMMENDATION**

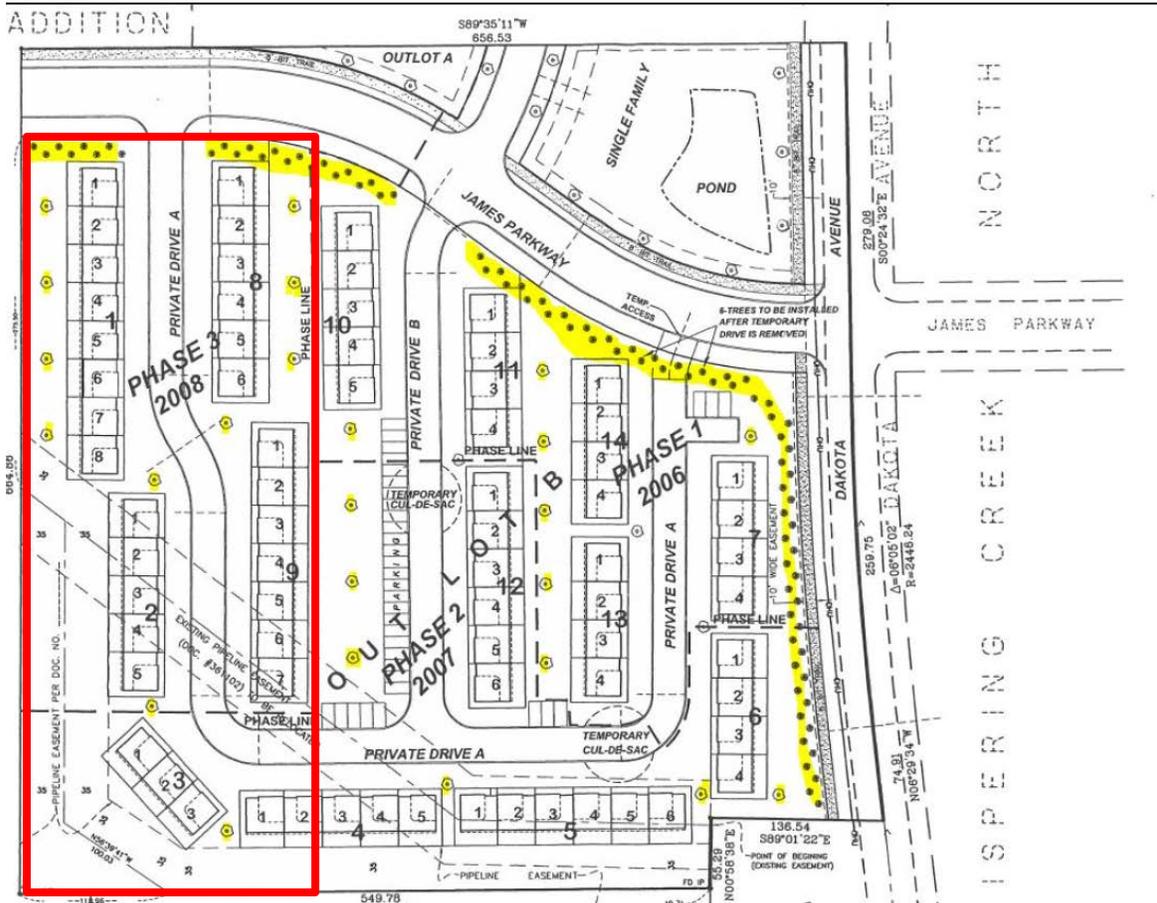
The City Attorney has reviewed the staff report, the Planning Commission recommendation and draft Ordinance #178, and has no concerns regarding the information.

**REQUESTED ACTION:**

The City Council is being asked to adopt Ordinance No. 178 Rezoning Certain Property From PUD to R4.

**Attachments:**

- 9.25.18 Planning Commission Report
- 9.25.18 DRAFT Planning Commission Minutes
- Draft Ordinance No. 178



**ORDINANCE NO. 178**

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

**AN ORDINANCE OF THE CITY OF ELKO NEW MARKET, MINNESOTA  
REZONING CERTAIN PROPERTY FROM PUD, PLANNED UNIT DEVELOPMENT  
DISTRICT TO R4, HIGH DENSITY RESIDENTIAL**

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

**Section 1.** Pursuant to Elko New Market City Code Section 11-24-2 the following described property located within the City of Elko New Market, Scott County Minnesota is hereby rezoned from PUD, Planned Unit Development, to R4, High Density Residential:

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

AND

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

**Section 2.**

The Zoning Map of the City of Elko New Market referred to and described in Section 11-24-2 of the Elko New Market City Code shall not be republished to show the aforesaid zoning, but the City Clerk shall appropriately mark the Zoning Map on file in the Clerk's Office for the purpose of indicating the rezoning provided for in this Ordinance, and all of the notations, references, and other information shown thereon are hereby incorporated by reference and made a part of this Ordinance.

**Section 3.** This ordinance shall be effective immediately upon its passage and publication.

**PASSED AND ADOPTED** this 25<sup>th</sup> day of October, 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



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

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## MEMORANDUM

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**TO:** PLANNING COMMISSION  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**REQUEST:** REQUEST FOR REZONING #R4-2018 TO REZONE PROPERTY FROM PUD, PLANNED UNIT DEVELOPMENT, TO R4, HIGH DENSITY RESIDENTIAL  
**DATE:** SEPTEMBER 25, 2018  
PLANNING COMMISSION MEETING: SEPTEMBER 25, 2018  
CITY COUNCIL MEETING: OCTOBER 11, 2018  
60-DAY REVIEW DEADLINE: NA / CITY INITIATED

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### **Background / History**

The City of Elko New Market owns a piece of property along the south side of James Parkway that had been approved for a town home development prior to the recession. The original development included 71 townhome units and was planned to be developed/platted in multiple phases. The first phase, which was platted as Dakota Acres, contained 21 lots / townhome units. Eight of those units were constructed before the recession and the remaining thirteen are currently under construction. The original 71-unit development was approved by way of PUD zoning.

The original developer (2006) defaulted on assessments against the property and the City ultimately ended up with possession of the undeveloped portions of the property. The City has since sold a portion of the property to Syndicated Properties for townhome development (proposed as Dakota Acres 1<sup>st</sup> Addition) and the City currently has a purchase agreement on the final remaining undeveloped parcel which consists of 3.19 acres. The purchaser is Global Properties, LLC.

One condition of the purchase agreement is that the buyer have reasonable assurance that they will be able to use the property for their intended use. Global Properties is planning to construct apartment buildings on the property. To provide the reasonable assurances, the purchaser has requested that the City rezone the property to R4 High Density Residential as a condition of the sale. The R4 zoning district allows multiple-family dwelling structures containing more than eight units as a permitted use.

### **Neighborhood Conditions**

- To the south of the subject property is a vacant lot that had been approved for multi-family townhome development prior to the recession.
- To the east of the subject property are multi-family townhome units, and detached single family homes beyond the townhomes.
- To the north of the subject property is undeveloped land and one rural residential property. These properties are located outside of the City limits but within the City's planned growth area.

- To the west of the subject property is a rural residential property and vacant farmland beyond that. These properties are located outside of the City limits but within the City’s planned growth area.

Rezoning the property from the current PUD (townhome) zoning to RH High Density Residential is generally compatible with the surrounding land uses.

**Legal Description**

The property legal description is:

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

AND

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

**Comprehensive Land Use Plan**

The city’s current (2030) 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 rezoning of the property to RH High Density Residential meets the intent of the 2030 Comprehensive Land Use Plan which identifies that multiple family housing is expected to represent 25% of the housing opportunities within this land use designation and may include townhomes, apartments and senior residential facilities.

It is also noted that the draft 2040 Comprehensive Land Use Plan guides the subject property to a High Density Residential land use.

**Zoning / Rezoning**

The property is currently zoned PUD. A brief description of the currently approved PUD is as follows:

In 2006 the City approved a PUD for the Dakota Acres property to allow a 71 unit townhouse development, of which only eight units were constructed. (A copy of the approved layouts is shown at the end of this memo.)

Rezoning the property to R4 High Density Residential will change the zoning regulations that currently apply to the property. The currently approved land use, setbacks, regulations, site plan, etc would be released upon rezoning the property to R4, and the standard R4 district requirements would then apply. Attached is a copy of the R4 district standards. **Multiple family dwellings containing more than 8 units are permitted uses in the R4 zoning district.**

Section 11-3-8(C) of the City Code contains a list of criteria that the Planning Commission should consider in making recommendations pertaining to zoning amendments. The Code further states that the requirements shall to apply to such proposed amendments that are initiated by the City Council or Planning Commission. Staff wants to make the Planning Commission aware of the general criteria that are typically to be considered, as follows:

*11-3-8(C). Criteria: The Planning Commission shall consider possible effects of the proposed amendment. Its judgement shall be based upon, but not limited to, the following factors:*

- 1. The proposed action has been considered in relation to the specific policies and provisions of, and has been found to be consistent with, the official City Comprehensive Plan.*
- 2. The proposed use is or will be compatible with present and future land uses of the area.*
- 3. The proposed use conforms with all performance standards contained in this title.*
- 4. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*
- 5. Traffic generation by the proposed use is within the capabilities of streets serving the property.*

**Staff believes that rezoning the property to RH is consistent with the purposes of the Comprehensive Plan, compatible with adjacent land uses, and meets the criteria as stated in Section 11-3-8(C) of the City Code.**

### **Lot Size Requirements**

The property contains 3.19 acres and is currently platted as two Outlots. The minimum lot size in the R4 district is 15,000 square feet and a minimum lot width of 85'. **The property will meet the minimum lot size requirements in the R4 zoning district.**

### **Setbacks**

The required setbacks in the R4 District that would apply to this property are 30' from the periphery. **The proposed lot contains sufficient building area within the required R4 setbacks.**

### **Miscellaneous Design Requirements – Section 11-25D-8 (R4)**

The current PUD zoning that applies to the property allowed certain townhome building designs that do not meet the City's current design requirements for the R4 zoning district. Below are photographs of buildings that would be permissible under the current PUD zoning. Rezoning the property would impose upon the property a higher design standard than currently allowed. It is important to note that if the rezoning to R4 is approved, the Planning Commission may not have input on the future building design if it is proposed to meet the standard R4 requirements.



Permitted Building Design #1 (under current PUD)



Permitted Building Design #2 (under current PUD)

### **Miscellaneous**

The purchaser of the property is currently proposing to construct two apartment buildings on the property (24-unit and 36-unit). Rezoning the property to R4 High Density Residential provides security to the purchaser that he will be able to use the property as he intends. Staff sees no drawbacks to rezoning the property.

### **Staff Recommendation:**

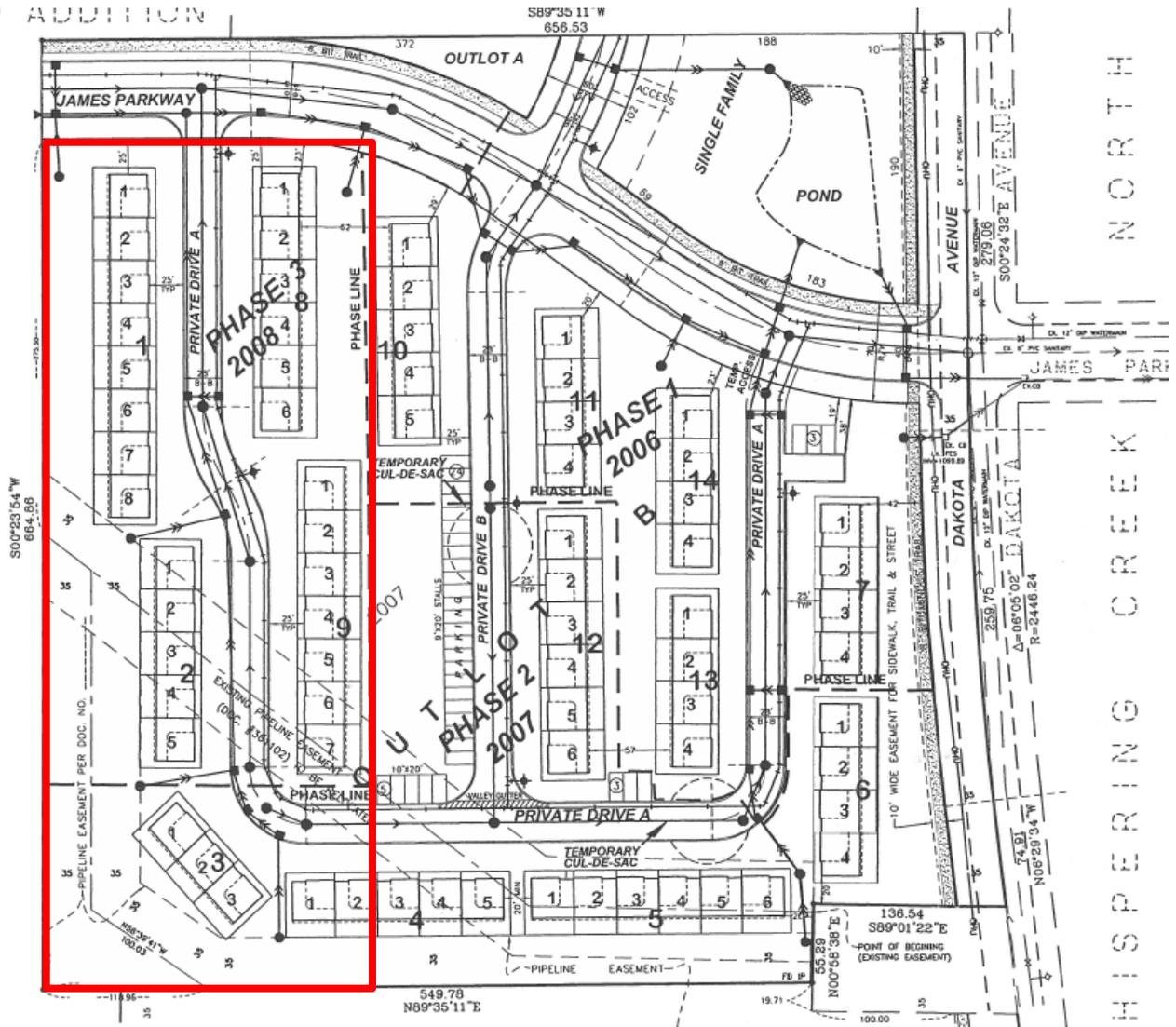
**Staff recommends approval of the request for Rezoning #R4-2018 to rezone the property from Planned Unit Development (PUD) to High Density Residential (R4) for the following reasons:**

1. Rezoning of the property to R4 is consistent with the City's Comprehensive Plan which guides the property to a Residential Mixed Use land use Category, and the Residential Mixed Use land use category provides for development of multi-family housing.
2. The proposed R4 zoning of the property is compatible with adjacent land uses.
3. The City's existing infrastructure can accommodate multi-family development on the property.
4. The site borders on a City minor collector street which can adequately handle traffic from high density residential development.

### **Attachments:**

Approved PUD layouts for Dakota Acres  
R4 Zoning District Standards  
Zoning Map  
2030 Comprehensive Land Use Map  
2040 Draft Comprehensive Land Use Map

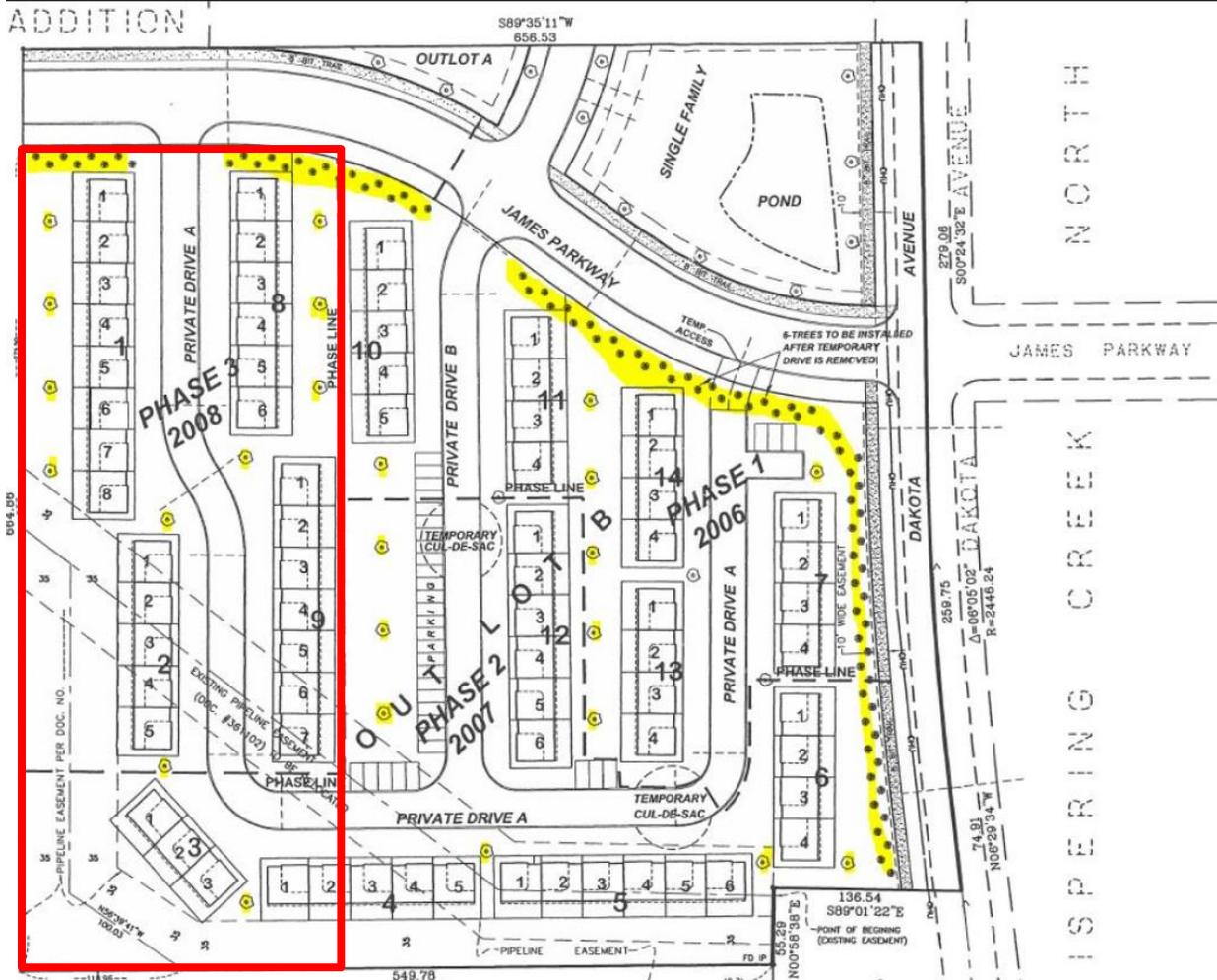
D ADDITION



NORTH

HISPERING CREEK

Currently approved development plan



- ☉ SHADE TREES ( Deciduous ) TOTAL = 38
  - ☀ EVERGREENS ( Coniferous ) TOTAL = 77
- 6 of the 77 Evergreens to be Installed after the Temporary Drive is Removed.

**Currently approved landscape plan**



Street View of Property – from James Pkwy, looking south



Aerial View of Property

# ARTICLE D. R-4 HIGH DENSITY RESIDENTIAL DISTRICT

## 11-25D-1: PURPOSE:

The purpose of the R-4 High Density Residential District is to create, preserve and enhance areas for multi-family use at higher densities for both permanent and transient families. The district shall be applied in areas served by public utilities, with good accessibility to thoroughfares, public community centers, libraries, shopping, and where such development is consistent with the Comprehensive Plan and planning policies. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## 11-25D-2: PERMITTED USES:

Subject to applicable provisions of this title, the following are permitted uses in the R-4 District:

Multiple-family dwelling structures containing more than eight (8) dwelling units.

Parks, play fields, recreational uses and directly related buildings and structures.

Residential programs as regulated by State Statute. (Ord. 166, 2-22-2018)

## 11-25D-3: PERMITTED ACCESSORY USES:

Subject to applicable provisions of this title, the following are permitted accessory uses in the R-4 District:

Accessory structures as regulated by [chapter 6](#) of this title.

Boarding or renting of rooms to not more than two (2) individuals per dwelling unit.

Daycare facilities (in home) as regulated by State Statute.

Ground source heat pump systems as regulated by [chapter 14](#) of this title.

Keeping of animals subject to [title 6, chapter 4](#) of this Code or as may be amended.

Off street parking as regulated by [chapter 9](#) of this title.

Permitted home occupations as regulated by section [11-5-17](#) of this title.

Play and recreational facilities accessory to an existing permitted use.

Roof mounted wind energy systems which extend not more than six feet (6') above the highest point of the roof as regulated by [chapter 14](#) of this title.

Secondary or accessory use antennas as regulated by [chapter 13](#) of this title.

Solar energy systems as regulated by [chapter 14](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011; Ord. 85, 12-1-2011)

#### **11-25D-4: CONDITIONAL USES:**

Subject to applicable provisions of this title, the following are conditional uses in an R-4 District and require a conditional use permit based upon procedures set forth in and regulated by section [11-3-2](#) of this title:

Commercial daycare facilities as regulated by section [11-5-14](#) of this title.

Commercial outdoor recreation; provided, that:

- A. The use will not negatively impact neighboring farming operations or residential uses.
- B. The potential traffic generated by such use can be adequately accommodated (both volume and weight) upon the city streets serving the property upon which the use is located.
- C. Adequate improved off street parking is provided.

Essential services involving transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts; provided, that the applicable provisions of section [11-4-5](#) of this title are determined to be satisfied.

Manufactured home parks; provided, that:

- A. The minimum area required for a manufactured home park designation shall be twenty (20) acres.
- B. The following minimum lot requirements within the manufactured home park are:
  1. Minimum lot area: Ten thousand five hundred (10,500) square feet.
  2. Minimum lot width: Eighty five feet (85').
  3. Maximum impervious surface: Thirty five percent (35%).

C. The following principal structure setbacks are satisfactorily met:

1. Front yard: Thirty feet (30').
2. Side yard: Ten feet (10').
3. Side yard street: Thirty feet (30').
4. Rear yard: Twenty five feet (25').
5. Rear yard abutting street: Thirty feet (30').

D. Accessory buildings, uses and equipment shall comply with the applicable provisions of [chapter 6](#) of this title.

E. The total ground floor area of all residential buildings shall not exceed a lot coverage of thirty percent (30%).

F. All residences are limited to a maximum height of one story or twenty five feet (25').

G. The public improvements within manufactured home parks are developed in accordance with the city subdivision ordinance, which include:

1. Street and storm sewer improvements.
2. Sanitary sewer improvements.
3. Water improvements.
4. Public utilities (telephone, cable, electric and/or gas service).

Personal wireless service antennas not located on a public structure, or existing tower; provided, that the applicable provisions of [chapter 13](#) of this title are determined to be satisfied.

Satellite TVROs greater than one meter (1 m) in diameter as regulated by [chapter 13](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-5: INTERIM USES:**

Subject to applicable provisions of this title, the following are interim uses in an R-4 district and require an interim use permit based upon procedures set forth in section [11-3-3](#) of this title:

Interim home occupations as regulated by section [11-5-17](#) of this title.

Mining, sand and gravel extraction, and land reclamation and alteration; provided, that the use will be in compliance with the provisions hereof or other applicable provisions of this code. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-6: USES BY ADMINISTRATIVE PERMIT:**

Subject to applicable provisions of this title, the following uses are allowed by administrative permit in an R-4 district based upon procedures set forth in and regulated by section [11-3-4](#) of this title:

Essential services, except transmission pipelines and transmission or substation lines in excess of thirty five (35) kilovolts and up to one hundred (100) kilovolts, as regulated by section [11-4-5](#) of this title.

Model homes as regulated by section [11-5-10](#) of this title.

Personal wireless service antennas located upon a structure as regulated by [chapter 13](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

### **11-25D-7: COMMON AREAS:**

The following minimum requirements shall be observed in the R-4 district governing common areas:

- A. Ownership: All common areas within an R-4 development including, but not limited to, open space, wetlands, greenways, drainage ponds, driveways, private drives, parking areas, play areas, etc., shall be owned in one of the following manners:
1. Condominium ownership pursuant to Minnesota statutes section 515A.1-106, as may be amended from time to time.
  2. Twinhome, fourplex, and townhome subdivision common areas shall be owned by the owners of each unit lot, with each owner of a unit having an equal and undivided interest in the common area.
- B. Homeowners' Association: A homeowners' association shall be established for all townhome developments within the R-4 district, subject to review and approval of the city attorney, and shall be responsible for all exterior building maintenance, approval of any exterior architectural modifications, landscaping, snow clearing and regular maintenance of private driveways and other areas owned in common when there is more than one individual property owner having interest within the development. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## 11-25D-8: DESIGN AND CONSTRUCTION STANDARDS:

- A. Unit Width: The minimum width of a dwelling unit within the R-4 district shall be twenty five feet (25').
- B. Decks Or Porches: Provision shall be made for possible decks, porches or additions as part of the initial dwelling unit building plans. The unit lot shall be configured and sized to include decks or porches.
- C. Minimum Overhang: In the case of a gable roof, a minimum twelve inch (12") roof overhang or soffit shall be required for all residential structures.
- D. Exterior Building Finish: The exterior of townhome dwelling units shall include a variation in building materials which are to be distributed throughout the building facades and coordinated into the architectural design of the structure facing the public right of way to create an architecturally balanced appearance. A minimum of twenty five percent (25%) of the area of all building facades of a structure shall have an exterior finish of brick, stucco and/or natural or artificial stone.
- E. Garages: Each dwelling unit shall include an attached garage that shall comply with the following minimum size standards:
1. For dwellings with basements: Four hundred forty (440) square feet.
  2. For dwellings without basements: Five hundred forty (540) square feet.
  3. Garage width: Twenty feet (20').
- F. Exterior Storage: Exterior storage shall be allowed only in designated areas which are screened in accordance with section [11-5-6](#) of this title and under the ownership of the property owners' association subject to other applicable provisions of this title.
- G. Utilities:
1. Underground Or Exterior Service: All utilities serving an R-4 subdivision, including telephone, electricity, gas and telecable, shall be installed underground. Exterior utility meters and/or fixtures shall be located in interior side or rear yards when possible and shall be screened from view of adjacent properties and the public right of way.
  2. Public Utility Service: Separate public utility services shall be provided to each unit unless exempted by the city engineer.
  3. Water Connection: Individual unit shutoff valves shall be provided.

4. Sewer Connection: Where more than one unit is served by a sanitary sewer service, all maintenance and cleaning shall be the responsibility of the property owners' association or owners.

H. Streets: All streets shall be public and shall comply with the design standards and specifications as governed by the city subdivision ordinance.

I. Drives:

1. Dead end private driveways shall serve a maximum of two (2) structures or four (4) units per side.
2. Private drives shall be under the ownership and control of the property owners' association who shall be responsible for the maintenance, repair, and replacement of surfacing. Said association shall maintain a capital improvement program for the driveways under its ownership.
3. Provisions for adequate turnaround shall be made at the terminus of all private drives.
4. Private drives shall include plans and areas for snow storage.
5. Private drives shall be a minimum of twenty eight feet (28') in width.

J. Guest Parking: At minimum, one-half ( $1/2$ ) of guest parking spaces per unit shall be provided in an off street parking lot or private drive. The design of the off street parking lot shall conform to requirements of [chapter 9](#) of this title.

K. Landscaping And Screening: Detailed landscaping and screening plans shall be provided and implemented pursuant to section [11-5-4](#) and [chapter 10](#) of this title.

L. Lighting: Detailed lighting plans shall be provided and implemented pursuant to section [11-4-7](#) of this title.

M. Open Space And Recreational Uses: In addition to the park dedication requirements stipulated by the city subdivision ordinance, a minimum of ten percent (10%) of the gross development project area shall be in usable open space and recreational use for the project residents. Such areas shall be specifically designed for both the active and passive use by the project residents and may include swimming pools, trails, nature areas, tot lots, exercise equipment, saunas, etc. Said areas and facilities shall be private, except in those cases where the city agrees to assume responsibility for all or a portion of the recreational space. In those cases where private ownership is maintained, the land and facilities shall be subject to the requirements set forth in a planned unit development agreement. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## **11-25D-9: LOT AREA, WIDTH AND SETBACK REQUIREMENTS:**

The following minimum requirements shall be observed in an R-4 district subject to additional requirements, exceptions and modifications set forth in this title:

A. Lot Area: Minimum lot area shall be fifteen thousand (15,000) square feet.

B. Lot Width: Minimum lot width shall be eighty five feet (85').

C. Periphery Lot Setbacks:

1. Minimum Setback: A minimum setback of thirty feet (30') shall be required at the periphery of the base lot development.
2. Yards Bordering A Major Collector Or Arterial Street: An additional twenty feet (20') of setback to the side yard or rear yard requirements noted above is required to support a landscaped buffer yard.

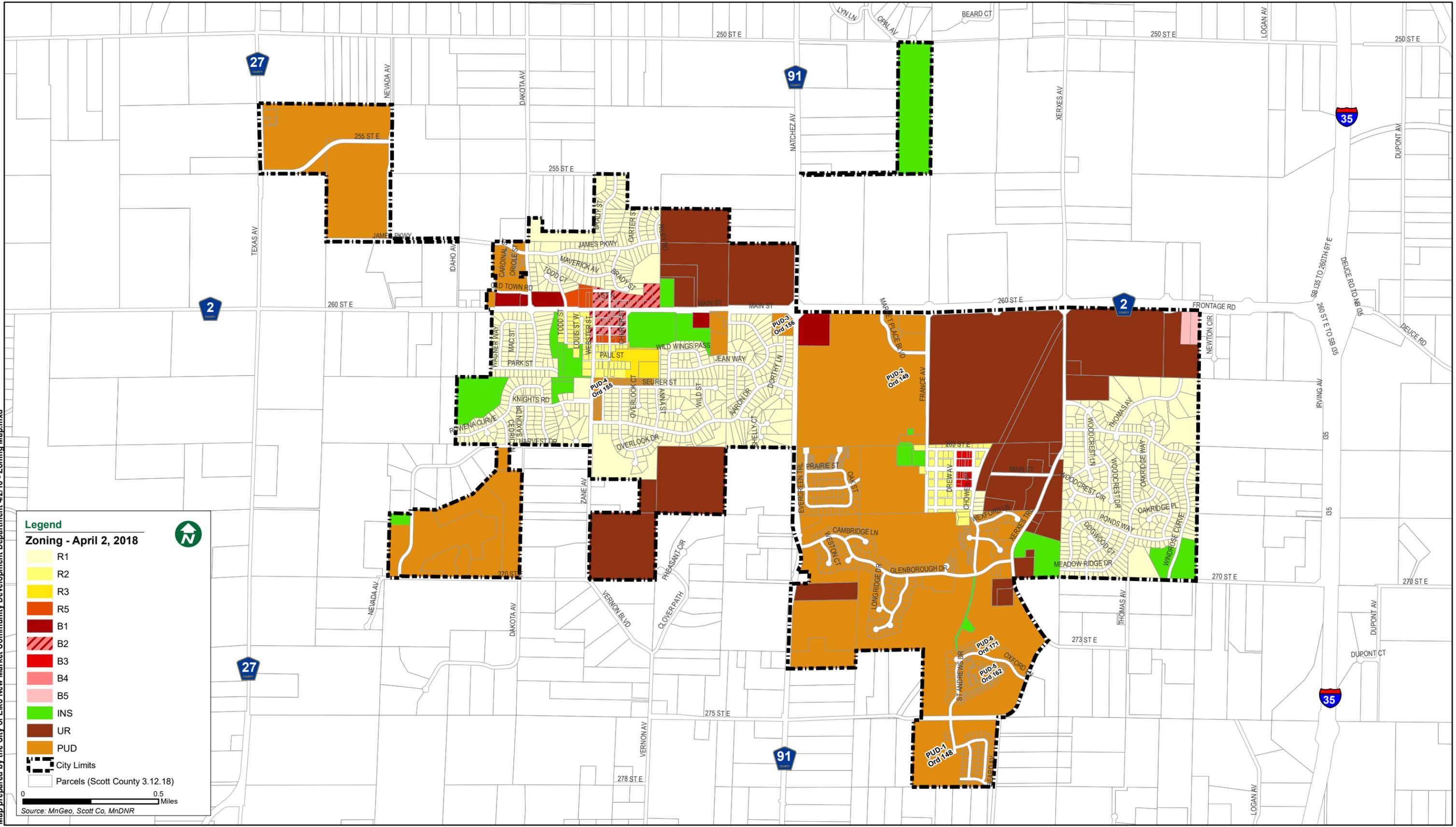
D. Internal Setbacks: The following minimum internal setbacks shall be imposed on medium density developments that include more than one principal structure on a base lot:

1. Setback between buildings within the same base lot shall maintain a minimum separation of twenty feet (20').
2. Buildings shall be set back a minimum of thirty feet (30') from the back of the curb line of private drives, guest parking areas, and public rights of way.
3. Buildings shall be set back a minimum of forty feet (40') from the designated wetland boundary. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

## **11-25D-10: BUILDING HEIGHT:**

Structures shall not exceed thirty five feet (35') in height, except as provided in section [11-5-2](#) of this title. (Ord. 5, 12-14-2006; amd. Ord. 80, 11-17-2011)

Map prepared by the City of Elko New Market Community Development Department 4/2/18 - Zoning Map.mxd



**Legend**

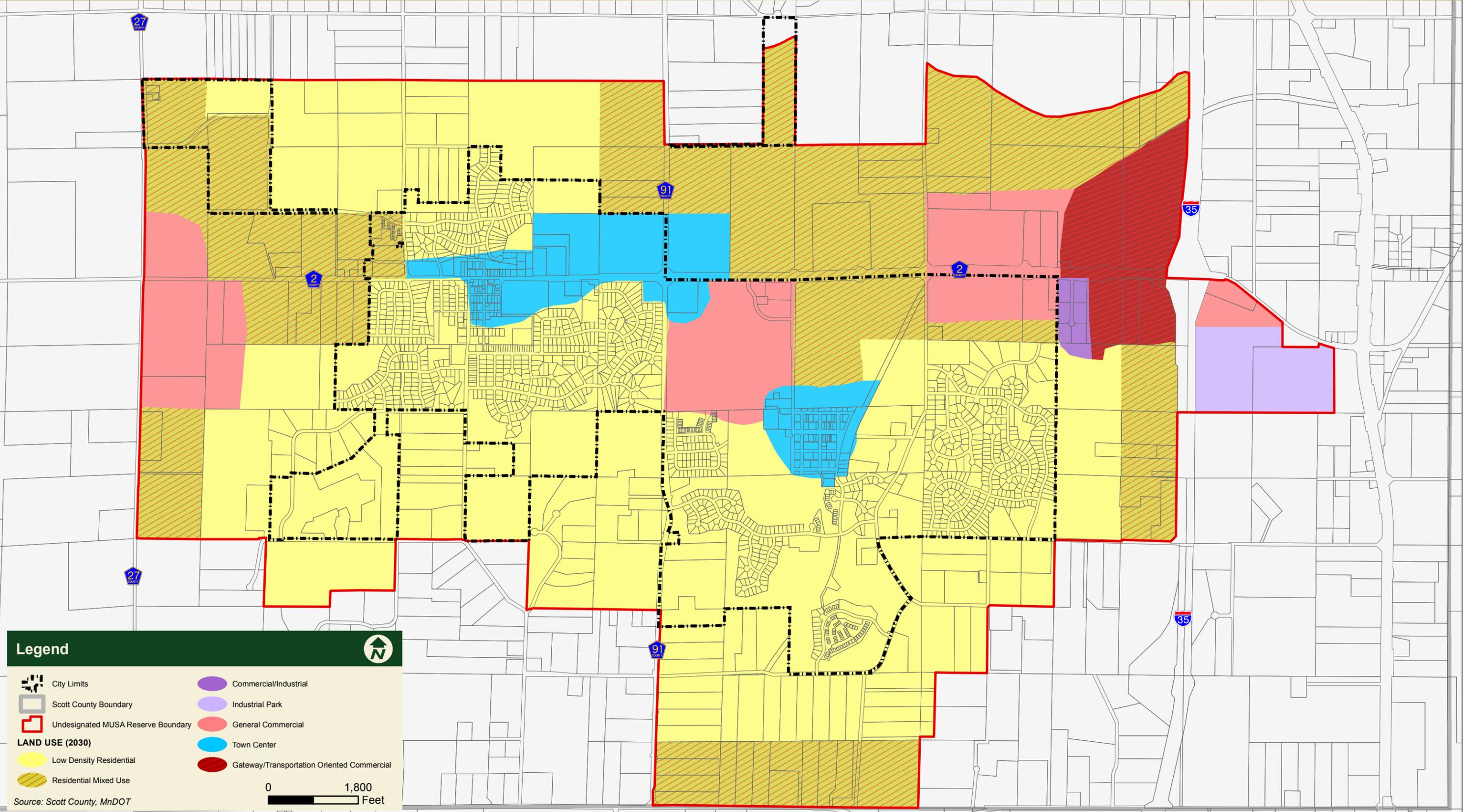
**Zoning - April 2, 2018**

- R1
- R2
- R3
- R5
- B1
- B2
- B3
- B4
- B5
- INS
- UR
- PUD
- City Limits
- Parcels (Scott County 3.12.18)

0 0.5 Miles

Source: MnGeo, Scott Co, MnDNR

Map Document: \\METROSOUTH\GIS\ELNM\Basemap\ESRI\Maps\_Basemaps\ELNM\_2030\_CompPlan\_Update\_11x17.mxd | Date Saved: 9/10/2015 8:10:57 AM

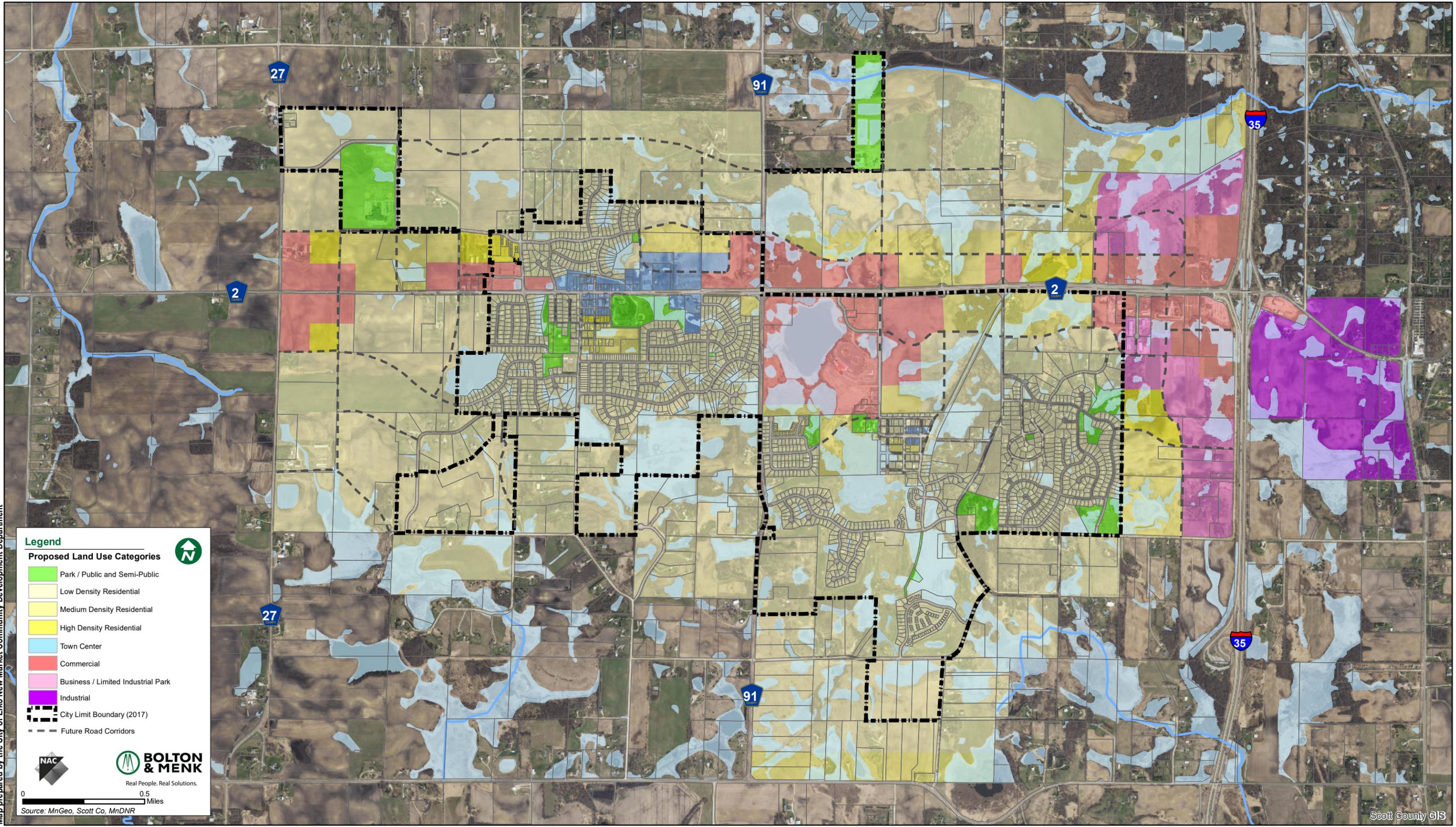


**Legend**

|                                    |  |
|------------------------------------|--|
| City Limits                        | Commercial/Industrial                      |
| Scott County Boundary              | Industrial Park                            |
| Undesignated MUSA Reserve Boundary | General Commercial                         |
| <b>LAND USE (2030)</b>             |  |
| Low Density Residential            | Town Center                                |
| Residential Mixed Use              | Gateway/Transportation Oriented Commercial |

0 1,800 Feet

Source: Scott County, MnDOT



**Legend**

**Proposed Land Use Categories**

- Park / Public and Semi-Public
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Town Center
- Commercial
- Business / Limited Industrial Park
- Industrial
- City Limit Boundary (2017)
- Future Road Corridors

Real People. Real Solutions.

0 0.5 Miles  
 Source: MnGeo, Scott Co, MnDNR

Map prepared by the City of Elko New Market Community Development Department

**MINUTES  
CITY OF ELKO NEW MARKET  
PLANNING COMMISSION MEETING  
September 25, 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, Vetter, Kruckman, Smith, Humphrey, 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 Smith and seconded by Humphrey to approve the agenda as submitted. Motion carried: (5-0).

**4. PUBLIC COMMENT**

There were no public comments.

**5. ANNOUNCEMENTS**

**A. Resignation of Chairman Thompson**

Chairman Thompson announced that he has submitted his resignation from the Planning Commission due to the fact that he has sold his home and will be moving outside of the City limits. This September 25, 2018 meeting will be his final meeting. The Commission offered regrets and thanks to Chairman Thompson for his years of service to the Commission.

**6. APPROVAL OF MINUTES**

A motion was made by Humphrey and seconded by Vetter to approve the minutes of the August 28, 2018 Planning Commission meeting as written. Motion carried: (5-0).

**7. PUBLIC HEARINGS**

**A. Request for Rezoning #R4-2018 – City of Elko New Market, applicant**

Chairman Thompson asked Community Development Specialist Renee Christianson to present her memorandum dated September 25, 2018 regarding Rezoning Request #R4-2018.

Christianson reported that the City of Elko New Market owns a piece of property along the south side of James Parkway that had been approved for a town home development prior to the recession. The original 71-unit development was approved by way of PUD zoning. The original developer (2006) defaulted on assessments against the property and the City ultimately ended up with possession of the undeveloped portions of the property. The City currently has a purchase agreement on the final remaining undeveloped parcel which consists of 3.19 acres. The purchaser is Global Properties, LLC.

Christianson explained that one condition of the purchase agreement is that the buyer have reasonable assurance that they will be able to use the property for their intended use. Global Properties is planning to construct apartment buildings on the property. To provide the reasonable assurances, the purchaser has requested that the City rezone the property to R4 High Density Residential as a condition of the sale. The R4 zoning district allows multiple-family dwelling structures containing more than eight units as a permitted use. The criteria for granting a rezoning request were reviewed.

Chairman Thompson opened the required public hearing at 7:12 p.m., and with no comments from the public, it was moved by Humphrey, seconded by Kruckman to close the public hearing at 7:13 p.m.

Commissioner Smith asked about the large stockpile of fill and dirt on the site, and questioned whether there needed to be any coordination with the adjacent property owner to the west, since the stockpile seemed to cross over both properties. Christianson stated that the buyer is aware of the stockpile location in relation to the property lines. Upon sale of the property, any responsibility for coordination would be assumed by the buyer.

With no further discussion, it was moved by Smith and seconded by Vetter to recommend approval of the request for Rezoning #R4-2018 to rezone the subject property from Planned Unit Development (PUD) to High Density Residential (R4) for the following reasons:

1. Rezoning of the property to R4 is consistent with the City's Comprehensive Plan, which guides the property to a Residential Mixed Use land use Category, and the Residential Mixed Use land use category provides for development of multi-family housing.
2. The proposed R4 zoning of the property is compatible with adjacent land uses.
3. The City's existing infrastructure can accommodate multi-family development on the property.
4. The site borders on a City minor collector street which can adequately handle traffic from high density residential development.

Motion carried: (5-0).

## **B. Draft Amendment to Zoning Ordinance – Definitions and Uses in the B1 Zoning District**



# STAFF MEMORANDUM

|                          |  |
|--------------------------|--|
| <b>SUBJECT:</b>          | Chief of Police Emergency Management Director Position   |
| <b>MEETING DATE:</b>     | October 25, 2018   |
| <b>PREPARED BY:</b>      | Thomas Terry, City Administrator   |
| <b>REQUESTED ACTION:</b> | Approve the revised Chief of Police/Emergency Management Director Job Description and authorize the advertising for this position. |

## 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**

Steve Mortenson has submitted his resignation as Police Chief/Emergency Management Director effective, November 30, 2018.

## **DISCUSSION**

With the resignation of Police Chief Mortenson, Staff reviewed the current Chief of Police Emergency Management Director Job Description to determine if any changes to the job description are required.

Staff is recommending the following changes to the Chief of Police Emergency Management Director Job Description:

- A minor language change to clarify supervision responsibility from *“Department supervision is exercised over public safety staff”* to reflect correct language of *“Supervision is exercised over department staff”*
- Clarify role in personnel promotion and selection from *“Conducts the selection and promotion procedures for departmental personnel”* to *“Assist with the process and make recommendations for promotion and selection of departmental personnel”*
- Minimum Qualifications has been changed as follows *“Bachelor’s degree in criminal justice, public administration and/or business administration; seven years’ experience working in law enforcement; three years of supervisory experience with law enforcement supervisory experience preferred”*

Council is being asked to approve the revised job description and authorize the advertising of the Chief of Police Emergency Management Director position.

## **ACTION REQUESTED**

Motion to approve the revised Chief of Police Emergency Management Director Job Description and authorize the advertising for this position.

# CHIEF OF POLICE - EMERGENCY MANAGEMENT DIRECTOR

**Department:** Public Safety

**FLSA Status:** Exempt

**Work Status:** Full-time

## **Purpose**

Performs complex protective service work acting as the Chief of Police and Chief Law Enforcement Officer and Director of Emergency Management, providing overall direction to the operations of police services and coordination, preparing and developing emergency management services and plans, and related work as apparent or assigned. Work is performed under the general direction of the City Administrator. **Supervision is exercised over Department staff.**

## **Communicates with:**

- *Internally* – Public safety employees, city employees and elected officials;
- *Externally* – Other local, state and federal public safety agencies, civic organizations, consultants, and the general public.

**ESSENTIAL FUNCTIONS-** *To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individual with disabilities to perform the essential functions.*

Performing the duties of a Police Officer.

Develops, organizes and implements public safety related policies, records management systems, and programs necessary for the collection of data, police communications, coordination of mutual aid agreements, apprehension of criminals, and the delivery of all law enforcement and emergency management planning.

Provides leadership, planning, and development of the department.

Evaluates and ensures the provision of a comprehensive, fair, and impartial law-enforcement and emergency management service.

Ensures quality and responsive service and provide community values based community oriented and problem solving policing.

Ensures department efficiency, accountability, and command the respect and confidence of citizens and department personnel at all times.

Ensures the department and its personnel focused on the vision and mission of the department and encourage strong citizen-police partnerships.

Sets, coordinates, implements and evaluates goals and objectives for the department, and emergency management.

Plans, organizes, directs, and reviews all operations of the Department. Plan methods and procedures to meet operating needs; reviews and approves recommendations for staff organizations and assignments, and for reviewing procedures and records.

Issues special orders to subordinate officers; reviews operating performance records and reports to determine officers' effectiveness and efficiency; reviews recommendations on personnel problems and takes disciplinary action; reviews the preparation of training programs for police officers.

*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.*

# CHIEF OF POLICE - EMERGENCY MANAGEMENT DIRECTOR

Meets with citizens concerning complaints, activities of the department and other matters of public interest important in the development of good public relations.

Prepares and directs the preparation of periodic or special reports on department activities and operations. Assists in the formulation and implementation of labor and agreements between management and employee organizations.

Assist with the process and make recommendations for promotion and selection of departmental personnel.

Prepares and implements an annual department budget.

Administers an on-going budget review and control program.

Develops program objectives that will guide the future development of the department in terms of anticipated needs.

As Emergency Management Director, prepares emergency plans that meet all state and federal requirements.

Provides proactive and required training for staff, Council, and citizens consistent with the Emergency Plan. Manages the outdoor warning system and budgets for emergency preparedness programs and equipment, and implements emergency plans when appropriate.

Communicates, confers, and works with official representatives of other criminal justice agencies throughout the county, state, and nation for accomplishing certain phases of the police mission.

Participates in local, county, state, and national organizations representing the department and keeping abreast of law enforcement and emergency management requirements.

Attends meetings, trainings, and conferences relative to job responsibilities.

Takes a leadership role promoting collaborative law enforcement and emergency management partnerships, services and community involvement.

Supports principals of city's community-oriented government philosophy.

## REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

Comprehensive knowledge of modern police methods, management, administration, and demonstrated ability to apply the knowledge set; comprehensive knowledge of scientific methods of crime detection and criminal identification; comprehensive knowledge of federal, state, and local laws and ordinances, which are enforced by the department; comprehensive knowledge of types of uses of firearms, communications, and automotive equipment used in modern police work; thorough knowledge of functions of federal, state, and local jurisdictions and authorities as they relate to police work; ability to plan, initiate and carry out long-range programs and department administration, employee training, law enforcement and crime prevention; ability to plan, evaluates, and directs the work of a large number of subordinates, performing varied operations connected with police activities; ability to react calmly and quickly in an emergency and to make correct decisions in such cases; ability to prepare and present effective oral and written reports relating to the activities of the police department; ability to read, analyzes, and interprets general technical periodicals, technical procedures, or governmental regulations; ability to write reports, business correspondence, and procedural manuals; ability to effectively answer questions and present information in

*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.*

# CHIEF OF POLICE - EMERGENCY MANAGEMENT DIRECTOR

one-on-one and small group situations, to customers and other employees of the organization; ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals; ability to compute rates, ratios and percentages; ability to define problems, collect data, establish facts, and draw valid conclusions; ability to apply commonsense understanding to carry out instructions furnished in written, oral, or diagram form; ability to deal with problems involving several variables; ability to operate standard computer and office equipment, related hardware and software; ability to build and facilitate a budget; ability to build and understand capital-planning procedures; ability to communicate clearly in person and in writing; ability to establish and maintain cooperative working relationships with other city officials, state and federal authorities, and the public.

## MINIMUM QUALIFICATIONS

Bachelor's degree in criminal justice, public administration and/or business administration; seven years experience working in law enforcement; three years of supervisory experience.. Master's degree and law enforcement supervisory experience preferred.

## WORKING CONDITIONS

This work requires the regular exertion of up to 25 pounds of force, frequent exertion of up to 50 pounds of force and occasional exertion of up to 100 pounds of force; work regularly requires walking, speaking or hearing, using hands to finger, handle or feel and reaching with hands and arms, frequently requires standing, sitting, climbing or balancing, stooping, kneeling, crouching or crawling, pushing or pulling, lifting and repetitive motions and occasionally requires tasting or smelling; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception, night vision and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using of measuring devices, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; work frequently requires working near moving mechanical parts, exposure to fumes or airborne particles, exposure to toxic or caustic chemicals, exposure to outdoor weather conditions, exposure to the risk of electrical shock and working with explosives and occasionally requires wet, humid conditions (non-weather), exposure to extreme cold (non-weather), exposure to extreme heat (non-weather), exposure to vibration, wearing a self contained breathing apparatus and exposure to bloodborne pathogens and may be required to wear specialized personal protective equipment; work is generally in a loud noise location (e.g. grounds maintenance, heavy traffic).

## SPECIAL REQUIREMENTS

First Responder and CPR Certification.

POST board certification.

Valid driver's license in the State of Minnesota.

*Reasonable accommodations may be made to enable individuals with disabilities to perform the essential tasks.*



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

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## MEMORANDUM

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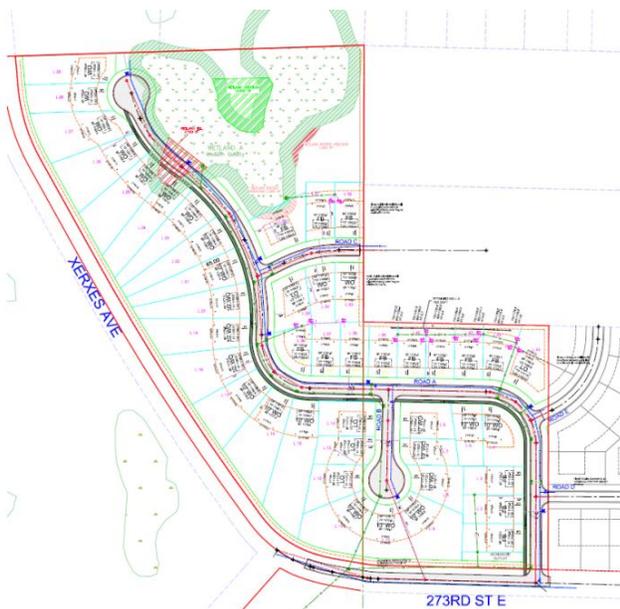
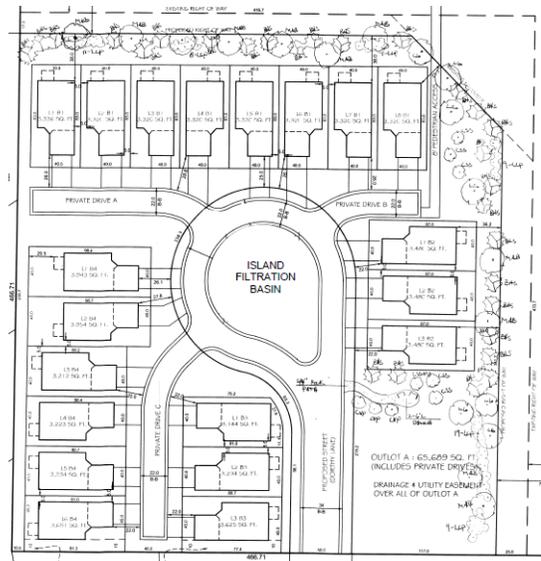
**TO:** CITY COUNCIL, PLANNING COMMISSION, EDA & CHAMBER OF COMMERCE  
**FROM:** RENEE CHRISTIANSON, COMMUNITY DEVELOPMENT SPECIALIST  
**SUBJECT:** COMMUNITY DEVELOPMENT UPDATES  
**DATE:** OCTOBER 19, 2018

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### Background / History

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

**Christmas Pines** – This is a residential detached townhome subdivision containing 20 lots. The City issued an early grading permit to the developer in September and grading activity has begun on site. The plat and development contract need to be signed by the developer; the project has been fully approved by the City.



**Pete's Hill Park** – On August 16<sup>th</sup> staff was informed that a new development company will be pursuing development of this property in partnership with one of the current property owners in the spring of 2019. The new partnership / LLC has been formed to handle the development. On September 21<sup>st</sup> the new development company closed on a portion of the development property. The project requires annexation of property from New Market Township.

**Kevin Komorowski / The Preserve at Elko New Market** – Staff has been working with Kevin Komorowski regarding the proposed residential development of ten acres on the west side of the City (diagram to right). In September the City and Township approved resolutions for annexation of the property. The resolution approving the annexation has been submitted to the State for final processing. Draft construction plans and stormwater calculations were submitted to the City mid-September. The City will accept the application for zoning and plat approval once the annexation has been approved by the State Office of Administrative Hearings.



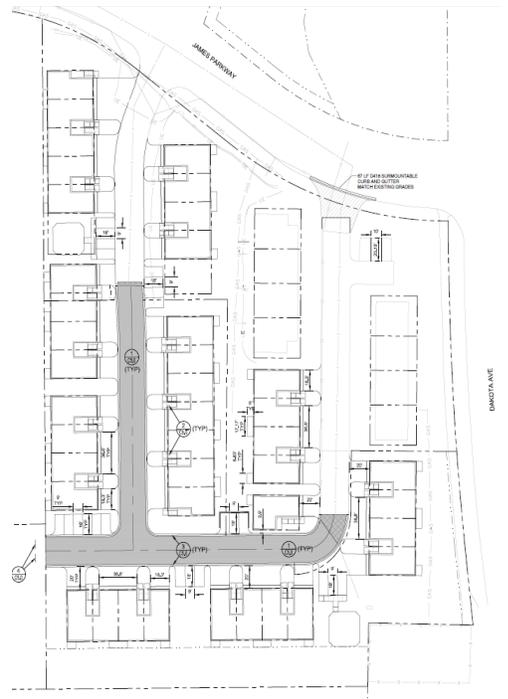
**Dakota Acres / City Owned Property** – On June 14<sup>th</sup> the City Council approved a purchase agreement for the sale of a 3.1 acre City-owned property in Dakota Acres. The property can reasonably be used for medium or high density residential development. The buyer’s intended use of the property is a 60-unit apartment development (two separate buildings). Below is a rendering of a proposed thirty-six unit building. The purchaser is currently in their due-diligence period and staff expects a closing on the property before the end of the year (2018).



**Dakota Acres / Syndicated Properties** – On May 15, 2018 the City issued building permits to construct 13 townhome units in Dakota Acres. All units contain three bedrooms and are expected to be rental units. Work continues to progress on these 13 units and it is expected that some units may be ready for occupancy in November or December, 2018 (rendering below).



**Dakota Acres 1<sup>st</sup> Addition** – On September 27, 2018 the City Council approved the final plat of Dakota Acres 1<sup>st</sup> Addition, a townhome development containing 28 units. Scott County is currently reviewing the plat prior to recording. This phase of the development will connect the two existing streets in the townhome development.



**Elko New Market Retail Center** - The City has issued permits for interior finishes of the final two spaces in the Retail Center. Permits were issued for a martial arts studio and a chiropractic office. A small addition to the parking lot is required. With these two spaces occupied, the existing building will be full. The building owner representative has indicated they may apply for a building permit to construct the second half of the building before the end of the year. There is rental space available in the second phase.



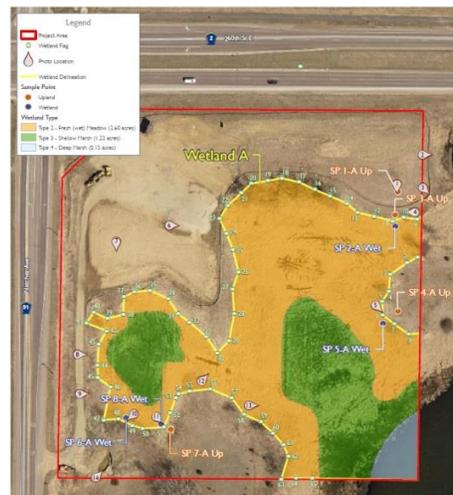
**Adelmann Property** - City staff recently completed working with the Adelmann family on concept development plans for their properties located adjacent to the I-35 / CR 2 interchange (approximately 242 acres). The project included coming to an agreement regarding future land uses for the property, and the creation of concept development plans. An impressive marketing package was created, including a flyover video /rendering of how the property could be developed.



<https://www.youtube.com/watch?v=uGubOWmGRi0&feature=youtu.be>

A second phase of the project will include preparation of an AUAR, a required environmental study, a wetland delineation and tree inventory. The next phase of the project is expected to take approximately one year.

**KL Group Property** - City staff received an application for wetland boundary and type concurrence from KL Group, owners of the former Barsness property at the southeast quadrant of Co Rd 2 & 91. The application was approved 10/8/18.

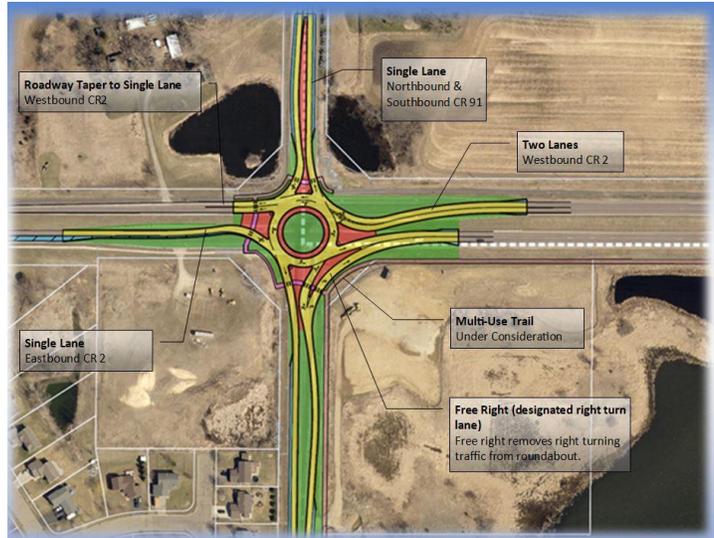


**Building Permits** - The City issued permits for four single family homes in August and three single family homes in September, 2018.

**Ordinance Updates** – Staff is working with the City’s Planning Commission regarding updates to the City’s zoning code which would allow a smaller single family residential lot size than is currently permitted by the City’s code. The Planning Commission has directed staff to schedule a public hearing regarding the proposed code amendments. A public hearing on the matter is anticipated in November, 2018.

Staff has worked with the City’s Planning Commission regarding updates to the permitted and conditional uses contained in the B1 Neighborhood Business zoning district. A public hearing was conducted by the Planning Commission in September, and the changes are scheduled for City Council approval on October 25, 2018. The proposed changes will make it easier for certain business to locate in the B1 zoning district without needing a conditional use permit and will also clean up some of the currently listed definitions.

**Roundabout Project** –The City’s Engineering firm, Bolton & Menk, has begun actively working on final engineering design for the proposed Co Rd 2 & 91 roundabout. City staff updated the City’s website with the most recent information - <https://www.ci.enm.mn.us/roundabout>.



**ELKO NEW MARKET PARKS COMMISSION  
TUESDAY, OCTOBER 9, 2018  
REGULAR MEETING MINUTES**

**PRESENT:**

Present at Roll Call were Commissioner Zahratka; Commissioner Miller; and Chair Mike Sutton. Also present were Assistant City Administrator Mark Nagel (By Conference Call); City Clerk Sandra Green; Jon Schwichtenberg; and Mayor Bob Crawford.

**CALL TO ORDER:**

The meeting was called to order at 4:08 PM in Conference Room B at Elko New Market City Hall, 601 Main Street.

**APPROVE AGENDA:**

There were no additions to the October Parks Commission Meeting Agenda. On motion by Chair Sutton, seconded by Commissioner Miller, the October Meeting Agenda was approved.

**CITIZEN COMMENTS:**

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

**APPROVAL OF MINUTES OF SEPTEMBER 11, 2018 PARKS COMMISSION MEETING:**

Upon motion by Chair Sutton; seconded Commissioner Miller, the Parks Commission unanimously approved the September 11, 2018 Parks Commission Meeting Minutes as printed.

**PETITIONS, REQUESTS, AND COMMUNICATIONS:**

Mr. Nagel reviewed an 2 articles - one from the National Recreation and Park Association, "Can Parks Make Kids Better at Math" and one from Architect Magazine, "The Playground: Dangerous or a Breeding Ground for future

Architects”. He said that he provides articles, like this one, to help provide perspective to Commissioners on their work at the local level to enhance parks and recreation in Elko New Market.

## **UPDATES:**

Mr. Nagel reviewed the September 30, 2018 ENM Parks Commission Update, which contained 19 items, with the Commissioners. Mr. Nagel said that he is working on funding sources for the needed archery equipment, the gate/fence for the Elko Express is now complete, and the new plaque for the for the bench on Pete’s Hill was done and would be installed shortly.

Chair Sutton reported that the focus of the CCEC will be on planning for the Halloween festivities on Saturday morning, October 27<sup>th</sup>.

## **OLD/NEW BUSINESS:**

Mr. Nagel said that the new layout of the proposed Disc Golf Course minimizes effects to the wetlands area, so can now be constructed. As per Parks Commission direction at the September meeting, Mr. Nagel will inform the surrounding neighborhood of the proposed disc golf course for additional input using social media and an Open House that he is proposing be held on Tuesday, November 15<sup>th</sup> beginning at 5 PM after the regularly scheduled November Parks Commission meeting. Upon motion by commissioner Sutton, seconded by Chair Sutton, the Parks Commission unanimously set Tuesday, November 13, 2018 At 5 PM for the Open House on the Disc Golf Course.

Mr. Nagel reported that the SkatePark Rules and Regulations revisions were made and 2 signs were purchased for installation at the SkatePark. He said that the signs would be posted when the SkatePark opens in Spring, 2019, since current season was almost over. No further action was taken on this item.

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. He reported that an appraisal of the property had been completed and the parcel was appraised at \$135,000. Discussion now centered on a combination of the \$40,000 waiver of the Park Dedication fee and Donation to the City of the property for the remaining \$95,000 for the \$135,000 appraised value. He said that there was no final agreement in writing at the time of the Parks Commission meeting this

month, but was hopeful that it might be ready for consideration by the November meeting.

Mr. Nagel updated commissioners on purchasing the new Sears Kenmore electric stove/oven for the Wagner Park Shelter that included the following criteria: white color, coil cooktop, at least a 5 cubic foot, self-cleaning oven at a cost not exceed \$700 donation from the N.E.W. Lions Club. He said that he had not yet ordered the oven/stove in hopes the price would drop from the current \$429.90. He said that he would purchase it before the November Parks Commission meeting to insure that it was installed before the Winter. No further action was taken by the Commission.

Mr. Nagel presented an estimate from Bolton & Menk, Inc of \$5,000 to survey the area for the relocation Rowena Pond Park T-Ball field. He said it was necessary to do the survey to insure that the grading plan was correct and properly handled drainage from the surrounding properties. Upon motion by Chair Sutton, seconded by Commissioner Miller, the Parks Commission unanimously approved a motion to survey the area for relocating the T-Ball field by Bolton & Menk, Inc for an amount not to exceed \$5,000.

Mr. Nagel said that a resident had requested that the Parks Commission consider placing a new water fountain at Wagner Park. He called Commissioners' attention to the Memorandum that he prepared outlining 4 options and costs for their consideration. He said that the cost would vary by the type of fountain and installation costs, but if a free standing one was placed near the playground equipment, then costs could be in the \$3,300 range – plus \$400 for installation. After much discussion, consensus of the Parks Commissioners was for Staff to bring back further information at the November meeting for further discussion. No further action was taken on this Agenda Item.

Mr. Nagel presented the Bill List to the Commissioners – A bill from Schlomka's Portable Restrooms for services for October for a total of \$710.00. Upon Motion by Commissioner Zahratka; seconded by Commissioner Miller, 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 October 9th meeting.

## **NEXT MEETING:**

On motion by Commissioner Miller; seconded by Commissioner Zahratka, the next meeting of the ENM Parks Commission was set for Tuesday, November 13, 2018 at 4 PM in Conference Room B of Elko New Market City Hall. The Open House on the proposed disc Golf Course will take place beginning at 5 PM in Conference Room B, as well.

## **PARK COMMISSIONER COMMENTS:**

There were no additional comments from Commissioners at the October 9<sup>th</sup> Parks Commission meeting.

## **ADJOURNMENT:**

There being no further business to come before the Parks Commission, upon motion by Commissioner Zahratka, seconded by Chair Sutton, the meeting was adjourned by voice vote at 5:03 PM.

**Respectfully Submitted,  
Mark Nagel, Assistant City Administrator**