Meeting of the City Council
Held at the Elk River City Hall
Monday, May 20, 2024

Members Present:	Mayor John Dietz, Councilmembers Cory Grupa, Mike Beyer, Matt Westgaard and Jennifer Wagner
Members Absent:	None
Staff Present:	City Administrator Cal Portner, Business Services Director/Assistant City Administrator Joe Stremcha, Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, and Deputy Clerk Jolene Richter
Others Present:	City Attorney Jared Shepherd

1. CALL MEETING TO ORDER
Pursuant to due call and notice thereof, the meeting was called to order at 6:06 PM.

2. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was recited.

3. CONSIDER AGENDA
Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve the agenda. Motion Carried 5-0.

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

4.1 April 29, 2024, Council Retreat Minutes

4.2 May 6, 2024, City Council Regular Minutes

4.3 Check Register for the period ending May 20, 2024.

4.4 Amend Resolution 23-62, 2024 Compensation Plan for Non-Organized Employees

4.5 Severance Agreement and Waiver of Claims: Perry Milless.

4.6 Resolution 24-25: Allocation of 2023 MN Public Safety Aid

4.7 Pay Estimates as outlined in the staff report.

4.8 Resolution 24-24: Safe Road Zone Grant Acceptance

4.9 Hire Street Maintenance Operator Jeremy Taylor effective June 3, 2024.

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 May Volunteer of the Month award to Tim and Paula Boesch. He highlighted the following:

- Lector, greeter, and Eucharistic Ministers at the Church of St. Andrew.
- Sponsors for fully-engaged pre-marriage program.
- Tim belongs to the Knights of Columbus and teaches the Catholic faith to those joining St. Andrew's.
- Paula is the past president of the Council of Catholic Women.
- Tim is the past president of Riverwood National Homeowners Association and a current member of the architectural committee.
- Paula was a past volunteer for Community Education and performed with Elk River Community Theater.

6.2 Public Safety Recognition

Sherburne County Commissioner Andrew Hulse recognized and thanked Elk River public safety officers; Officer Brandon Martin, Officer Augustus Koppi, Paramedic Ron Lawrence, EMT Joe Libor Sr., EMT Carter Schmitt, and Sherburne County Dispatcher Matt Paumen who recently provided assistance in a medical event.

7. PUBLIC HEARINGS

7.1 Conditional Use Permit: PUD Amendment for Taco Bell Signage

The staff report was presented.

Mayor Dietz opened the public hearing. There being no one to speak to this matter, Mayor Dietz closed the public hearing.

Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve a

Planned Unit Development amendment limiting the freestanding sign height consistent with the C-3 (Highway Commercial) sign ordinance. Motion Carried 5-0.

7.2 Variance: Ivan Foxcroft - 20055 Polk Street NW

The staff report was presented.

Mayor Dietz opened the public hearing.

Ivan Foxcroft, 20055 Polk St NW, spoke to the neighbors regarding the project and they agreed with the plan. He understands the Board of Adjustments didn't want to set precedent, but feels that these requests should be on a case-by-case basis. He sent letters to 23 neighbors and no one spoke against it. He would like to respectfully request the Council approves the variance application.

Chris Yearneau, 20079 Polk St NW, is the neighbor to the North. He spoke to support the initial plan of the project of Mr. Foxcroft.

Mayor Dietz closed the public hearing.

Councilmember Wagner stated they have a unique lot set up due to the wetlands, drain field and well, which limits their space to build. She added that in her opinion the alternate plan would be worse. She feels the variance request is a reasonable one and they have their neighbor support. She would support the variance for those reasons.

Councilmember Beyer explained he totally understands setting precedence but thinks these are case-by-case basis, especially with such restraints. He likes that the neighbors are positive and in support of it. He thinks it lines up well with the other properties and the aesthetics are great.

Councilmember Westgaard stated the applicant has made a compelling argument and he would support it.

Councilmember Grupa thinks they did their due diligence and is in support of it.

Mayor Dietz gave credit to the applicant for talking to the neighbors ahead of time.

Moved by Councilmember Beyer to approve the variance. Motion died due to lack of second as City Attorney Shepherd interrupted directing the Council to make a motion to have staff prepare a resolution for approval.

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to have staff prepare a resolution of approval for the variance with the condition it conforms to the plan as outlined by the applicant and bring it back to the next Council meeting. Motion carried 5-0.

7.3 Resolution 24-26 Preliminary and Final Plat: Natures Edge Business Center Fifth Addition, Heritage Millwork - PID 75-00929-0020

The staff report was presented.

Mayor Dietz opened the public hearing. There being no one to speak to this matter, Mayor Dietz closed the public hearing.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to approve the Preliminary Plat of Nature's Edge Business Center Fifth Addition. Motion carried 4-0. Councilmember Westgaard abstained due to a conflict of interest.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to approve Resolution 24-26 approving the final plat of Natures Edge Business Center Fifth Addition, subject to the following conditions:

1. **The closing for the purchase of city-owned property occurs in conjunction with the recording of the plat.**
2. **Park Dedication Fees shall be paid per the city's fee schedule for the one buildable lot. (The current rate is 6% of the county's assessed value).**
3. **The street names on the plat must be updated to reflect the city's addressing grid.**

Motion carried 4-0. Councilmember Westgaard abstained due to a conflict of interest.

7.4 Ordinance 24-12 Amendment: PUD for Bradford Park

The staff report was presented.

Mayor Dietz opened the public hearing. There being no one to speak to this matter, Mayor Dietz closed the public hearing.

Moved by Councilmember Grupa and seconded by Councilmember Westgaard to adopt, Ordinance 24-12 establishing and outlining the development standards for the Bradford Park Subdivision. Motion Carried 5-0.

7.5 Ordinance 24-13 Amendment: PUD for Spectrum Schools

The staff report was presented.

Mayor Dietz opened the public hearing. There being no one to speak to this matter, Mayor Dietz closed the public hearing.

Moved by Councilmember Grupa and seconded by Councilmember Wagner to adopt Ordinance 24-13 establishing the PUD district and standards for Spectrum Schools. Motion Carried 5-0.

8. GENERAL BUSINESS

8.1 iBackCheck Lease Termination Appeal

The staff report was presented.

Dr. Christi Jo Christian, CEO of iBackCheck Sport Therapy, was present to appeal the iBackCheck

Lease Termination. She apologized and stated it would not happen again. She has requested a different communication plan with the city (handout).

Mayor Dietz asked Mr. Stremcha for clarification regarding the payments and the increased payment. Mr. Stremcha stated all the payments are up-to-date, including late fees and penalties.

Michelle Thatcher, Bank of Elk River, stated there was a bank error when keying in the increased amount, which defaulted to the old amount. She explained that has now been corrected.

Councilmember Beyer clarified payments with Mr. Stremcha. He thinks it is a valuable space and does not want it to go away and is willing to give it another chance.

Councilmember Westgaard stated he hoped the communication changes would help. He would prefer not to terminate the lease and thinks it is good for the community to have them in the space. He stated, as long as the finance piece is whole and there are mechanisms in place to make sure this doesn't happen again that keeping the status quo of them being in the space would be best for all parties involved.

Councilmember Grupa questioned the sub-lease and the logistics of who will be handling the sub-lease. Mr. Portner clarified by stating the entire lease space is held by iBack Check and they are sub-letting a portion of it to another group which the Council approved as well. In terms of that part of the lease it will remain as is until iBack Check's lease has ended.

Councilmember Wagner understands what it takes to run a small business and would like to see them run a successful business. She suggested for them to do what they need to do to ensure this doesn't happen again. She is looking forward to working this out and moving forward.

City Attorney Shepherd suggested the status of the lease to come back to the next Council meeting.

Moved by Councilmember Grupa and seconded by Councilmember Westgaard to maintain the current lease agreement and bring back a resolution with the status of the lease at the next Council meeting. Motion carried 5-0.

8.2 Agreement 24-14: Two Brothers Hockey Lease Agreement

This item was removed due to the appeal of iBack Check being approved.

8.3 Select Executive Search Firm

The staff report was presented.

The Council unanimously agreed that MGT/GovHR was the most appealing based on their experience with law enforcement, and they are originally from this area.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve the engagement of MGT/GovHR for executive recruitment services for the chief of police. Motion carried 5-0.

8.4 Financial Advisor Services

The staff report was presented.

Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve, Ehlers, Inc., to provide financial advisory services to the City of Elk River. Motion carried 5-0.

8.5 Temporary On-Sale Liquor License: Davis-Darrow-Meyer American Legion Post 112

The staff report was presented.

Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve a Temporary On-Sale Liquor License for Davis-Darrow-Meyer American Legion Post 112 for June 8, 2024, with the condition alcohol must be confined to an area enclosed by a fence with secured, controlled access. Wristband control is required for patrons 21 and over. Motion Carried 5-0.

8.6 Temporary On-Sale Liquor License: Sherburne County Fairgrounds

The staff report was presented.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve a Temporary On-Sale Liquor License for the Sherburne County Fairgrounds for an event scheduled for July 27, 2024, with the condition alcohol must be limited to an area enclosed by a fence with secure, controlled access. Wristband control is also required. Motion Carried 5-0.

8.7 Temporary On-Sale Liquor License: Elk River Rotary Club

The staff report was presented.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to approve a Temporary On-Sale Liquor License to the Elk River Rotary Club for the Taste of Elk River event scheduled for August 8, 2024, with the condition alcohol must be limited to an area with secure, controlled access. Wristband control is also required. Motion carried 5-0.

8.8 2024 Goal Setting

The staff report was presented.

Moved by Councilmember Beyer and seconded by Councilmember Westgaard to approve the updates to the Municipal Mission components and Council goals. Motion Carried 5-0.

8.9 Resolution: Orderly Annexation

The staff report was presented.

Mayor Dietz asked if this affected the taxes for Elk River. City Attorney Shepherd stated that the city taxes would go to Elk River and the county taxes would go to Anoka County.

Moved by Councilmember Grupa and seconded by Councilmember Westgaard to approve the draft resolution for orderly annexation. Motion Carried 5-0.

9. MOTION TO ADJOURN REGULAR MEETING

Moved by Councilmember Beyer and seconded by Councilmember Wagner to adjourn the meeting.

The regular meeting adjourned at 7:10 p.m. Mayor Dietz called the work session to order at 7:10 p.m.

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

10.1 Concept Review: Twin Cities Land Development - City Sewer Service

The staff report was presented.

Mayor Dietz stated the Utilities Commission had a good conversation about this situation. The bigger picture is, if we put in the sewer now, we do not have to worry about the septic system failing.

Councilmember Westgaard stated the infrastructure for the sewer is already there and it will be decades before water service will get that far out. The density is more manageable than in previous proposals.

Councilmember Wagner explained she was not in favor of the large development and appreciates the 1-plus acre lots. She does not have any issues with hooking up to the sanitary line as long as the sanitary line can handle it.

The Council supports the idea of this project.

11. MOTION TO ADJOURN

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adjourn the meeting.

The meeting adjourned at 7:25 PM

Minutes prepared by Jolene Richter.

12. INFORMATION

12.1 Financial Report - April

John J. Dietz, Mayor

Tina Allard, City Clerk