



**Meeting of the City Council
Held at the Elk River City Hall
Monday, November 18, 2024**

Members Present: Mayor John Dietz, Councilmember Cory Grupa, Councilmember Mike Beyer, Councilmember Jennifer Wagner

Members Absent: None

Staff Present: City Administrator Cal Portner, City Attorney Jared Shepherd, Senior Planner Chris Leeseberg, Business Services Director/Assistant City Administrator Joe Stremcha, Public Works Director/Chief Engineer Justin Femrite, Community Development Director Zack Carlton, Fire Chief Mark Dickinson, Police Captains Darren McKernan and Joe Gacke, Liquor Operations Manager Joe Audette, Economic Development Specialist Josh Mollan, and City Clerk Tina Allard

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve the agenda. Motion Carried 5-0.

4. CONSENT AGENDA

Moved by Councilmember Wagner and seconded by Councilmember Beyer to approve the following consent items as outlined in their respective staff reports. Motion Carried 5-0.

4.1 November 4, 2024, Regular Council Meeting Minutes

4.2 November 12, 2024, Canvassing Board Minutes

4.3 Check Register

4.4 Pay Estimates

4.5 Ordinance Amendment 24-21 Storage and Location of Waste Containers

4.6 FT Center - LiveBarn Agreement 2024-27

4.7 FT Center - Mendota Valley Amusement Inc. Agreement 2024-28

4.8 FT Center - Quick Cash ATMs Agreement 2024-29

4.9 Resolution 24-65 Dissolving the Sherburne County Municipal Recycling Board

4.10 Resolution 24-72 Levying Special Assessments for Abatement of Ordinance Violations

4.11 Resolutions 24-66, 24-67, and 24-68 Levying Special Assessments for Unpaid Garbage, Sewer, and Stormwater Utility Services

4.12 Resolutions 24-69 and 24-70 Levying Special Assessments for Unpaid Water and Electric Utility Services

4.13 Hire Part-time Senior Activity Center Assistant

4.14 Additional Costs for Hazardous Building Mitigation: 19176 Kent Street NW

4.15 Resolution 24-71 Zimmerman Fire Relief Donation

5. OPEN FORUM

No one appeared for Open Forum.

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 City of Elk River Volunteer of the Month

Mayor Dietz presented the November Volunteer of the Month award to Jerri Volk. He highlighted the following:

- St. Andrews Church: President of quilts and crafts group, volunteers for the parish festival, and teaches faith formation.
- Assists in cooking meals for funerals and special events: Yellow Ribbon and the spaghetti dinner.
- Guardian Angels: Visits with residents every week and works with the fair day and friends group.

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- CAER volunteer.

6.2 Oath of Office: Police Chief

Mr. Portner introduced the new Police Chief Dave Kuhnly.

Mayor Dietz performed the oath of office and the pinning ceremony was held.

Chief Kuhnly introduced his family and staff, who came from both the cities of Plymouth and Golden Valley.

6.3 Oath of Office: Patrol Officer Hopps

Police Captain Darren McKernan introduced new Patrol Officer John Hopps.

Mayor Dietz performed the oath of office and the pinning ceremony was held.

6.4 Oath of Office: Firefigthers

Fire Chief Mark Dickinson introduced new firefighters, Arturo Sparza, Robert Stellmach, and Ryan Oliveira.

Mayor Dietz performed the oath of office and the pinning ceremony was held.

6.5 Introduction of New Employees

Mr. Femrite introduced new street maintenance employees Jeremy Taylor, Eric Siljander, and Jerrod Lobde.

The Council welcomed staff.

7. PUBLIC HEARINGS

7.1 Ordinance 24-22, 24-23 and 24-24 Zone Changes: City of Elk River

The staff report was presented.

Mayor Dietz opened the public hearing.

Michelle Binsfield, 13230 Islandview Drive, stated the city should take more time to make sure the zoning matches the city's mission of live, work, and play. She stated there is not enough play and that the city should secure some of this land for a park. She expressed concerns about more residential development, shoreland clear-cutting, erosion, and loss of an animal travel corridor.

Mayor Dietz noted the parkland will remain a park. He closed the public hearing.

Councilmember Wagner questioned if the parcel near the Patio and Things Complex needs to have its zoning changed because it is not a great area for housing with the industrial area and the railroad.

Councilmember Westgaard stated this is a housekeeping item and, due to the recent update to the Comprehensive Plan, the zoning should match the land use. He indicated the Council could look at creating a separate district for parkland, but at this time he would prefer to make the change outlined in the report. He further stated the parcel of concern by Ms. Binsfield is owned by MnDOT and is designated as stormwater which can't be sold, noting the DNR controls the shoreland regulations.

Councilmember Grupa concurred with Councilmember Westgaard.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt Ordinance 24-22 to rezone certain property from Highway Commercial (C3) to Single Family Residential (RI-c) as the rezoning is consistent with the City of Elk River Land Use Plan adopted as part of the City of Elk River Comprehensive Plan. Motion carried 5-0.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adopt Ordinance 24-23 to rezone certain property from General Industrial (I3) to Highway Commercial (C3) as the rezoning is consistent with the City of Elk River Land Use Plan adopted as part of the City of Elk River Comprehensive Plan. Motion carried 5-0.

Moved by Councilmember Beyer and seconded by Councilmember Wagner to adopt Ordinance 24-24 to rezone certain property from General Industrial (I3) to Single Family Residential (RIa) last the rezoning is consistent with the City of Elk River Land Use Plan adopted as part of the City of Elk River Comprehensive Plan. Motion Carried 5-0.

8. GENERAL BUSINESS

8.1 Northeast Sewer and Water Sub-Area Study

The staff report was presented.

Moved by Councilmember Westgaard and seconded by Councilmember Wagner to approve execution of the proposal for \$89,800 for professional services to complete a sub-study in the extended Northeast sewer and water services area. Motion Carried 5-0.

8.2 Northbound Liquor Staffing

The staff report was presented.

Mayor Dietz likes the idea of having a full-time staff person but is concerned with adding \$50,000 to the budget.

Mr. Stremcha discussed how this change would provide cost savings in other areas, such as onboarding time and training, due to the frequency of part-time staffing changeovers.

Councilmember Westgaard noted this would not have an impact on the General Fund. He agrees having a large pool of part-time staff can be difficult to manage and have more impact on resources, noting there may not be as much commitment by a part-time employee versus a full-time person who would be more vested. He stated Mr. Audette does a good job managing the stores and has had some difficult years recently (Covid/highway construction). He felt it would be good to have a core group of staff to help grow the two stores.

Councilmember Beyer has noticed management staff having to work additional hours due to short staffing.

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to approve a change to the authorized full-time staff count for Northbound Liquor as outlined in the staff report. Motion Carried 5-0.

9. MOTION TO ADJOURN REGULAR MEETING

Moved by Councilmember Beyer and seconded by Councilmember Wagner to adjourn the regular meeting of City Council. Motion Carried 5-0.

The meeting adjourned at 6:49 p.m.

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

The work session meeting convened at 6:55 p.m.

10.1 Meadowwoods Village Sewer Treatment Discussion

The staff report was presented. Mr. Femrite stated he has been working with the homeowner's association over the last six months. He noted that 38 of 39 homeowners signed the Petition and Waiver agreement. He reviewed the next steps to consider.

Councilmember Westgaard stated he is supportive of the request, noting it's important to be transparent and offer the same type of opportunity as other subdivisions have been offered. He encouraged homeowners to contact state legislators about any funding availability.

The Council concurred with continuing to move forward with this project.

10.2 Downtown Decoration Requests

The staff report was presented by Josh Mollan.

Deana McLean asked for city permission to have year-round decorative string lights across Rivers Edge Park. And next year they would like to ask the community to put their own ornaments on the tree. The ornaments could then be reused in future years. She further stated any offensive ornaments hung on the tree would be removed.

The Council noted possible liability concerns and would like DERBA to provide indemnification. Councilmember Grupa expressed concerns about vandalism, noting he did see some of this with the Halloween decor.

Mr. Portner stated indemnification may not completely protect the city from liability/lawsuit. He also noted there could be First Amendment issues with removing an ornament from the tree.

The Council concurred they did not have any issues with the lighting, but there is a need to vet it and have an agreement in place.

10.3 Concept Review: Enviro Chem Ordinance Amendment

The staff report was presented.

Josh Blaisdell, GM of Operations for Enviro-Chem, Inc., stated that the majority of material collected is from the information technology field, which is then sorted and sent out. He stated the most hazardous materials collected were batteries. He felt this location could hold a nice facility that they would like to have opened to the public, and they don't want to be hidden in an industrial area.

The Council expressed concerns about outdoor storage and truck parking.

Mr. Blaisdell stated there are loading docks behind the building where they could put the trucks.

The Council concurred there could be a different definition to fit this type of business as long as the operation can all remain indoors and not have outdoor storage in the Business Park District.

10.4 Flock Safety Solutions

The staff report was presented.

Mr. McKernan discussed the installation process of the flock camera system. He highlighted how the department would like to install 14 cameras at various locations throughout the city. Mr. Gacke discussed the different uses the camera system could be utilized for, such as thefts from big box stores.

The Council discussed the cost and ongoing investment needed for the system. Mr. McKernan stated private businesses value the system and in other communities are paying the cost for a camera at their business site, which they then share the data with the police department.

Councilmember Wagner suggested the department seek partnerships with local retailers.

The Council concurred.

Mayor Dietz questioned what the budgeting would look like going forward.

Mr. Portner said the first two years would come from the Public Safety Aid funds, but the annual maintenance would need to be budgeted. Mr. Portner stated there is value in the system as it is growing in other communities and there can be more data sharing available across communities.

Councilmember Wagner noted there could be community backlash about First Amendment rights and the feeling of being tracked.

A representative from Flock Safety Solutions stated they are getting objective data that can only be used for specific purposes outlined in a policy and the video is deleted after 30 days.

Mayor Dietz stated the camera system is a good idea.

Councilmember Grupa stated the city needs to do this project, and he'd take safety over feelings.

10.5 Cannabis and Hemp Registration Ordinance

Ms. Allard presented the staff report. The Council discussed the new cannabis laws and draft ordinance and concurred on the following items:

- With not knowing the staff time and resources needed, set fees to the state maximum, then monitor and amend fees if needed.
- Limit the number of retailers to three, not counting a possible municipal operation. There would be no limit, per state law, for low potency hemp retailers.
- Match hours of operation to the liquor store hours of operation as allowed by law.
- Create a permit process for temporary cannabis events.
- Have language in the ordinance to allow for municipal cannabis operations.
- Follow the same buffer requirements similar to the low-potency hemp retailers.

10.6 Municipal Cannabis Operation and Manager

The staff report was presented. Mr. Stremcha stated it would be key to onboard a cannabis expert sooner rather than later because as more cannabis stores come online, the pool of candidates will shrink. He further discussed building versus leasing. Mr. Audette stated having a manager with cannabis experience would be valuable.

Mayor Dietz stated he would prefer to start out slow and lease a space before deciding to move forward with the expense of building something with an unknown future of the success of a business.

The Council concurred on drafting a business plan prior to making building and hiring decisions.

11. MOTION TO ADJOURN

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to adjourn the meeting of City Council. Motion Carried 5-0.

The meeting adjourned at 8:40 p.m.

Minutes prepared by Tina Allard.

12. INFORMATION



John J. Dietz, Mayor



Tina Allard, City Clerk