



City Council

Regular Meeting & Work Session Agenda

Tuesday, September 3, 2024
6:30 PM
Elk River City Hall

- Regular meeting in Council Chambers
 - Work Session meeting in Upper Town Conference Room immediately following regular meeting
-

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSENT AGENDA

Considered to be routine and noncontroversial and will be approved by one motion. There will be no separate discussion of these items unless there is a request to remove the item from the consent agenda to the regular agenda.

4.1 August 5, 2024, Meeting Minutes

4.2 August 12, 2024, Meeting Minutes

4.3 August 19, 2024 Meeting Minutes

4.4 Check Register

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

4.6 Resolution 24-50: Condemnation through Eminent Domain - 19116 Troy St. NW

4.7 Severance Agreement and Waiver of Claims - Dalton

4.8 Severance Agreement and Waiver of Claims - Czech

4.9 Event Server Position Description

4.10 Hire Wastewater Operator

4.11 Contract Award: Rivers Edge Commons

4.12 Contract Award: Plants and Things Welcome Complex

5. OPEN FORUM

An opportunity to provide comments and feedback regarding items not on the agenda. Information provided in Open Forum will not be discussed at this meeting; rather, the information will be referred to staff and/or scheduled for discussion at a future meeting.

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 Introduction of New Employees

7. PUBLIC HEARINGS

An opportunity for the public to express their opinions and raise questions pertaining to the agenda item. All comments become part of the official public record. For this reason, all comments must be made at the podium so they can be heard and recorded. Comments may also be provided in writing. There will not be deliberations, discussions, or answers to questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

7.1 Interim Use Permit: Residential Occupation, Jason Bye - 10208 209th Ave. NW

8. GENERAL BUSINESS

Items in which the information is presented by city staff or consultants, then deliberation and action occur. General Business items are not opportunities to receive or provide public input. However, the presiding officer may, at its sole discretion, solicit public feedback.

8.1 Discuss Work Session Items

8.2 Orono Lake Improvement District Annual Update and 2025 Budget

9. COUNCIL LIAISON UPDATES

9.1 Council Liaison Updates

10. MOTION TO ADJOURN REGULAR MEETING

11. WORK SESSION – UPPER TOWN CONFERENCE ROOM

Work Sessions are less formal meetings to encourage dialog. Official action or votes are not typically taken. At the conclusion of a discussion, a simple consensus provides staff direction for execution of the item. This portion of the agenda is audio recorded but not video recorded or broadcast. Work Sessions are open to the public; however, visitors who wish to provide input must be invited by the presiding officer, assume a seat at the discussion table and provide their full name and address for the official record.

11.1 Concept Review: Holzem Properties - Kent Roessler

11.2 Discuss Public Safety Facility Patio Addition and Public Safety Aid Update

11.3 2025 Budget

12. MOTION TO ADJOURN

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





**Meeting of the City Council
Held at the Elk River City Hall
Monday, August 5, 2024**

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

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 06:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

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

4. CONSENT AGENDA

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

4.1 July 15, 2024, Regular Meeting Minutes

4.2 July 29, 2024, Special Meeting Minutes

4.3 Check Register

4.4 Use Agreement 24-22: ETC with ISD #728

- 4.5 Resolution 24-42 Authorizing Transfer from the Liquor Fund to the Park Improvement Fund
- 4.6 On-Sale Intoxicating and Sunday Liquor Licenses: City of Elk River - Furniture and Things Community Event Center
- 4.7 Severance Pay Policy
- 4.8 Hire Police Officer
- 4.9 Hire Accountant
- 4.10 Agreement and Resolution 24-43 Appointing Bond Trust Services Corporation as Fiscal Agent
- 4.11 Resolution 24-44 Discontinuing Library Board
- 4.12 Resolution 24-45: Finding of Fact Denying a Sign Area Variance, Holiday Station Store
- 4.13 Purchase of Rescue Equipment
- 4.14 Rescue Gear Personal Floatation Devices
- 4.15 Hire Park Maintenance Worker
- 4.16 Hire Community Event Center Assistant Manager
- 4.17 Accept Bids and Award Contract for Mega Loop Trail Project
- 4.18 Resolution 24-46 Accepting Donation from Zimmerman Livonia Fire Relief Association
- 5. OPEN FORUM
No one appeared for Open Forum.
- 6. PRESENTATIONS, AWARDS, AND RECOGNITION

There were no presentations.

7. PUBLIC HEARINGS

7.1 Resolution 24-47 Spectrum High School Conduit Bonds

The staff report was presented.

Moved by Councilmember Wagner and seconded by Councilmember Westgaard to adopt Resolution 24-47 consenting to and approving the issuance by the City of Bethel of its Charter School Lease Revenue Obligations and taking other actions with respect thereto. Motion Carried 5-0.

8. GENERAL BUSINESS

8.1 Planning Commission Appointment

The staff report was presented.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to appoint Dornan Bland to the Planning Commission for a term from 9/1/24 to 2/28/27. Motion Carried 5-0.

8.2 Rivers Edge Commons Park Improvements

The staff report was presented.

Mayor Dietz asked when the project would start. Mr. Stremcha replied that it would depend on the weather. However, they would begin as soon as possible.

Councilmember Wagner asked if it would affect any events. Mr. Stremcha stated that there would be minimal impacts as the estimated completion would be by the end of May.

Councilmember Wagner inquired if there would be a warranty on the blocks. Mr. Stremcha will look into the warranty.

Moved by Councilmember Grupa and seconded by Councilmember Beyer to authorize, staff to solicit bids for improvements at Rivers Edge Commons Park. Motion Carried 5-0.

8.3 Plants and Things Recreation Complex Welcome Plaza

The staff report was presented.

Mayor Dietz asked about the estimated cost. Mr. Stremcha stated the design and construction cost contingency would total \$295,000.

Councilmember Westgaard asked if this was presented to the Parks and Recreation Commission. Mr. Stremcha stated that the commission was presented with some conceptual designs. Councilmember

Westgaard clarified if there were any major modifications from what the Parks and Recreation Commission saw compared to this design. Mr. Stremcha explained the only modification was the ADA ramp location and parking.

Councilmember Wagner asked for clarification regarding funding. Mr. Stremcha explained the sponsorship agreement through Plants and Things earmarks all the payments to the Park Improvement Fund, which would be specifically earmarked for the improvements at the Plants and Things Recreation Complex.

Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve authorization for staff to solicit bids for this project as presented. Motion Carried 5-0.

8.4 Discuss Work Session Items

There were no additions to the work session topics.

9. COUNCIL LIAISON UPDATES

9.1 Council Liaison Updates

The Councilmembers provided updates as outlined in the respective advisory board's minutes.

10. MOTION TO ADJOURN REGULAR MEETING

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

The regular meeting adjourned at 6:49 p.m. Mayor Dietz called the work session to order at 6:54 p.m.

11. WORK SESSION – UPPER TOWN CONFERENCE ROOM

11.1 Interim Use Permit: Residential Occupation, Jason Bye

The staff report was presented.

Councilmember Wagner clarified that one of the reasons why the city went towards IUPs was for the reason they could take each case by case, but now it appears we are comparing instead of looking at each case on its own merits.

Councilmember Westgaard stated one of the reasons we moved to the IUP process was that there would be a sunset date that gives the city the ability to not renew compared to a CUP which stays with the property forever.

City Attorney Shepherd clarified regarding switching to the IUP process and explained that yes CUPs stay with the land as opposed to IUPs there would be an end date with the sale of the property or the discontinuation of the use. He further explained with IUPs there would be more flexibility for things you cannot anticipate and stated once you have applications that are similar you should be cautious when denying and approving.

Mayor Dietz added that Mr. Bye is open to more conditions that would be placed and asked staff if they have any more conditions they think should be added to the IUP. Mr. Leeseberg stated he had not thought of any additional conditions based on what the Council had decided. He further stated if the Council has any conditions they would like to add they can discuss those conditions.

Mayor Dietz asked Mr. Bye's Attorney, Mitch Anderson if he wanted to speak. Mr. Anderson explained the traffic situation. He stated that the business location would have three deliveries a week, which are mainly by box trucks, not semi trucks. He explained there was one instance when there was a semi-truck and someone videoed it. He further noted that Mr. Bye has taken every measure possible to put up an appropriate screening. Mr. Anderson added that Mr. Bye's business partner recently visited the neighborhood and 11 out of 13 neighbors were supportive of the IUP and the other two wished to remain neutral.

Mayor Dietz asked the Council how they would like to proceed.

Councilmember Grupa stated Mr. Bye deserves to have a business, and he has abided by what the city has asked. He further said he would be willing to revisit the topic.

Councilmember Beyer explained that the Council has nothing against people starting small businesses, but they don't want them to turn into huge operations in a residential district. He stated he would be willing to take another look at it as well, because originally it felt like the neighborhood was against it and that is all the Council heard, but tonight they heard differently and they want to make the right decisions for the community.

Councilmember Westgaard noted that he originally was not in support of denying this because he thinks we have the mechanisms in place if things were to get out of hand and changing it to an IUP gives us the leverage to monitor the use. He further explained there is a sunset date and the mechanisms of the conditions in place to deal with any issues or troubles that would arise in a residential district. He is also in support of small businesses and stated small businesses start in the home. He believes that the IUP is the right mechanism to monitor and doesn't see why they wouldn't allow him to continue. It meets the conditions that he is comfortable with and would be willing to approve and monitor it.

Councilmember Wagner explained that one of the things going into this is that we can take the IUP on a case-by-case basis, and it has to meet their own merits. She gave the example of putting the piano teacher in the same process as a bigger business but further stated that we are trying to be small-business friendly. The part of the IUP in this particular case is that the home-based business has grown into a bigger business. She would be willing to take another look at this based on the fact that there was new information presented. She also stated that she would like Mr. Bye to have a successful business no matter what the outcome.

Mayor Dietz stated, given the circumstances and the information that is available, that we should have another look at this. He asked City Attorney Shepherd how to proceed. City Attorney Shepherd stated that they can choose whether to have a public hearing. Mayor Dietz asked the Council what they would like. It was agreed it would be reconsidered at the September 3, 2024, City Council Meeting as a public hearing.

11.2 FT Center 2025 Ice, Turf, and Room Rental Rates

Multipurpose Facility Advisory Commission members present: Mike Westgaard and Jacob Kotzian.
Others present: ERYHA President, Ryan Eason

The staff report was presented.

Councilmember Wagner asked where the suggested rates put us within the budget.

Mr. Stremcha explained many variables will come into play with this budget cycle, such as the restructuring of the organizational chart, and the concession expansion with the catering and liquor components. He feels with the changes there will be a step towards solvency.

Mayor Dietz recommended \$250 prime, \$200 non-prime, and \$150 school.

Commissioner Mike Westgaard stated that we are comparing a small pool of facilities to about 65 facilities that are members. He came up with about 52 facilities that were comparable and came up with an average of \$231.

Councilmember Beyer brought up the question of which facilities are subsidized and which are not. Commissioner Mike Westgaard stated they are all different.

Commissioner Mike Westgaard further said that they knew there would be an increase, and they expected there would be an increase. However, a \$20 or \$30 increase is quite substantial.

Councilmember Wagner explained the reason we got into this situation was because of the discounted groups and stated that whatever the number is, it has to make sense across the board. She posed the question: how do we solve the problem unless we come up with a standard that is transparent for everyone to see who is paying what? She further said, this facility will not be subsidized by tax dollars.

Councilmember Grupa suggested \$250 prime, \$185 non-prime, and \$165 school.

Mayor Dietz agrees with Councilmember Wagner that we are different in the fact that we are trying to be net-zero and not to have taxpayers pay. He stated that we told the taxpayers we were going to do this and at the end of the day, the Council is responsible for making the decision. He stated we have a state-of-the-art facility and we have to charge accordingly. He agrees with Councilmember Grupa's suggestion for \$250 prime, \$185 non-prime, and \$165 school.

Councilmember Westgaard stated at the end of the day, if we are going to run this like a business so it is not subsidized, then revenues and expenditures have to balance and you need your customers so there has to be a happy medium in all of it (handed out his research). We need to take a look at the facility as a whole.

Councilmember Westgaard added that he is more concerned about the turf rates instead of the ice rates and posed the question if the turf groups would pay the increased rates. Mr. Stremcha stated it will come down to the variable if the user groups are willing to stay versus drive to other facilities. Councilmember Westgaard continued to ask, what is it we want to do, and what do we hope to generate in ice revenue? What do we expect to do with our largest customer? He does believe there

should be some sort of arrangement or commitment from the biggest user groups stating how much ice they intend to use in order to budget.

Councilmember Wagner stated we can go back to the taxpayers asking to make this a subsidized community center and state it would be due to the fact of inflation, or we can wait to see what changes the new facility manager and assistant facility manager will make to reduce rates, but right now we have to figure out rates, so the user groups can plan their budgets and the city can plan their budget. At the end of the day, it doesn't seem like anybody will be happy with whatever it is. We want kids to be able to participate and that is the goal of every sport.

Councilmember Beyer confirmed the 2025 budget is being worked on and asked what rates were used for the budget projections. Mr. Stremcha answered saying they used the rough figures the staff reviewed from the June 17, 2024, City Council Meeting.

Councilmember Westgaard asked if we could run the budget with revenue projections of the current rental rates with the expenditure corrections they are planning to implement for 2025 to see how far off it would be from a balanced budget. Councilmember Beyer agreed that would be the ideal thing to do, then we could understand what the rates would have to be to accomplish a balanced budget.

Mayor Dietz asked when would the budget be done. Mr. Stremcha answered that they could present the budget draft at the next Council meeting, but expenses were going to be discussed at the next commission meeting on August 12.

Mr. Portner suggested staff could plug in the existing revenues that we have projected for this year for next year as a starting point. Some variables make turf rentals hard to project, such as weather changes, so that projection is tough. We increased ice sales this year and believe we can make more on concessions sales.

The Council discussed that the naming rights funds would not be used for operational costs.

Mr. Portner asked the Council what other information staff can prepare for the Council this week to help prepare for the next meeting. It was decided to have staff prepare a year-to-date Furniture and Things Community Event Center budget for the next meeting.

It was decided to have the Multipurpose Facility Advisory Commission join the council budget meeting on Monday, August 12, and then hold their regular meeting immediately after at City Hall.

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

The meeting adjourned at 08:50 p.m.

Minutes prepared by Jolene Richter.

12. MOTION TO ADJOURN



John J. Dietz, Mayor



Tina Allard, City Clerk

DRAFT



**Meeting of the City Council
Held at the Elk River City Hall
Monday, August 12, 2024**

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

Members Absent: None

Staff Present: City Administrator Cal Portner, Business Services Director/Assistant City Administrator Joe Stremcha; Community Development Director Zack Carlton; Building Official Mark Pistulka; Fire Chief Mark Dickinson; Assistant Fire Chief Joe Libor Jr.; Environmental Services and Special Projects Director Suzanne Fischer; Park and Recreation Manager Jeff Shelby; Customer Service Associate Laura Estby; Recreation Coordinator Natalie Anderson; Concessions Supervisor Ja'Nea Dart; Great River Regional Library Services Coordinator Margo Barry; Great River Regional Library Patron Services Supervisor Jeannette Burkhardt

Also Present from the Multipurpose Facility Commission: Jim Hecker, Tonya Henderson, Kara Walker, Michael Westgaard, and Jacob Kotzian

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 4:00 PM.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. 2025 BUDGET

3.1 2025 Budget

Mr. Stremcha presented the staff report. Scheduled staff presented their budgets to the City Council.

Environmental/Energy City/Garbage

Mayor Dietz asked about making the organics recycling dumpsters easier to access at City Hall and clearly label each dumpster.

Mr. Portner asked Ms. Fischer to see if there are organics containers that designed for collection that are more aesthetically pleasing and prevent bugs, animals, and rodents from accessing them.

Recreation

Mayor Dietz asked about the historical programming numbers since the paper guide was eliminated a few years ago. Mr. Portner stated he would look into it; the paper version was no longer printed because the electronic version was supposed to take its place; it currently does and is updated twice a year.

Mayor Dietz requested staff increase the number of concerts from 6 to 9; he stated he received a lot of comments about only 6 concerts this summer; staff will meet with The Bank of Elk River to discuss how this year went and what to plan for 2025.

Mayor Dietz suggested Elk RiverFest be moved to Orono Park as there would be less asphalt if it was a hot day and that allows everything to be located in one place.

Great River Regional Library

New flooring and shelving costs were discussed. Average costs were \$200,000 for new flooring and \$231,000 for new shelving. The library would be required to close for approximately two weeks for replacement and installation. Staff was directed to get formal bids for exact costs. The Council requested that the right materials be chosen, while considering costs, to maintain the LEED certification.

Multipurpose Facility

Mr. Stremcha recommended blending rates per hour into the categories of Prime, Non-Prime, and School District instead of using resident versus non-resident. The Council discussed various ideas for being fair and considerate to residents and non-residents, encouraging earlier commitment of time, adding a deposit process, and increasing opportunities inside the building such as a hard court surface, to increase revenues.

The meeting recessed at 6:12 p.m. and was reconvened at 6:16 p.m.

4. JOINT MEETING WITH THE MULTIPURPOSE ADVISORY COMMISSION

4.1 Chair Westgaard shall call the meeting of the Multipurpose Facility Advisory Commission to order.

Pursuant to due call and notice thereof, the joint meeting with the Multipurpose Advisory Commission was called to order at 6:16 PM.

4.2 Discuss Ice, Turf, and Room Rental Rates

Mr. Stremcha presented the budget and discussed the creation of a prime and non-prime rate blend, removing the resident and non-resident status and also removing weekday/weekend.

After a considerable discussion, the following rate schedule was a result of their collaborative efforts:

Ice Rates

Bronze Level User – Organizations/Individuals that purchased 0+ total hours in FYE 2023:

\$255/hr = Prime (September 1 – March 31)

\$204/hr = Non-Prime (April 1 – August 31)

\$128/hr = ISD #728 School Hours

Silver Level User – Organizations/Individuals that purchased 200+ total hours in FYE 2023:
\$250/hr = Prime (September 1 – March 31)
\$184/hr = Non-Prime (April 1 – August 31)
\$128/hr = ISD #728 School Hours

Gold Level User – Organizations/Individuals that purchased 800+ total hours in FYE 2023:
\$242/hr = Prime (September 1 – March 31)
\$153/hr = Non-Prime (April 1 – August 31)
\$128/hr = ISD #728 School Hours

Members of the MFAC discussed partnering with the figure skating staff to ensure the figure skating rate increases were minimal and avoid losing the important part of city recreation programming.

Turf

\$180/hr = Prime (November 1 – April 30)
\$130/hr = Non-Prime (May, September, and October)
\$100/hr = ISD 728 School Hours
\$85/hr = Summer (June, July, and August)

Rooms

\$50/hr = Individual Party Room
\$95/hr = Combined Party Room
\$60/hour = Individual Meeting Room
\$110/hour = Combined Meeting Room
\$100/hour = Flex Space
\$125/hour = Upper lobby

Room rental fees will be waived for events using FT Center catering services with food/beverage that exceed the room rate. Increasing promotions, marketing, and experienced staff will improve the opportunities and increase rentals.

5. MOTION TO ADJOURN THE CITY COUNCIL MEETING

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

The meeting adjourned at 08:06 PM.

Minutes prepared by Jennifer Green.

John J. Dietz, Mayor

Tina Allard, City Clerk



**Meeting of the City Council
Held at the Elk River City Hall
Monday, August 19, 2024**

Members Present: Acting Mayor Jennifer Wagner, Councilmembers Cory Grupa, Matt Westgaard, and Mike Beyer

Members Absent: Mayor John Dietz (Elk River Municipal Utilities Conference)

Staff Present: City Administrator Cal Portner, Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, Economic Development Director Brent O'Neil, and City Clerk Tina Allard

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 06:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Councilmember Westgaard noted he would abstain on Item 8.1 due to a conflict of interest.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to approve the agenda. Motion Carried 4-0.

4. CONSENT AGENDA

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to approve the following consent items as outlined in their respective staff reports. Motion Carried 4-0.

4.1 Check Register

4.2 Lexipol Services Contract

4.3 Hire Community Event Center Manager

4.4 Pay Estimates

4.5 FT Center 2025 Ice, Turf, and Room Rates

5. OPEN FORUM

James Rossman, 1815 SE Hideaway Circle, Port St. Lucie, FL, 34952 - Stated he owns 402 and 404 Main Street and the adjacent property, 414 Main Street, recently received a variance. He stated he got a notice from the city that was incorrect, and felt because he did not get proper notification, the variance approval should be invalid. He expressed concerns about his signage being hidden, setbacks, parking in the back, security, fencing, and blocked sunlight. He stated he believes the variance was for financial reasons, which is not legal.

Kent Larson, Edward Jones, 402 Main Street - Concurred with everything Mr. Rossman stated.

Attorney Shepherd stated the opportunity to revisit the variance request has passed and there are no grounds for overturning it.

Acting Mayor Wagner further noted that no building has been approved for the site yet and thanked the speakers for coming forward.

Ryan Easton, 15921 St. Andrews Court, Ramsey, requested a contract for youth hockey ice rental at the community center. He stated they were guaranteed ice rental but the schedule he wanted was sold for a Tier I Showcase, which fell on his organization's tryout weekend. He stated another junior showcase has been booked over dates his group has booked for years. He expressed frustration with not having an ice contract that would be mutually beneficial, noting they are a good tenant, pay all their bills, and hold up their end of the bargain in the building.

Acting Mayor Wagner noted the next Multipurpose Facility Advisory Committee meeting is scheduled for October and that this will be brought to staff for consideration.

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 City of Elk River Volunteer of the Month

Acting Mayor Wagner presented the August Volunteer of the Month award to Katie Britton. She highlighted the following:

- Co-chair for Thumbs Up 5K and 10K Planning Committee.
- Thumbs Up after-school program, teen outreach, and community events.
- Works with media and activities for the Firefighters for Healing annual golf tournament.
- Pinky Swear Foundation, which delivers snacks and meals to Children's Hospital.
- Organizes letters of encouragement to kids with cancer through the Pinky Swear Foundation.

7. PUBLIC HEARINGS

7.1 Ordinance 24-18 Regulating Yard Waste Disposal at the Compost Facility

The staff report was presented.

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

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adopt Ordinance 24-18 amending Chapter 58, Solid Waste, regulating yard waste disposal. Motion Carried 4-0.

7.2 Conditional Use Permit: Religious Institution, 555 Railroad Drive - Harvest Intercontinental Church

The staff report was presented.

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

Moved by Councilmember Grupa and seconded by Councilmember Beyer to approve the conditional use permit with the following conditions to satisfy standards set forth in City Code Section 30-654:

1. The entire parking lot be re-striped based on the approved parking site plan.
2. Schedule a site visit with the Building Official and Fire Marshal to review the leased space and complete any required building code updates.
3. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional, as required by condition #2.

Motion Carried 4-0.

7.3 Conditional Use Permit: Truck Terminal with Outdoor Storage, 16234 Jarvis St. NW - The Original Collins Brothers Auto, Truck & Towing

The staff report was presented. Mr. Leeseberg clarified the hours were for the office portion of the business.

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

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to approve the conditional use permit with the following conditions to satisfy the standards set forth in City Code Section 30-654:

1. All outdoor storage shall follow Section 30-807 regarding screening.
2. The office hours of operation shall be limited to 7:00 a.m. – 6:30 p.m.
3. The parking and driveway area outside the fenced area shall be bound by B612 curb and gutter.
4. All parking and driving areas must be finished with an approved surface –

bituminous, concrete, or compacted Class 5.

5. **All areas not identified for parking or driving areas shall be maintained as turfgrass per city standards.**
6. **A 100% opaque fence shall be installed on the west property line the entire length of the outdoor storage area and along the perimeter that is visible from the right-of-way.**
7. **Written permission from the property owner to the west allowing the fence to be installed on the shared property line shall be obtained.**
8. **Except for short-term staging requirements, there shall be no storage of vehicles outside the approved storage area, including the city street, exterior parking area, and landscaped areas.**
9. **Exterior doors and windows shall be closed when any service and maintenance occurs to company vehicles/equipment.**
10. **Staff approval of all site plans and civil plans.**
11. **A scaled site plan showing the 19 required parking stalls for all businesses operating on the property must be submitted before beginning operation or issuing building permits.**
12. **The holding pond must be adequately sized to accommodate the needs of both parcels.**
13. **An easement and/or agreement must be prepared and recorded to outline the maintenance obligations and grant both property owners access to the holding pond. Permits will not be released until this easement has been signed by both property owners and recorded.**

Motion Carried 4-0.

7.4 Preliminary Plat and Ordinance 24-19 Amendment: Bradford Park South Development, PID 75-00136-1300 - Lennar Homes

The staff report was presented. Mr. Leeseberg noted all the townhomes on the western edge of the development were removed and all the streets will be public. He spoke with the neighbor who was abutting the townhome area who expressed he was comfortable with the changes and had no concerns. The applicant is also good with the trail recommended by the parks and recreation commission.

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

Councilmember Westgaard commented the completion of this trail network will be a nice amenity for the community.

Moved by Councilmember Beyer and seconded by Councilmember Westgaard to approve the preliminary plat of Bradford Park Development with the following conditions:

- I. Council approval of an ordinance amendment expanding the PUD district for Bradford Park.**
 - 1. All access to County Road 40 must meet Sherburne County's access management guidelines.**
 - 2. Streets and access must comply with MN State Fire Code Chapter 5 and**

Appendix D.

- 3. Staff approval of all site, utility, engineering, and landscaping plans.**
- 4. Submit an updated phasing plan outlining the anticipated subdivision additions.**
- 5. Hydrants must be spaced to ensure all portions of a residence are within 250 feet of a hydrant.**
- 6. All watermain shall be looped. Dead-end watermain are not permitted.**
- 7. State and local approval of all wetland permits related to the wetland impacts.**
- 8. Construct trails and trail connections as recommended by the Parks and Recreation Commission.**
- 9. Mailboxes shall be clustered.**
- 10. Driveways shall be limited to 20 feet wide at the property line or the entire distance between the curb & sidewalk.**
- 11. All buildable lots shall include a drainage and utility easement for areas within the 45-foot wetland setback or within 45 feet of the OHW for stormwater ponds.**
- 12. Grading for trails along the pond shall be designed to minimize impacts to existing grades and vegetation.**
- 13. At least one mid-block connection along Road H must be added to improve connectivity to the trail around the pond.**
- 14. Landscape plans shall identify an overstory tree in the front yard of every parcel and no more than four of the same tree species shall be on adjacent lots.**
- 15. A sign noting “future through street” shall be posted at all temporary dead-end streets.**
- 16. The developer shall construct a trail behind the homes along the west side of the cul-de-sac for Road H. The trail shall extend from 185th Ave north and connect with the trail shown on the west side of Cleveland.**
- 17. The required trail connection shall provide credit toward the park dedication requirements for the subdivision. The land dedication and per-unit fee will be calculated with the future final plat.**

Motion Carried 4-0.

Moved by Councilmember Gupa and seconded by Councilmember Westgaard to adopt Ordinance 24-19 amending City Code Section 30-1600 to include the additional land included in the Bradford Park Planned Unit Development. Motion carried 4-0

7.5 Resolution 24-48 for Easement Vacation: 22345 Monroe St NW - Shari Rickers

The staff report was presented.

Acting Mayor Wagner opened the public hearing.

Robert Hoffman, 22390 Grant Street - Asked for confirmation of the easements along his property line. Staff stated the drainage along this property will remain in place.

Acting Mayor Wagner closed the public hearing.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adopt Resolution 24-48 vacating existing drainage and utility easements with the condition that the associated boundary line adjustment (P 24-07) is recorded prior to the vacation resolution. Motion Carried 4-0.

8. GENERAL BUSINESS

8.1 Resolution 24-49 Amending Development Assistance Agreement and Approving Subordination Agreements - Heritage Millwork Project

The staff report was presented.

Acting Mayor Wagner stated she is excited to see this project in Elk River.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to Adopt Resolution 24-49 amending the Development Assistance Agreement (DAA) for the Heritage Millwork project and authorizing execution of subordination agreements with First Bank Elk River and Twin Cities-Metro Community Development Corporation (TCM). Motion Carried 3-0. Councilmember Westgaard abstained.

9. MOTION TO ADJOURN REGULAR MEETING

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to adjourn the regular meeting of City Council. Motion Carried 4-0.

The meeting adjourned at 6:51 p.m.

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

The work session was called to order by Acting Mayor Wagner at 6:53 p.m.

10.1 Concept Review: The Specht Family Farm Housing Development - Capstone Homes

The staff report was presented.

Steve Bona and Matt Barker, Capstone Homes, reviewed a presentation highlighting some of the following items and requested feedback from the City Council.

- Interchange design and highway access
- Variety of housing stock
- Berming along the highway
- Park amenities and trails
- Buyer demographics
- Commercial locations
- Assistance/Support from the city with Mn/DOT for the interchange location/design.

The Council provided the following:

- Is there any intention to tie the frontage road into the Oliver Kelley Farm entrance? Mr. Barker stated yes.
- Is there screening between the proposed development and the Oliver Kelley Farm? Mr. Bona stated there would be a heavy tree border and other screening.
- Appreciation to Capstone for being collaborative and working with stakeholders, reviewing the area at a higher level, and how it affects surrounding uses and connections.
- Importance of the interchange and working with MnDOT. Mindful of the industrial park to the east, with heavy/wide/long load movements.
- Unusual property with a large tree inventory, with some intention of preserving the oak savanna.
- Could be a hallmark development to be proud to have in the community.
- Is it possible to have some safe pedestrian movement across the highway for families who want access to the Plants and Things Recreation Complex?
- This parcel is an island due to its location, so it's important to have trail connectivity.
- Like the larger lot sizes.

Food Truck Licensing

Mr. Portner explained an issue with a local bank having an event at Orono Park who hired a food truck that is not licensed by the city to cater to their event. He discussed the city's internal communications process with the parks rental permit and asked if an interim provisional license could be issued, noting the truck would still have to complete the licensing application, fees, and background check process. The Council concurred it was okay to issue the provisional license.

11. MOTION TO ADJOURN

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adjourn the meeting of City Council. Motion Carried 4-0.

The meeting adjourned at 07:53 p.m.

Minutes prepared by Tina Allard.

12. INFORMATION

12.1 Financial Report - July

John J. Dietz, Mayor

Tina Allard, City Clerk



Request for Action

To
City Council

Item Number
4.4

Meeting Date
September 3, 2024

Prepared By
Amy Stangler, Accounting Clerk

Item Description
Check Register

Reviewed by
Lori Stich
Joe Stremcha
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the check register for the period ending September 3, 2024.

Background/Discussion

Shown below is a listing of the disbursements for the various funds for the period ending September 3, 2024. The details of these disbursements are attached to this request for action.

General	\$153,751.35
Special Revenue, Debt Service & Capital Projects	87,575.70
Enterprise	408,036.32
Escrows	248,165.96
Total for All Funds	\$897,529.33

Financial Impact

N/A

Mission/Policy/Goal

N/A

Attachments

1. 4.4 at1 Check Register
2. 4.4 at2 Check Register-Taxes
3. 4.4 at3 City Cr Card

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
121 MONROE LLC	ESCROW REFUND P18-14	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>38,135.50</u>
			TOTAL:	38,135.50
ADVANCE AUTO PARTS	PARTS	GENERAL FUND	Patrol	134.46
	PARTS	GENERAL FUND	Patrol	139.99
	PARTS	GENERAL FUND	Building Safety	129.99
	PARTS	GENERAL FUND	Equipment Services	129.99
	PARTS	GENERAL FUND	Equipment Services	129.99
	SUPPLIES	GENERAL FUND	Equipment Services	96.10
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>129.99</u>
			TOTAL:	890.51
PAID ELECTRIC CORPORATION	ELECTRICAL SVCS	GENERAL FUND	Information Technology	<u>1,781.62</u>
			TOTAL:	1,781.62
AMAZON CAPITAL SERVICES	SUPPLIES	GENERAL FUND	City Council	44.89
	SUPPLIES	GENERAL FUND	City Council	109.94
	SUPPLIES	GENERAL FUND	City Council	41.04
	SUPPLIES	GENERAL FUND	City Council	44.89
	SUPPLIES	GENERAL FUND	Communications	1.00
	SUPPLIES	GENERAL FUND	Communications	1.82
	SUPPLIES	GENERAL FUND	Administrative Service	4.00
	SUPPLIES	GENERAL FUND	Administrative Service	7.27
	SUPPLIES	GENERAL FUND	Human Resources	1.00
	SUPPLIES	GENERAL FUND	Human Resources	1.82
	SUPPLIES	GENERAL FUND	Finance	1.00
	SUPPLIES	GENERAL FUND	Finance	1.82
	SUPPLIES	GENERAL FUND	Information Technology	159.90
	SUPPLIES	GENERAL FUND	Community Development	1.80
	SUPPLIES	GENERAL FUND	Community Development	3.27
	SUPPLIES	GENERAL FUND	Planning	2.00
	SUPPLIES	GENERAL FUND	Planning	3.63
	SUPPLIES	GENERAL FUND	Building Maintenance	93.36
	SUPPLIES	GENERAL FUND	Police Administration	77.97
	SUPPLIES	GENERAL FUND	Police Administration	135.60
	SUPPLIES	GENERAL FUND	Police Support Service	44.95
	SUPPLIES	GENERAL FUND	Building Safety	1.80
	SUPPLIES	GENERAL FUND	Building Safety	3.27
	SUPPLIES	GENERAL FUND	Environmental	1.80
	SUPPLIES	GENERAL FUND	Environmental	3.27
	SUPPLIES	GENERAL FUND	Street Maintenance	138.42
	SUPPLIES	GENERAL FUND	Engineering	2.00
	SUPPLIES	GENERAL FUND	Engineering	3.63
	SUPPLIES	GENERAL FUND	Parks & Rec Admin	2.40
	SUPPLIES	GENERAL FUND	Parks & Rec Admin	4.36
	SUPPLIES	GENERAL FUND	Parks & Rec Admin	28.98
	SUPPLIES	GENERAL FUND	Recreation Programs	67.19
	SUPPLIES	GENERAL FUND	Sr Citizen Programs	27.99
	SUPPLIES	GENERAL FUND	Economic Development	1.18
	SUPPLIES	GENERAL FUND	Economic Development	2.18
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	91.97
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	<u>12.95</u>
			TOTAL:	1,176.36
AMERIPRISE FINANCIAL SERVICES	RECORDS #24013481 J. B.	GENERAL FUND	Investigations	<u>75.00</u>
			TOTAL:	75.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ARTISAN BEER COMPANY	BEER	LIQUOR	Northbound-Cost of Sal	324.00
	BEER	LIQUOR	Northbound-Cost of Sal	92.30
	BEER	LIQUOR	Northbound-Cost of Sal	240.00
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	405.95
	BEER	LIQUOR	Westbound-Cost of Sale	110.70
	BEER	LIQUOR	Westbound-Cost of Sale	<u>92.30</u>
			TOTAL:	1,265.25
ASPEN MILLS	UNIFORMS-O'KONEK	GENERAL FUND	Patrol	377.55
	UNIFORMS-GARCIA	GENERAL FUND	Patrol	239.97
	UNIFORMS-KOPPI	GENERAL FUND	Patrol	750.00
	UNIFORMS-SUCHY	GENERAL FUND	Investigations	428.40
	UNIFORMS CREDIT-REGAN	GENERAL FUND	Police Support Service	45.00-
	UNIFORMS-OLIVEIRA	GENERAL FUND	Fire Operations	88.95
	UNIFORMS-L'HEUREAUX	GENERAL FUND	Fire Operations	<u>690.30</u>
			TOTAL:	2,530.17
B & D PLBG, HTG & AIR COND.	ANNUAL TEST-RPZ VALVES CH	GENERAL FUND	Building Maintenance	600.00
	ANNUAL TEST-RPZ VALVE POLI	GENERAL FUND	Public safety building	200.00
	ANNUAL TEST-RPZ VALVE FS 1	GENERAL FUND	Fire Administration	200.00
	ANNUAL TEST-RPZ VALVES FS	GENERAL FUND	Fire Administration	400.00
	ANNUAL TEST-RPZ VALVE FS 3	GENERAL FUND	Fire Administration	200.00
	ANNUAL TEST-RPZ VALVES PW	GENERAL FUND	Street Maintenance	400.00
	ANNUAL TEST-RPZ VALVES PAR	GENERAL FUND	Parks Dept	2,400.00
	ANNUAL TEST-RPZ VALVE LIB	LIBRARY	Library	<u>200.00</u>
			TOTAL:	4,600.00
BAYCOM INC	DEVICE LICENSES	GENERAL FUND	Police Administration	<u>1,472.00</u>
			TOTAL:	1,472.00
BECKER ARENA PRODUCTS INC	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	<u>559.74</u>
			TOTAL:	559.74
BELLBOY CORP BAR SUPPLY	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	62.10
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>6.31</u>
			TOTAL:	68.41
BELLBOY CORPORATION	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	839.45
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	13.20
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	717.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>12.38</u>
			TOTAL:	1,582.03
BENZINGER PROPERTIES INC	ESCROW REFUND P17-02	DEVELOPER ESCROW	NON-DEPARTMENTAL	52,784.50
	ESCROW REFUND P20-06	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>53,580.00</u>
			TOTAL:	106,364.50
BERGANKDV, LTD.	AUDIT SERVICES	GENERAL FUND	Finance	2,480.00
	AUDIT SERVICES	WASTEWATER TREATME	WWTS Administration	744.00
	AUDIT SERVICES	LIQUOR	Northbound-Operations	620.00
	AUDIT SERVICES	LIQUOR	Westbound-Operations	620.00
	AUDIT SERVICES	GARBAGE	Garbage	248.00
	AUDIT SERVICES	STORM WATER	Storm Water	<u>248.00</u>
			TOTAL:	4,960.00
BERNICK'S	POP/MISC	LIQUOR	Northbound-Cost of Sal	134.57

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	243.00
	BEER	LIQUOR	Northbound-Cost of Sal	1,969.60
	POP/MISC	LIQUOR	Northbound-Cost of Sal	224.84
	BEER	LIQUOR	Northbound-Cost of Sal	2,459.40
	POP/MISC	LIQUOR	Westbound-Cost of Sale	89.15
	BEER	LIQUOR	Westbound-Cost of Sale	1,324.10
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	736.48-
	POP/MISC	LIQUOR	Westbound-Cost of Sale	99.55
	THC PRODUCTS	LIQUOR	Westbound-Cost of Sale	230.00
	BEER	LIQUOR	Westbound-Cost of Sale	981.80
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	<u>48.00-</u>
			TOTAL:	6,971.53
BERRY COFFEE COMPANY	SUPPLIES	GENERAL FUND	Public safety building	300.29
	SUPPLIES	GENERAL FUND	Sr Citizen Programs	<u>125.00</u>
			TOTAL:	425.29
BLACKHAWK PEST CONTROL, LLC	PEST CONTROL-CITY HALL	GENERAL FUND	Building Maintenance	125.00
	PEST CONTROL-PBL SAFETY	GENERAL FUND	Public safety building	130.00
	PEST CONTROL-FS 1	GENERAL FUND	Fire Administration	52.50
	PEST CONTROL-LIBRARY	LIBRARY	Library	82.50
	PEST CONTROL-FTCENTER	MULTIPURPOSE FACIL	Multipurpose Facility	<u>125.00</u>
			TOTAL:	515.00
BOLTON & MENK, INC	MEGA LOOP TRAIL IMPROVEMEN	PARK DEDICATION FU	Mega Loop Trail Imprv	4,471.50
	2023 STREET IMPROVEMENTS	PAVEMENT MANAGEMEN	Street Improvements	5,635.00
	LINE AVE CUL-DE-SAC	STREET IMPROVEMENT	Hwy 169 Frontage/Backa	6,194.00
	ROLLING HILLS SEWER EXT	TRUNK UTILITIES	Rolling Hills Sewer	<u>5,660.00</u>
			TOTAL:	21,960.50
BREMMICK LLC	BEER	LIQUOR	Northbound-Cost of Sal	<u>259.00</u>
			TOTAL:	259.00
BREAKTHRU BEVERAGE MINNESOTA	LIQUOR	LIQUOR	Northbound-Cost of Sal	4,092.35
	WINE	LIQUOR	Northbound-Cost of Sal	1,160.00
	LIQUOR	LIQUOR	Northbound-Cost of Sal	1,629.00
	WINE	LIQUOR	Northbound-Cost of Sal	119.00
	REVERSE CREDIT-REC'D IN ER	LIQUOR	Northbound-Cost of Sal	72.00
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	232.40-
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	36.32-
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	27.31-
	BEER	LIQUOR	Westbound-Cost of Sale	142.50
	WINE	LIQUOR	Westbound-Cost of Sale	112.00
	LIQUOR	LIQUOR	Westbound-Cost of Sale	6,366.94
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	80.00-
	WINE CREDIT	LIQUOR	Westbound-Cost of Sale	104.00-
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	<u>252.50-</u>
			TOTAL:	12,961.26
C & L DISTRIBUTING CO	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	345.00
	LIQUOR/WINE	LIQUOR	Northbound-Cost of Sal	92.80
	LIQUOR/WINE	LIQUOR	Northbound-Cost of Sal	183.00
	BEER	LIQUOR	Northbound-Cost of Sal	7,074.30
	BEER	LIQUOR	Northbound-Cost of Sal	3,745.65
	BEER	LIQUOR	Northbound-Cost of Sal	59.45
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	345.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	LIQUOR/WINE	LIQUOR	Northbound-Cost of Sal	308.70
	LIQUOR/WINE	LIQUOR	Northbound-Cost of Sal	190.20
	BEER	LIQUOR	Northbound-Cost of Sal	4,447.75
	LIQUOR	LIQUOR	Northbound-Cost of Sal	2,700.00
	BEER	LIQUOR	Northbound-Cost of Sal	<u>3,116.95</u>
			TOTAL:	22,608.80
C & L DISTRIBUTING CO	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	93.00-
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	30.00-
	BEER & POP/MISC CREDIT	LIQUOR	Westbound-Cost of Sale	8,830.00
	BEER & POP/MISC CREDIT	LIQUOR	Westbound-Cost of Sale	11.82-
	LIQUOR	LIQUOR	Westbound-Cost of Sale	1,836.00
	BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	10,912.25
	BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	<u>22.50</u>
			TOTAL:	21,465.93
CAMPBELL KNUTSON P.A.	JUL LEGAL SVCS	GENERAL FUND	Legal	9,101.06
	JUL LEGAL SVCS	DEVELOPER ESCROW	NON-DEPARTMENTAL	216.00
	JUL LEGAL SVCS	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>234.00</u>
			TOTAL:	9,551.06
BRADLEY CATTADORIS	FARMERS MKT ENT 09/05/24	GENERAL FUND	Farmers Market	<u>175.00</u>
			TOTAL:	175.00
CHARTER COMMUNICATIONS	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Information Technology	189.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Building Maintenance	29.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Building Maintenance	44.23
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Building Maintenance	39.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Police Administration	58.86
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Police Administration	39.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Public safety building	59.98
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Public safety building	39.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Fire Administration	36.18
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Fire Administration	338.52
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Emergency Management	42.07
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Street Maintenance	79.98
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Street Maintenance	15.80
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Parks Dept	29.99
	PHONE LINES, FIRE ALM, TV	GENERAL FUND	Parks Dept	29.99
	PHONE LINES, FIRE ALM, TV	MULTIPURPOSE FACIL	Multipurpose Facility	326.64
	PHONE LINE CHGS - WW	WASTEWATER TREATME	WWTS Administration	135.26
	PHONE LINES, FIRE ALM, TV	LIQUOR	Northbound-Operations	<u>29.99</u>
			TOTAL:	1,567.44
IPP - STORES, LLC	K-9 SUPPLIES	GENERAL FUND	Patrol	<u>329.97</u>
			TOTAL:	329.97
CINTAS CORPORATION LOC 470	UNIFORMS RENTAL/CLEANING	WASTEWATER TREATME	WWTS Plant	123.20
	UNIFORMS RENTAL/CLEANING	WASTEWATER TREATME	WWTS Plant	134.23
	MATS, TOWELS, SCRAPERS, MO	LIQUOR	Northbound-Operations	51.50
	MATS, TOWELS, SCRAPERS, MO	LIQUOR	Northbound-Operations	51.50
	MATS, TOWELS, SCRAPERS, MO	LIQUOR	Westbound-Operations	46.18
	MATS, TOWELS, SCRAPERS, MO	LIQUOR	Westbound-Operations	<u>42.85</u>
			TOTAL:	449.46
CITY OF MONTICELLO	ANIMAL CONTROL CHARGES	GENERAL FUND	Police Support Service	1,164.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	1,164.00
COLLINS BROTHERS TOWING	ESCROW REFUND CU24-12	DEVELOPER ESCROW	NON-DEPARTMENTAL	479.00
			TOTAL:	479.00
CONTRACTORS CAPITAL CO LLC	ESCROW REFUND P20-20	DEVELOPER ESCROW	NON-DEPARTMENTAL	38,546.25
			TOTAL:	38,546.25
JOSEPH R COOK	FARMERS MKT ENT 09/12/24	GENERAL FUND	Farmers Market	175.00
			TOTAL:	175.00
CROW RIVER FARM EQUIPMENT CO	SUPPLIES	LIQUOR	Westbound-Operations	190.51
			TOTAL:	190.51
DACOTAH PAPER CO	SUPPLIES	GENERAL FUND	Building Maintenance	663.38
	SUPPLIES	GENERAL FUND	Public safety building	149.48
	SUPPLIES	GENERAL FUND	Public safety building	76.86
	SUPPLIES	GENERAL FUND	Street Maintenance	74.74
	SUPPLIES	GENERAL FUND	Parks Dept	404.28
	SUPPLIES	GENERAL FUND	Parks Dept	165.84
	SUPPLIES	LIBRARY	Library	74.74
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	27.18
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	48.10
			TOTAL:	1,684.60
DAHLHEIMER BEVERAGE, LLC	BEER	LIQUOR	Northbound-Cost of Sal	22,654.00
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	21.60-
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	288.00
	BEER	LIQUOR	Northbound-Cost of Sal	9,670.45
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	1,931.00
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	671.60-
	POP/MISC	LIQUOR	Northbound-Cost of Sal	85.00
	BEER/POP/MISC	LIQUOR	Northbound-Cost of Sal	21,307.10
	BEER/POP/MISC	LIQUOR	Northbound-Cost of Sal	204.00
	BEER	LIQUOR	Northbound-Cost of Sal	14,437.20
			TOTAL:	69,883.55
DAHLHEIMER BEVERAGE, LLC	LIQUOR	LIQUOR	Westbound-Cost of Sale	940.00
	BEER	LIQUOR	Westbound-Cost of Sale	30.00
	BEER/LIQUOR CR/POP/MISC CR	LIQUOR	Westbound-Cost of Sale	22,651.02
	BEER/LIQUOR CR/POP/MISC CR	LIQUOR	Westbound-Cost of Sale	7.83-
	BEER/LIQUOR CR/POP/MISC CR	LIQUOR	Westbound-Cost of Sale	4.17-
	BEER	LIQUOR	Westbound-Cost of Sale	6,143.15
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	13.25-
	BEER	LIQUOR	Westbound-Cost of Sale	244.00
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	19.20-
	BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	85.30
	BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	148.00
	BEER	LIQUOR	Westbound-Cost of Sale	5,519.60
	BEER	LIQUOR	Westbound-Cost of Sale	241.50
	BEER	LIQUOR	Westbound-Cost of Sale	11,711.65
	THC PRODUCTS	LIQUOR	Westbound-Cost of Sale	174.00
			TOTAL:	47,843.77
DIAMOND VOGEL	SUPPLIES	GENERAL FUND	Street Maintenance	577.50
	SUPPLIES	GENERAL FUND	Street Maintenance	330.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	907.50
E C M PUBLISHERS INC	NOTICE OF PH, RICKERS	GENERAL FUND	Planning	172.00
	NOTICE OF PH, CU 24-14	GENERAL FUND	Planning	103.20
	NOTICE OF PH, CU 24-15	GENERAL FUND	Planning	111.80
	NOTICE OF PH, CU 24-17	GENERAL FUND	Planning	111.80
	NOTICE OF PH, CU 24-09	GENERAL FUND	Planning	111.80
	NOTICE OF PH, P 24-10	GENERAL FUND	Planning	120.40
	EMPLOYMENT ADV-STREET MAIN	GENERAL FUND	Street Maintenance	61.40
	BUSINESS CARDS-J AMES	WASTEWATER TREATME	WWTS Plant	37.00
			TOTAL:	829.40
ELK RIVER MUNICIPAL UTILITIES	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Building Maintenance	7,532.93
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Public safety building	8,937.31
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Public safety building	64.60
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Public safety building	64.58
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Fire Administration	1,582.07
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Emergency Management	79.46
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Emergency Management	374.56
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Street Maintenance	57.00
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Street Maintenance	32.75
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Street Maintenance	5,419.45
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Parks Dept	547.63
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Parks Dept	2,380.76
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Parks Dept	6,396.46
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Parks Dept	8,622.06
	WATER/ELECTRIC/SWR/STMWTR	GENERAL FUND	Parks Dept	34.48
	WATER/ELECTRIC/SWR/STMWTR	LIBRARY	Library	2,415.26
	WATER/ELECTRIC/SWR/STMWTR	MULTIPURPOSE FACIL	Multipurpose Facility	34,938.35
	WATER/ELECTRIC/SWR/STMWTR	WASTEWATER TREATME	WWTS Plant	25,777.12
	WATER/ELECTRIC/SWR/STMWTR	WASTEWATER TREATME	Lift Stations	4,101.68
	WATER/ELECTRIC/SWR/STMWTR	WASTEWATER TREATME	Lift Stations	1,186.68
	WATER/ELECTRIC/SWR/STMWTR	LIQUOR	Westbound-Operations	3,499.59
			TOTAL:	114,044.78
ELK RIVER WINLECTRIC	SUPPLIES	GENERAL FUND	Building Maintenance	165.09
	SUPPLIES	GENERAL FUND	Public safety building	173.16
	SUPPLIES	GENERAL FUND	Public safety building	60.48
			TOTAL:	398.73
NOTHING BUT HEMP	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	294.00
			TOTAL:	294.00
FACTORY MOTOR PARTS CO	PARTS	GENERAL FUND	Fire Operations	358.35
	PARTS	GENERAL FUND	Street Maintenance	111.11
	PARTS	GENERAL FUND	Equipment Services	266.36
	PARTS	GENERAL FUND	Parks Dept	366.67
			TOTAL:	1,102.49
FASTENAL COMPANY	SUPPLIES	GENERAL FUND	Parks Dept	208.46
	SUPPLIES	GENERAL FUND	Parks Dept	336.84
	SUPPLIES	GENERAL FUND	Parks Dept	359.06
			TOTAL:	904.36
FIRE CATT	FIRE HOSE TESTING	GENERAL FUND	Fire Operations	5,994.80
			TOTAL:	5,994.80

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
FIRE VENT LLC	ROOFING PLATFORM & CHAINS	CAPITAL OUTLAY RES	Emergency Management	<u>20,330.00</u>
			TOTAL:	20,330.00
GATR TRUCK CENTER	SUPPLIES	GENERAL FUND	Equipment Services	439.90
	PARTS	GENERAL FUND	Equipment Services	<u>293.00</u>
			TOTAL:	732.90
ATT LLC	UNIFORMS-LIQUOR NB	LIQUOR	Northbound-Operations	<u>11.15</u>
			TOTAL:	11.15
GOODIN COMPANY	SUPPLIES	GENERAL FUND	Fire Administration	231.82
	SUPPLIES	GENERAL FUND	Parks Dept	635.95
	SUPPLIES	LIBRARY	Library	<u>299.63</u>
			TOTAL:	1,167.40
GRAINGER	SUPPLIES	GENERAL FUND	Street Maintenance	<u>60.91</u>
			TOTAL:	60.91
GRANITE CITY JOBBING CO	POP/MISC/THC/SUPLS/FREIGHT	LIQUOR	Northbound-Cost of Sal	836.52
	POP/MISC/THC/SUPLS/FREIGHT	LIQUOR	Northbound-Cost of Sal	48.00
	POP/MISC/THC/SUPLS/FREIGHT	LIQUOR	Northbound-Cost of Sal	5.00
	POP/MISC/THC/SUPLS/FREIGHT	LIQUOR	Northbound-Operations	71.66
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	5.00
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	438.78
	POP/MISC/FRT CR - INV 4014	LIQUOR	Westbound-Cost of Sale	438.78-
	POP/MISC/FRT CR - INV 4014	LIQUOR	Westbound-Cost of Sale	5.00-
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	704.38
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	5.00
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	773.73
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	5.00
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Operations	32.57
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Operations	<u>71.66</u>
			TOTAL:	2,553.52
SUPERIOR CAPITAL HOLDINGS - DSC COMM	SUPPLIES	GENERAL FUND	Patrol	<u>186.00</u>
			TOTAL:	186.00
HARPER BROOMS	SUPPLIES	GENERAL FUND	Street Maintenance	<u>671.70</u>
			TOTAL:	671.70
HARVEST INTERCONTINENTAL CHURCH	ESCROW REFUND CU24-10	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>579.00</u>
			TOTAL:	579.00
HAWKINS, INC.	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>30.00</u>
			TOTAL:	30.00
HEARTLAND TIRE, INC.	TIRES	GENERAL FUND	Patrol	<u>1,898.00</u>
			TOTAL:	1,898.00
HOME DEPOT CREDIT SERVICES	SUPPLIES	GENERAL FUND	Parks Dept	12.32
	SUPPLIES	GENERAL FUND	Parks Dept	72.20
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>28.97</u>
			TOTAL:	113.49
INK WIZARDS	UNIFORMS-G SCHULTZ	GENERAL FUND	Code Enforcement	<u>357.96</u>
			TOTAL:	357.96

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
ISTATE TRUCK INC	PARTS	GENERAL FUND	Equipment Services	<u>343.42</u>
			TOTAL:	343.42
J P COOKE CO	NOTARY STAMPER-J GREEN	GENERAL FUND	Planning	<u>52.95</u>
			TOTAL:	52.95
JOHNSON BROS LIQUOR	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	4,436.29
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	101.79
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,224.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	27.66
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	135.00
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	1.72
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	3,139.00
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	28.38
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	5,113.43
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	88.59
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,552.10
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	36.41
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	56.95
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	1.72
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	3,792.53
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	28.09
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,634.50
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	53.34
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	876.43
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	12.90
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,430.45
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	37.84
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	135.00
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	1.72
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	669.82
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	3.73
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	2,237.15
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	36.12
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	2,077.83
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>17.20</u>
			TOTAL:	28,987.69
JOHNSON CONTROLS	SECURITY SVC	CAPITAL OUTLAY RES	Recycling	<u>358.40</u>
			TOTAL:	358.40
JUNKYARD BREWING COMPANY LLC	BEER	LIQUOR	Westbound-Cost of Sale	<u>205.00</u>
			TOTAL:	205.00
KIRVIDA FIRE INC	MAINT - ENGINE #3	GENERAL FUND	Fire Operations	<u>449.78</u>
			TOTAL:	449.78
LAKE STATE RECYCLING INC	CARDBOARD RECYCLING	LIQUOR	Westbound-Operations	<u>150.00</u>
			TOTAL:	150.00
LANGUAGE LINE SERVICES	INTERPRETATION SVCS	GENERAL FUND	Police Administration	<u>36.40</u>
			TOTAL:	36.40
LANO EQUIPMENT INC	SUPPLIES	GENERAL FUND	Equipment Services	685.37
	SUPPLIES	GENERAL FUND	Equipment Services	<u>98.08</u>
			TOTAL:	783.45

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
M T I DISTRIBUTING INC	PARTS	GENERAL FUND	Parks Dept	<u>18.51</u>
			TOTAL:	18.51
MARCO HOLDINGS LLC	MICROSOFT SUBSCRIPTION	GENERAL FUND	Information Technology	<u>4,580.10</u>
			TOTAL:	4,580.10
MAVERICK BEVERAGE CO MN LLC	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,517.94
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	12.00
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	315.00
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	3.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	480.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>3.00</u>
			TOTAL:	2,330.94
METRO PRODUCTS INC.	SUPPLIES	GENERAL FUND	Street Maintenance	170.95
	SUPPLIES	GENERAL FUND	Equipment Services	170.95
	SUPPLIES	GENERAL FUND	Parks Dept	<u>170.95</u>
			TOTAL:	512.85
MINNESOTA AMATEUR SOFTBALL	SOFTBALLS	GENERAL FUND	Recreation Programs	<u>720.00</u>
			TOTAL:	720.00
MN STATE FIRE CHIEFS ASN	ANNUAL CONF REG-DICKINSON	GENERAL FUND	Fire Administration	<u>325.00</u>
			TOTAL:	325.00
MONTICELLO SENIOR CENTER	TEAM POOL TOURNAMENT-AUG 1	GENERAL FUND	Sr Citizen Programs	<u>48.00</u>
			TOTAL:	48.00
NUTRIEN AG SOLUTIONS	SUPPLIES	GENERAL FUND	Parks Dept	<u>2,650.90</u>
			TOTAL:	2,650.90
ODP BUSINESS SOLUTIONS, LLC	SUPPLIES	GENERAL FUND	Police Administration	55.20
	SUPPLIES	GENERAL FUND	Police Support Service	<u>6.39</u>
			TOTAL:	61.59
OFFICE FURNITURE SOLUTIONS INC	STAND UP DESK	GENERAL FUND	Fire Administration	994.00
	WORKSTATION - WB	LIQUOR	Westbound-Operations	<u>1,704.00</u>
			TOTAL:	2,698.00
OMANN BROS INC	AC FINES MIX	GENERAL FUND	Street Maintenance	135.00
	AC FINES MIX	GENERAL FUND	Street Maintenance	180.90
	AC FINES MIX	GENERAL FUND	Street Maintenance	225.00
	AC FINES MIX	GENERAL FUND	Street Maintenance	<u>271.80</u>
			TOTAL:	812.70
PAUSTIS WINE COMPANY	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	372.50
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	12.50
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	580.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>16.50</u>
			TOTAL:	981.50
PHILLIPS WINE & SPIRITS CO	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,580.68
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	25.80
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	140.15
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	3.44
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	4,735.74

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	116.96
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,204.50
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	87.72
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	54.25
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	3.44
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	578.05
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	15.48
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	820.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	30.96
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	64.00
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	1.72
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	3,360.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	86.01
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,450.25
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>79.13</u>
			TOTAL:	15,438.28
PO INVESTMENTS LLC	ESCROW REFUND P21-01	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>7,676.20</u>
			TOTAL:	7,676.20
CAL PORTNER	REIMB AIRFARE-ICMA CONF	GENERAL FUND	Administrative Service	<u>738.96</u>
			TOTAL:	738.96
PRINCETON RENTAL INC	SUPPLIES CREDIT	GENERAL FUND	Parks Dept	100.79-
	AERIAL LIFT RENTAL	GENERAL FUND	Parks Dept	229.50
	HATCHET	GENERAL FUND	Parks Dept	<u>55.79</u>
			TOTAL:	184.50
PRO-TEC DESIGN, INC	UNIVERSAL TRANSMITTER REPA	LIBRARY	Library	<u>386.46</u>
			TOTAL:	386.46
PROJECT MANAGEMENT INSTITUTE INC	MEMBERSHIP DUES-S FISCHER	GENERAL FUND	Environmental	<u>149.00</u>
			TOTAL:	149.00
PROVIDENCE S & S LLC	ESCROW REFUND P21-03	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>51,135.51</u>
			TOTAL:	51,135.51
QUICKSCORES LLC	WEBSITE SVCS-BREAKAWAY HOC MULTIPURPOSE FACIL	Hockey	Hockey	<u>91.00</u>
			TOTAL:	91.00
URDO EQUIPMENT CO	PARTS	GENERAL FUND	Parks Dept	<u>140.48</u>
			TOTAL:	140.48
RITE ENTERPRISES, INC	EPSON PRINTER/FREIGHT	MULTIPURPOSE FACIL	Arena concessions	445.00
	EPSON PRINTER, BARCODE SCA	LIQUOR	Northbound-Cost of Sal	40.00
	CARD DEFENDER RE-INSTALL	LIQUOR	Northbound-Operations	97.09
	EPSON PRINTER, BARCODE SCA	LIQUOR	Northbound-Operations	<u>808.98</u>
			TOTAL:	1,391.07
RIVARD COMPANIES INC	WOOD CHIPS/MULCH	GENERAL FUND	Parks Dept	1,121.00
	MULCH	GENERAL FUND	Parks Dept	<u>673.50</u>
			TOTAL:	1,794.50
RIVERSIDE DEVELOPMENT CO OF PRINCETON	ESCROW REFUND P20-09	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>4,800.00</u>
			TOTAL:	4,800.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
SHAMROCK GROUP INC	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	358.78
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	342.84
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	670.54
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	216.00-
	ICE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	108.54
	ICE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	193.96
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	160.94
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	73.36
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	160.94
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	4.00
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	242.20
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	4.00
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	292.88
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>4.00</u>
	TOTAL:			2,428.98
SHERBURNE CO AUDITOR\TREAS	DITCH 31 ASSESSMENTS	STORM WATER	Storm Water	10.00
	DITCH 31 MAINT	STORM WATER	Storm Water	10.00
	DITCH 31 MAINT	STORM WATER	Storm Water	306.19
	DITCH 31 MAINT	STORM WATER	Storm Water	10.00
	DITCH 31 MAINT	STORM WATER	Storm Water	17.65
	DITCH 31 MAINT	STORM WATER	Storm Water	<u>10.00</u>
	TOTAL:			363.84
SHIELDSPIKE LLC	SUPPLIES	GENERAL FUND	Patrol	<u>115.00</u>
	TOTAL:			115.00
SOUTHERN GLAZER'S WINE & SPIRITS-MN	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	4,761.45
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	42.77
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,341.86
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	24.06
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	5,018.16
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	45.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	701.76
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	14.17
	FREIGHT	LIQUOR	Westbound-Cost of Sale	1.28
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	2,218.79
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	36.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	891.98
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	18.56
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	171.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1.28
	FREIGHT	LIQUOR	Westbound-Cost of Sale	2.56
	FREIGHT CREDIT	LIQUOR	Westbound-Cost of Sale	0.11-
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	153.00-
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	<u>584.75-</u>
	TOTAL:			14,552.82
SCR - CENTRAL	COOLER DOOR REPAIRS	LIQUOR	Northbound-Operations	1,088.06

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	1,088.06
STAR TRIBUNE	SUBSCRIPTION 8/29/24 -11/2	GENERAL FUND	Sr Citizen Programs	88.95
			TOTAL:	88.95
STEP SAVER INC	BULK SALT	GENERAL FUND	Public safety building	144.00
	BULK SALT	GENERAL FUND	Public safety building	136.50
	BULK SALT	LIBRARY	Library	186.00
			TOTAL:	466.50
STREICHER'S	UNIFORMS-MCKERNAN/GACKE	GENERAL FUND	Police Administration	463.90
	UNIFORMS-MCKERNAN	GENERAL FUND	Police Administration	159.99
	SUPPLIES- B MEYER	GENERAL FUND	Patrol	46.99
			TOTAL:	670.88
SUNBELT RENTALS INC	HYDRAULIC HAMMER RENTAL	GENERAL FUND	Street Maintenance	340.02
			TOTAL:	340.02
JAMIE SUNNARBORG	PAVILION REFUND-ORONO PK	GENERAL FUND	General Fund	114.06
			TOTAL:	114.06
SYSICO MINNESOTA INC	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	2,221.16
			TOTAL:	2,221.16
SYSTEM CENTER DUDES	TIME BANK-SUPPORT	GENERAL FUND	Information Technology	1,700.00
	TIME BANK-SUPPORT	GENERAL FUND	Information Technology	1,700.00
			TOTAL:	3,400.00
T-MOBILE	WIRELESS SVCS	GENERAL FUND	City Council	67.24
	WIRELESS SVCS	GENERAL FUND	Communications	34.51
	WIRELESS SVCS	GENERAL FUND	Building Maintenance	108.46
	WIRELESS SVCS	GENERAL FUND	Police Administration	114.80
	WIRELESS SVCS	GENERAL FUND	Building Safety	57.81
	WIRELESS SVCS	GENERAL FUND	Code Enforcement	24.65
	WIRELESS SVCS	GENERAL FUND	Code Enforcement	19.27
	WIRELESS SVCS	GENERAL FUND	Street Maintenance	73.95
	WIRELESS SVCS	GENERAL FUND	Equipment Services	24.65
	WIRELESS SVCS	GENERAL FUND	Engineering	19.27
	WIRELESS SVCS	GENERAL FUND	Parks Dept	59.16
	WIRELESS SVCS	GENERAL FUND	Parks & Rec Admin	49.30
	WIRELESS SVCS	GENERAL FUND	Parks & Rec Admin	28.70
	WIRELESS SVCS	GENERAL FUND	Parks & Rec Admin	76.67
	WIRELESS SVCS	GENERAL FUND	Sr Citizen Programs	24.65
	WIRELESS SVCS	MULTIPURPOSE FACIL	Multipurpose Facility	49.30
	WIRELESS SVCS	MULTIPURPOSE FACIL	Multipurpose Facility	19.04
	WIRELESS SVCS	WASTEWATER TREATME	WWTS Administration	73.95
	WIRELESS SVCS	WASTEWATER TREATME	WWTS Administration	28.70
	WIRELESS SVCS	LIQUOR	Westbound-Operations	28.70
			TOTAL:	982.78
TACTICAL ADVANTAGE, LLC	SUPPLIES	GENERAL FUND	Patrol	505.50
			TOTAL:	505.50
PUBLIC SAFETY EQUIPMENT LLC	CERTIFICATION OF RADAR UNI	GENERAL FUND	Patrol	953.00
			TOTAL:	953.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
TEAM LABORATORY CHEMICAL LLC	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>316.25</u>
			TOTAL:	316.25
TOTAL REGISTER SYSTEMS	LABELS	LIQUOR	Northbound-Operations	232.36
	LABELS	LIQUOR	Westbound-Operations	<u>232.37</u>
			TOTAL:	464.73
TRUE BRANDS	POP/MISC	LIQUOR	Westbound-Cost of Sale	<u>81.24</u>
			TOTAL:	81.24
TWIN CITY HARDWARE	SUPPLIES	GENERAL FUND	Fire Administration	<u>1,335.80</u>
			TOTAL:	1,335.80
UKG INC.	CONTRACT 9/1-11/30 & OVERA	GENERAL FUND	Human Resources	<u>21,672.55</u>
			TOTAL:	21,672.55
US AUTOFORCE	TIRES	GENERAL FUND	Parks Dept	357.56
	TIRES	WASTEWATER TREATME	WWTS Plant	<u>484.88</u>
			TOTAL:	842.44
VIKING COCA-COLA CO	POP/MISC	LIQUOR	Westbound-Cost of Sale	583.80
	POP/MISC CREDIT	LIQUOR	Westbound-Cost of Sale	<u>15.00-</u>
			TOTAL:	568.80
VINOCOPIA	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	288.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	162.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>10.00</u>
			TOTAL:	460.00
WASTE MANAGEMENT	AUG GARBAGE TIPPING FEES	GARBAGE	Garbage	<u>21,000.97</u>
			TOTAL:	21,000.97
WEBB & GERRITSEN MN LLC	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	<u>299.70</u>
			TOTAL:	299.70
THE WINE COMPANY	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	296.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	580.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	24.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	232.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	364.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>15.00</u>
			TOTAL:	1,511.00
WINE MERCHANTS	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,354.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	18.21
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	308.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>3.58</u>
			TOTAL:	1,683.79
WRUCK SEWER & PORTABLE RENTAL	PORTABLE RENTALS - JUL	GENERAL FUND	Parks Dept	3,324.15
	PORTABLE RENTALS/WASH STAT	GENERAL FUND	Parks Dept	<u>600.00</u>
			TOTAL:	3,924.15

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
===== FUND TOTALS =====				
101	GENERAL FUND	135,882.99		
211	LIBRARY	3,644.59		
221	MULTIPURPOSE FACILITY	39,255.13		
225	PARK DEDICATION FUND	4,471.50		
290	CAPITAL OUTLAY RESERVE	20,688.40		
401	PAVEMENT MANAGEMENT	5,635.00		
403	STREET IMPROVEMENT	6,194.00		
406	TRUNK UTILITIES	5,660.00		
602	WASTEWATER TREATMENT SYS	33,331.91		
603	LIQUOR	266,531.92		
605	GARBAGE	21,248.97		
607	STORM WATER	611.84		
821	DEVELOPER ESCROW	248,165.96		

	GRAND TOTAL:	791,322.21		

TOTAL PAGES: 14

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
MN DEPT OF REVENUE	JUL PETROLEUM TAX	GENERAL FUND	Street Maintenance	313.28
	JUL PETROLEUM TAX	WASTEWATER TREATME	Lift Stations	<u>54.09</u>
			TOTAL:	367.37
MN DEPT. OF REVENUE	JUL SALES & USE TAX	GENERAL FUND	NON-DEPARTMENTAL	1,134.75
	JUL SALES & USE TAX	GENERAL FUND	General Fund	0.60
	JUL SALES & USE TAX	MULTIPURPOSE FACIL	NON-DEPARTMENTAL	2,027.08
	JUL SALES & USE TAX	LIQUOR	NON-DEPARTMENTAL	51,551.62
	JUL SALES & USE TAX	LIQUOR	NON-DEPARTMENTAL	31,718.91
	JUL SALES & USE TAX	LIQUOR	Northbound-Operations	22.35
	JUL SALES & USE TAX	LIQUOR	Northbound-Operations	72.01
	JUL SALES & USE TAX	LIQUOR	Westbound-Operations	11.17
	JUL SALES & USE TAX	LIQUOR	Westbound-Operations	<u>12.51</u>
			TOTAL:	86,551.00

===== FUND TOTALS =====

101	GENERAL FUND	1,448.63
221	MULTIPURPOSE FACILITY	2,027.08
602	WASTEWATER TREATMENT SYS	54.09
603	LIQUOR	83,388.57

GRAND TOTAL: 86,918.37

TOTAL PAGES: 1

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
US BANK	CITY CC PAYMENT	GENERAL FUND	City Council	20.00
	CITY CC PAYMENT	GENERAL FUND	City Council	30.57
	CITY CC PAYMENT	GENERAL FUND	Communications	53.96
	CITY CC PAYMENT	GENERAL FUND	Communications	40.00
	CITY CC PAYMENT	GENERAL FUND	Communications	40.00
	CITY CC PAYMENT	GENERAL FUND	Communications	40.00
	CITY CC PAYMENT	GENERAL FUND	Communications	40.00
	CITY CC PAYMENT	GENERAL FUND	Communications	296.70
	CITY CC PAYMENT	GENERAL FUND	Communications	296.70
	CITY CC PAYMENT	GENERAL FUND	Human Resources	337.78
	CITY CC PAYMENT	GENERAL FUND	Human Resources	264.00
	CITY CC PAYMENT	GENERAL FUND	Human Resources	110.51
	CITY CC PAYMENT	GENERAL FUND	Human Resources	93.48
	CITY CC PAYMENT	GENERAL FUND	Elections	89.63
	CITY CC PAYMENT	GENERAL FUND	Elections	15.72
	CITY CC PAYMENT	GENERAL FUND	Finance	85.00
	CITY CC PAYMENT	GENERAL FUND	Finance	8.00
	CITY CC PAYMENT	GENERAL FUND	Finance	905.00
	CITY CC PAYMENT	GENERAL FUND	Finance	556.34
	CITY CC PAYMENT	GENERAL FUND	Finance	810.00
	CITY CC PAYMENT	GENERAL FUND	Information Technology	72.00
	CITY CC PAYMENT	GENERAL FUND	Information Technology	2,888.35
	CITY CC PAYMENT	GENERAL FUND	Planning	517.53
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	346.54
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	410.00
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	220.98
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	294.35
	CITY CC PAYMENT	GENERAL FUND	Police Administration	900.00
	CITY CC PAYMENT	GENERAL FUND	Police Administration	91.94
	CITY CC PAYMENT	GENERAL FUND	Police Administration	91.94
	CITY CC PAYMENT	GENERAL FUND	Police Administration	102.53
	CITY CC PAYMENT	GENERAL FUND	Patrol	1,300.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	75.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	554.90
	CITY CC PAYMENT	GENERAL FUND	Investigations	330.00
	CITY CC PAYMENT	GENERAL FUND	Investigations	325.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	15.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	805.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	50.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	35.00
	CITY CC PAYMENT	GENERAL FUND	Fire Administration	10.99
	CITY CC PAYMENT	GENERAL FUND	Building Safety	85.00
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	588.42
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	20.02
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	25.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	25.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	25.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	775.25
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	36.39
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	26.07
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	57.80
	CITY CC PAYMENT	GENERAL FUND	Parks & Rec Admin	70.00
	CITY CC PAYMENT	GENERAL FUND	Parks & Rec Admin	25.00
	CITY CC PAYMENT	GENERAL FUND	Parks & Rec Admin	1.48
	CITY CC PAYMENT	GENERAL FUND	Parks & Rec Admin	1,021.86
	CITY CC PAYMENT	GENERAL FUND	Parks & Rec Admin	25.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CITY CC PAYMENT	GENERAL FUND	Recreation Programs	42.00
	CITY CC PAYMENT	WASTEWATER TREATME	WWTS Plant	2,520.00
	CITY CC PAYMENT	WASTEWATER TREATME	WWTS Plant	322.00
	CITY CC PAYMENT	WASTEWATER TREATME	WWTS Plant	<u>27.02</u>
			TOTAL:	19,288.75

===== FUND TOTALS =====

101 GENERAL FUND 16,419.73

602 WASTEWATER TREATMENT SYS 2,869.02

GRAND TOTAL: 19,288.75

TOTAL PAGES: 2



Request for Action

To
City Council

Item Number
4.5

Meeting Date
September 3, 2024

Prepared By
Jolene Richter, Deputy Clerk

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

Reviewed by
Cal Portner
Tina Allard

Action Requested

Approve, by motion, a Temporary On-Sale Liquor License to Davis-Darrow-Meyer American Legion Post 112 for October 5, 2024, with the condition alcohol must be confined to an area enclosed by a fence with a secured, controlled access. Wristband control is required for patrons 21 and over.

Background/Discussion

Davis-Darrow-Meyer American Legion Post 112 has applied for a Temporary On-Sale Liquor License for their event at the location of 525 Railroad Drive.

Financial Impact
N/A

Mission/Policy/Goal
Elk River Mission

Attachments
None

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



Request for Action

To
City Council

Item Number
4.6

Meeting Date
September 3, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Resolution 24-50: Condemnation through Eminent Domain - 19116 Troy St. NW

Reviewed by
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, Resolution 24-50 authorizing the city attorney to begin eminent domain proceedings to acquire the property located at 19116 Troy Street NW.

Background/Discussion

City staff have been working with the HRA and the city attorney regarding the acquisition and demolition of an abandoned home at 19116 Troy Street NW. The home has been vacant for several years and the city has been working through the condemnation and hazardous building process with the city attorney. This property is unique in that the previous owner has passed away, there is no bank involved, and next of kin cannot be located - leaving the property without a legal owner to address the home's current condition.

Earlier this summer, staff approached the HRA with the prospect of purchasing the home using the eminent domain process. The HRA has agreed to buy the home to mitigate the blight on the neighborhood, demolish it, and sell the vacant lot as a buildable parcel. The first step in this process requires a resolution from the City Council authorizing the use of eminent domain. Additional information regarding this property and the actions taken thus far can be found in the attached letter from the city attorney.

Financial Impact

The cost of acquisition is approximately \$75,000. Legal fees and demolition costs will be determined later, but the city and HRA will recover a significant portion of the costs through the sale of the property as a vacant single-family parcel.

Mission/Policy/Goal

Ethical, efficient, and responsible.

Attachments

1. Memo from the City Attorney
2. Resolution

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MEMORANDUM

FROM: JARED SHEPHERD & JACK BROOKSBANK
CAMPBELL KNUTSON, P.A.
TO: ELK RIVER CITY COUNCIL
DATE: AUGUST 28, 2024
RE: EMINENT DOMAIN - 19116 TROY STREET



CAMPBELL KNUTSON
PROFESSIONAL ASSOCIATION

City Staff are requesting that the council pass the attached Resolution Authorizing the Use of Eminent Domain to acquire the property located at 19116 Troy St. NW, Elk River, MN 55330. This condemnation would be done by the city on behalf of the HRA, which would then purchase the property from the city.

The previous owner and occupant of the property has passed away. The City has been unable to locate any spouse, family members, next of kin, or relatives of any kind. The prior owner also did not have a will. The prior occupant also owned the property outright, with no existing mortgage. Accordingly, there is currently no party that could claim ownership of the property. The property is currently sitting abandoned.

Beyond simply sitting empty, the property contains hazardous conditions. The structure is decrepit and overgrown. The property has significant water damage and potential mold. The structure is not secure against entry by curious children or other parties. Prior to passing away, the prior occupant confirmed that the building was unsafe. No maintenance work has occurred on the property since that confirmation, in approximately July 2020. The City obtained an administrative search warrant and inspected the property in December 2023, confirming the pervasive presence of hazardous conditions in the property.

The HRA has discussed this matter, and believes that exercising eminent domain is the best way to abate the hazardous conditions. There is no living owner of the property who could handle the necessary repairs privately. If the city does nothing, the property will eventually go through tax forfeiture. However, this process takes many years to complete. The city could also pursue an action under the Hazardous Building Act. That would allow the city to enter the property, fix the hazardous conditions, and then assess the cost of doing so against the property. But again, after doing so the property would simply continue to sit empty for several years until the completion of tax forfeiture. The only way for the city to permanently address the issues is to purchase the property. But since there is no living owner, the only way to do that is through the exercise of eminent domain.

The HRA has obtained an appraisal of the property valuing it “as-is” at \$75,000. The city would be required to pay this amount as a deposit into court. Anyone claiming a prior ownership interest in the property could then claim the money from the court; the city will not be able to retain it. Once eminent domain is completed by the City, the HRA will purchase the property. The HRA will then demolish the structure, remove and backfill the foundation, and make the property safe. The HRA would then sell it for private use.

If the council agrees with this plan, it should pass the attached Resolution Authorizing the Use of Eminent Domain. Our office would then file a formal Petition with the district court to begin the eminent domain process. This would take approximately 90 days, depending on court schedule.



**City of Elk River
City Council**

Resolution 24-_____

**A Resolution of the City Council of the City of Elk River Authorizing the Use of
Eminent Domain**

WHEREAS, the City Council of the City of Elk River does hereby determine that it is necessary and for a public purpose to acquire fee title and/or permanent and temporary easements over the property legally described on the attached Exhibit “A” to abate the hazardous conditions on the property and to reduce the amount of abandoned property within the city; and

WHEREAS, Minn. Stat. § 117.025, subd. 11, defines the mitigation of blight and the reduction of abandoned property to be a public purpose, and Minn. Stat. § 463.152 authorizes the City to acquire properties to address hazardous conditions; and

WHEREAS, City staff and consultants have and will continue to attempt to work with the property owners to acquire the necessary property voluntarily; and

WHEREAS, the City Council finds that the public health hazard makes it necessary to acquire the necessary fee title as soon as possible in order for the prevent potential injury.

NOW, THEREFORE, be it resolved by the City Council of the City of Elk River, Minnesota:

1. That the City Attorney is authorized to commence eminent domain proceedings pursuant to Minnesota Statutes Chapter 117 to acquire the necessary fee title and/or permanent and temporary easements over the properties identified on the attached Exhibit “A.”
2. That the City Attorney is authorized to acquire the necessary property interests pursuant to the “quick take” provisions of Minnesota Statutes Section 117.042.
3. That the Mayor and the City Administrator are authorized to execute all documents necessary, in the opinion of the City Attorney, to effect the acquisition of the necessary property interests.
4. The City has obtained appraisals of the property being acquired and staff is authorized to continue negotiating with the any property owners relating to the acquisition of the property and to acquire the property from the property owners by negotiation if possible.



Passed and adopted this ____ day of _____ 2024.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk



EXHIBIT A
Description of the Property

Lot 4, Block 1, Oak Knoll, Sherburne County, Minnesota.





Request for Action

To
City Council

Item Number
4.7

Meeting Date
September 3, 2024

Prepared By
Lauren Whipper, Human Resources Manager

Item Description
Severance Agreement and Waiver of Claims -
Dalton

Reviewed by
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the Separation Agreement and Release with Furniture and Things Community Event Center Superintendent Tim Dalton.

Background/Discussion

Tim Dalton's last day with the city was August 1, 2024. As part of the Severance Pay requirements, a release of claims must be executed. Mr. Dalton returned his signed Agreement on August 19, 2024.

Financial Impact

As per Severance Pay policy.

Mission/Policy/Goal

Elk River Mission Statement

Attachments

- I. TDalton Agreement

The Elk River Vision

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SEPARATION AGREEMENT AND RELEASE

1. Separation From Employment and Severance Payment.

I, Timothy T. Dalton, (referred to throughout this Separation and Release Agreement in the first person) understand that my last day of employment with the City of Elk River (the "City") is August 1, 2024 (the "Separation Date"). I understand that City policy ("Severance Pay") provides that I may be eligible to receive a portion of my unused sick leave if I meet the following conditions: 1) I must resign in good standing; 2) I must provide proper written notice of my resignation in accordance with City policy; and 3) I must execute a release of claims. The amount I may be eligible for is determined in accordance with the Severance Pay policy. For purposes of this Agreement, the third condition described above is the "Release Condition"; the first and second conditions are the "Other Conditions."

I understand that in order to be eligible for a portion of my unused sick leave in connection with my separation from employment, I must satisfy the Other Conditions according to their terms and I must satisfy the Release Condition by signing and not rescinding this Separation Agreement and Release ("Agreement"). As of July 27, 2024, the amount of my unused sick and ESST ("sick") leave is 852.6538 hours and my regular rate of pay at the time I gave notice to resign was \$58.4163 per hour. If I satisfy the Release Condition and the Other Conditions, pursuant to the Severance Policy, the portion of my unused sick leave that I will receive is 50% adjusted by the ESST accrual, up to 480 hours. Accordingly, the sum total of the cash payment that I will receive for my unused sick leave if I satisfy the Release Condition and the Other Conditions will be twenty-four thousand five hundred fifty-nine dollars and thirteen cents (\$24,559.13) plus the product of my regular rate of pay and 50% of the number of any sick leave/ESST hours that I accrue and minus the product of my regular rate of pay and 50% of the number of any sick leave/ESST hours that I use between July 28, 2024, and the Separation Date (the "Severance"). The Severance will be paid on the first pay day following 18 days after I sign and return this Agreement, provided I sign and do not rescind the Agreement.

I understand that the Severance payment will be subject to normal deductions that the City is obligated by law to make, or believes in good faith it is obligated by law to make. No representations as to taxability or tax treatment of the Severance have been made to me by the City. I understand that I will receive the Severance only if I satisfy the Other Conditions and sign this Agreement and do not rescind it within the fifteen (15) calendar days described below under Opportunity to Rescind.

2. No Other Benefits.

I understand that except for the Severance payment described in this Agreement, following the Separation Date I shall receive no other benefits. All my rights under the City's benefit plans shall be governed in accordance with the terms of such plans. I acknowledge receipt of applicable summary plan descriptions relating to such plans. I understand that I will no longer be an employee of the City after the Separation Date, and I hereby relinquish any rights I may have

had under the City's employee policies and any contractual rights I may have had under any agreements with the City.

3. Return of Property.

As of the date of my signing of this Agreement, I warrant that I have returned the originals and all copies of all the City files, documents, software, hardware, keys, office equipment, all records and documents related to the City, and all other City property in my possession or under my control. If I find any City property after I sign this Agreement, I will promptly return it.

4. No Further Claim to Compensation.

This Agreement fully and completely satisfies any and all obligations between the City and me that arise out of or relate to my employment, except for my final paycheck to be paid on August 16, 2024, and all payments required under this Agreement to be paid on the first pay day following 18 days after I sign and return this Agreement. I have no claim to any compensation from the City, in any form, beyond the compensation that is specifically described in Paragraph 1 through 4 of this Agreement.

5. Complete Release.

In return for the Severance payment and other benefits provided herein, which I acknowledge are good and sufficient consideration for all aspects of this Agreement, I, on behalf of myself and all of my past, present and future heirs, executors, administrators, agents, attorneys, insurers, subrogees, lienors, trustees, indemnitors, principals, servants, representatives, employees, partners, predecessors, successors and assigns, hereby release the City, and any of its subsidiaries and affiliated entities, and all of their respective current and former officers, agents, directors, employees, independent contractors, shareholders, attorneys, accountants, insurers, representatives, predecessors, successors and assigns, both individually and in any representative capacity (collectively, the "Released Parties"), from each and every legal claim, demand or grievance of any kind ("Claim"), whether known or unknown, existing at any time up to and including the date I sign this Agreement, including without limitation any claim, demand or grievance in any way arising out of or related to my employment with the City, or my separation of employment with the City.

I understand and agree that this Agreement is a full, final and complete settlement and release of the Released Parties of any and all Claims, whether known or unknown, including but not limited to any Claim I may have under: the federal or any state constitution; Employment Retirement Income Security Act; Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act; the Fair Labor Standards Act; the Equal Pay Act; the Family and Medical Leave Act; the Age Discrimination in Employment Act; the Minnesota Public Employment Labor Relations Act; the Minnesota Veterans Preference Act; the Minnesota Government Data Practices Act; the Minnesota Employment, Wages, Conditions, Hours, and Restrictions Laws (Minn. Stat. Chapter 181); the Minnesota Whistleblower Act; section 176.82 of the Minnesota Worker's Compensation Act; the Minnesota Human Rights Act; the Minnesota Public Employment Labor Relations Act; and any other federal, state, or local government laws,

regulations or executive orders governing employment. I further understand and agree that I am releasing any Claim I may have, whether known or unknown, for: payment of compensation or benefits of any kind; fraud or misrepresentation; promissory estoppel; wrongful or constructive discharge; defamation; invasion of privacy; breach of covenant of good faith and fair dealing; reprisal or retaliation; breach of contract; breach of a collective bargaining agreement; unjust enrichment; negligence; negligent hiring; supervision and retention; intentional or negligent infliction of emotional distress; and any other Claim arising under any law.

I further agree that if any Claim I release in this Agreement is prosecuted in my name before any court or administrative agency, I will waive any benefits I obtain through such prosecution and will not take any award of money or other damages from such Claim.

Notwithstanding the foregoing, this Agreement does not release any rights or claims I may have under the Minnesota Human Rights Act or the Age Discrimination in Employment Act that arise after I sign this Agreement or that arise from acts occurring after I sign this Agreement.

Furthermore, this Agreement does not release any post-separation rights I may have under an ERISA welfare benefit or pension plan that are specifically provided for in the applicable plan document or required by law, any rights I may have under any plan subject to Section 409A of the Internal Revenue Code of the United States to the extent the release would cause a violation of Section 409A, or any rights to post-separation benefits continuation under state or federal law. This Agreement also does not prevent me from pursuing any claim to enforce this Agreement, or any right or claim that by law may not be waived.

6. Period for Review and Consideration.

I acknowledge, agree, represent, and warrant that I have been provided twenty-one (21) days in which to consider whether to sign this Agreement. I understand that I may use as much or as little of this twenty-one (21) day period as I wish prior to signing this Agreement. I also understand that upon the expiration of this twenty-one (21) day period, the offer to enter into this Agreement may be revoked if I have not by then accepted it. I also acknowledge that I have been advised by the City to seek advice of an attorney of my choosing and that I have had the opportunity to obtain such advice before I signed this Agreement. I acknowledge that if I sign this Agreement before the twenty-one (21) calendar days have elapsed, I am voluntarily waiving my right to the twenty-one (21) day review period.

7. Opportunity to Rescind Under the ADEA and MHRA.

I recognize that by signing this Agreement I am waiving and releasing any employment discrimination, retaliation, or other claims that he might have under the Age Discrimination in Employment Act ("ADEA"). After I sign this Agreement, I will have seven (7) calendar days to revoke my waiver and release of any claims arising under the ADEA. This right of revocation applies only to claims arising under the ADEA. For a revocation of claims under the ADEA to be effective, it must be personally delivered to Lauren Wipper, City of Elk River, 13065 Orono Parkway, Elk River, Minnesota 55330, or sent by United States certified mail, return receipt requested and postmarked within the 7 day period.

I recognize that by signing this Agreement I am waiving and releasing any employment discrimination and retaliation claims that I might have under the Minnesota Human Rights Act ("MHRA"). Under the MHRA (Minnesota Statutes § 363A.31), I have the right to rescind this release of claims in writing within fifteen (15) calendar days after signing it. This right of rescission applies only to any claims arising under the MHRA. For a rescission of claims arising under the MHRA to be effective, it must be delivered to Lauren Wipper, either personally or by United States mail within the fifteen (15) day period. If delivered by mail, the rescission must be postmarked within the fifteen (15) day period, properly addressed to Lauren Wipper, City of Elk River, 13065 Orono Parkway, Elk River, Minnesota 55330 and sent by certified mail, return receipt requested.

8. Effect of Rescission of Release of Claims.

If I revoke or rescind any part of the Release of All Claims in this Agreement, paragraph 1. of this Agreement will automatically be rescinded without further action by either party.

9. Non-Disparagement.

I agree not to make any disparaging or negative remarks, either verbally or in writing, regarding the City or any of the City's current or former employees, elected or appointed officials, representatives, or business partners, either individually or in any representative capacity, with regard to acts occurring before the signing of this Agreement.

10. No Admission of Wrongdoing.

Nothing in this Agreement may be construed to be an admission of liability or wrongdoing by, against, or on behalf of the City or me. Any form of wrongdoing or liability is expressly denied by the City and its representatives and by the undersigned and his representatives.

11. Complete Agreement.

I acknowledge and agree that there are no other agreements, covenants, promises, undertakings, or understandings between me and the City except as explicitly set forth in this Agreement and that I have not relied on any statement, representation, or promise of the City, or of any representative or attorney for the City, in executing this Agreement, except as may be set forth explicitly in this Agreement.

No modification of, or addition to, this Agreement shall be effective unless it is in writing and signed by all Parties to this Agreement.

12. Miscellaneous.

I understand that this Agreement is a contract, and that the contract has been agreed upon by the City in Minnesota, and that this Agreement will be construed and interpreted in accordance with the laws of the state of Minnesota. I also understand that if either the City or I believe that this Agreement has been violated or breached in some fashion, that any litigation brought to enforce this Agreement must be brought in the State of Minnesota. I also understand that nothing

contained in this Agreement is to be construed by me or anyone else as an admission that the City has violated any local, state or federal law, rule, regulation or principle of common law. In fact, I understand that the City expressly denies any wrongdoing whatsoever in connection with my employment and the termination of my employment.

13. Signature.

I have read this Agreement, know its contents and have signed it as a free and voluntary act having had adequate opportunity to consider its terms. Furthermore,

I HAVE SIGNED THIS AGREEMENT INTENDING TO BE LEGALLY BOUND TO ALL ITS TERMS.

Timothy T. Dalton
EMPLOYEE NAME

Date: 8-19-2024

EMPLOYEE SIGNATURE

Date: _____

THE CITY OF ELK RIVER

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk



Request for Action

To
City Council

Item Number
4.8

Meeting Date
September 3, 2024

Prepared By
Lauren Wipper, Human Resources Manager

Item Description
Severance Agreement and Waiver of Claims - Czech

Reviewed by
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the Separation Agreement and Release with Facility Maintenance Manager Rich Czech.

Background/Discussion

Rich Czech's last day with the city was August 1, 2024. As part of the Severance Pay requirements, a release of claims must be executed. Mr. Czech's signed Agreement was received on August 26, 2024.

Financial Impact

As per Severance Pay policy.

Mission/Policy/Goal

Elk River Mission Statement

Attachments

I. RCzech Agreement

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



AUG 26 2024

SEPARATION AGREEMENT AND RELEASE

1. Separation From Employment and Severance Payment.

I, Richard A. Czech, (referred to throughout this Separation and Release Agreement in the first person) understand that my last day of employment with the City of Elk River (the "City") is August 1, 2024 (the "Separation Date"). I understand that City policy ("Severance Pay") provides that I may be eligible to receive a portion of my unused sick leave if I meet the following conditions: 1) I must resign in good standing; 2) I must provide proper written notice of my resignation in accordance with City policy; and 3) I must execute a release of claims. The amount I may be eligible for is determined in accordance with the Severance Pay policy. For purposes of this Agreement, the third condition described above is the "Release Condition"; the first and second conditions are the "Other Conditions."

I understand that in order to be eligible for a portion of my unused sick leave in connection with my separation from employment, I must satisfy the Other Conditions according to their terms and I must satisfy the Release Condition by signing and not rescinding this Separation Agreement and Release ("Agreement"). As of July 27, 2024, the amount of my unused sick and ESST ("sick") leave is 1,583.5978 hours and my regular rate of pay at the time I gave notice to resign was \$52.6082 per hour. If I satisfy the Release Condition and the Other Conditions, pursuant to the Severance Policy, the portion of my unused sick leave that I will receive is 70% adjusted by the ESST accrual, up to 672 hours. Accordingly, the sum total of the cash payment that I will receive for my unused sick leave if I satisfy the Release Condition and the Other Conditions will be thirty-five thousand three hundred fifty-two dollars and seventy-one cents (\$35,352.71) plus the product of my regular rate of pay and 70% of the number of any sick leave/ESST hours that I accrue and minus the product of my regular rate of pay and 70% of the number of any sick leave/ESST hours that I use between July 28, 2024, and the Separation Date (the "Severance"). The Severance will be paid on the first pay day following 18 days after I sign and return this Agreement, provided I sign and do not rescind the Agreement.

I understand that the Severance payment will be subject to normal deductions that the City is obligated by law to make, or believes in good faith it is obligated by law to make. No representations as to taxability or tax treatment of the Severance have been made to me by the City. I understand that I will receive the Severance only if I satisfy the Other Conditions and sign this Agreement and do not rescind it within the fifteen (15) calendar days described below under Opportunity to Rescind.

2. No Other Benefits.

I understand that except for the Severance payment described in this Agreement, following the Separation Date I shall receive no other benefits. All my rights under the City's benefit plans shall be governed in accordance with the terms of such plans. I acknowledge receipt of applicable summary plan descriptions relating to such plans. I understand that I will no longer be an employee of the City after the Separation Date, and I hereby relinquish any rights I may have

had under the City's employee policies and any contractual rights I may have had under any agreements with the City.

3. Return of Property.

As of the date of my signing of this Agreement, I warrant that I have returned the originals and all copies of all the City files, documents, software, hardware, keys, office equipment, all records and documents related to the City, and all other City property in my possession or under my control. If I find any City property after I sign this Agreement, I will promptly return it.

4. No Further Claim to Compensation.

This Agreement fully and completely satisfies any and all obligations between the City and me that arise out of or relate to my employment; except for my final paycheck to be paid on August 16, 2024, and all payments required under this Agreement to be paid on the first pay day following 18 days after I sign and return this Agreement. I have no claim to any compensation from the City, in any form, beyond the compensation that is specifically described in Paragraph 1 through 4 of this Agreement.

5. Complete Release.

In return for the Severance payment and other benefits provided herein, which I acknowledge are good and sufficient consideration for all aspects of this Agreement, I, on behalf of myself and all of my past, present and future heirs, executors, administrators, agents, attorneys, insurers, subrogees, lienors, trustees, indemnitors, principals, servants, representatives, employees, partners, predecessors, successors and assigns, hereby release the City, and any of its subsidiaries and affiliated entities, and all of their respective current and former officers, agents, directors, employees, independent contractors, shareholders, attorneys, accountants, insurers, representatives, predecessors, successors and assigns, both individually and in any representative capacity (collectively, the "Released Parties"), from each and every legal claim, demand or grievance of any kind ("Claim"), whether known or unknown, existing at any time up to and including the date I sign this Agreement, including without limitation any claim, demand or grievance in any way arising out of or related to my employment with the City, or my separation of employment with the City.

I understand and agree that this Agreement is a full, final and complete settlement and release of the Released Parties of any and all Claims, whether known or unknown, including but not limited to any Claim I may have under: the federal or any state constitution; Employment Retirement Income Security Act; Title VII of the Civil Rights Act of 1964; the Americans with Disabilities Act; the Fair Labor Standards Act; the Equal Pay Act; the Family and Medical Leave Act; the Age Discrimination in Employment Act; the Minnesota Public Employment Labor Relations Act; the Minnesota Veterans Preference Act; the Minnesota Government Data Practices Act; the Minnesota Employment, Wages, Conditions, Hours, and Restrictions Laws (Minn. Stat. Chapter 181); the Minnesota Whistleblower Act; section 176.82 of the Minnesota Worker's Compensation Act; the Minnesota Human Rights Act; the Minnesota Public Employment Labor Relations Act; and any other federal, state, or local government laws,

regulations or executive orders governing employment. I further understand and agree that I am releasing any Claim I may have, whether known or unknown, for: payment of compensation or benefits of any kind; fraud or misrepresentation; promissory estoppel; wrongful or constructive discharge; defamation; invasion of privacy; breach of covenant of good faith and fair dealing; reprisal or retaliation; breach of contract; breach of a collective bargaining agreement; unjust enrichment; negligence; negligent hiring; supervision and retention; intentional or negligent infliction of emotional distress; and any other Claim arising under any law.

I further agree that if any Claim I release in this Agreement is prosecuted in my name before any court or administrative agency, I will waive any benefits I obtain through such prosecution and will not take any award of money or other damages from such Claim.

Notwithstanding the foregoing, this Agreement does not release any rights or claims I may have under the Minnesota Human Rights Act or the Age Discrimination in Employment Act that arise after I sign this Agreement or that arise from acts occurring after I sign this Agreement.

Furthermore, this Agreement does not release any post-separation rights I may have under an ERISA welfare benefit or pension plan that are specifically provided for in the applicable plan document or required by law, any rights I may have under any plan subject to Section 409A of the Internal Revenue Code of the United States to the extent the release would cause a violation of Section 409A, or any rights to post-separation benefits continuation under state or federal law. This Agreement also does not prevent me from pursuing any claim to enforce this Agreement, or any right or claim that by law may not be waived.

6. Period for Review and Consideration.

I acknowledge, agree, represent, and warrant that I have been provided twenty-one (21) days in which to consider whether to sign this Agreement. I understand that I may use as much or as little of this twenty-one (21) day period as I wish prior to signing this Agreement. I also understand that upon the expiration of this twenty-one (21) day period, the offer to enter into this Agreement may be revoked if I have not by then accepted it. I also acknowledge that I have been advised by the City to seek advice of an attorney of my choosing and that I have had the opportunity to obtain such advice before I signed this Agreement. I acknowledge that if I sign this Agreement before the twenty-one (21) calendar days have elapsed, I am voluntarily waiving my right to the twenty-one (21) day review period.

7. Opportunity to Rescind Under the ADEA and MHRA.

I recognize that by signing this Agreement I am waiving and releasing any employment discrimination, retaliation, or other claims that he might have under the Age Discrimination in Employment Act ("ADEA"). After I sign this Agreement, I will have seven (7) calendar days to revoke my waiver and release of any claims arising under the ADEA. This right of revocation applies only to claims arising under the ADEA. For a revocation of claims under the ADEA to be effective, it must be personally delivered to Lauren Wipper, City of Elk River, 13065 Orono Parkway, Elk River, Minnesota 55330, or sent by United States certified mail, return receipt requested and postmarked within the 7 day period.

I recognize that by signing this Agreement I am waiving and releasing any employment discrimination and retaliation claims that I might have under the Minnesota Human Rights Act ("MHRA"). Under the MHRA (Minnesota Statutes § 363A.31), I have the right to rescind this release of claims in writing within fifteen (15) calendar days after signing it. This right of rescission applies only to any claims arising under the MHRA. For a rescission of claims arising under the MHRA to be effective, it must be delivered to Lauren Wipper, either personally or by United States mail within the fifteen (15) day period. If delivered by mail, the rescission must be postmarked within the fifteen (15) day period, properly addressed to Lauren Wipper, City of Elk River, 13065 Orono Parkway, Elk River, Minnesota 55330 and sent by certified mail, return receipt requested.

8. Effect of Rescission of Release of Claims.

If I revoke or rescind any part of the Release of All Claims in this Agreement, paragraph 1 of this Agreement will automatically be rescinded without further action by either party.

9. Non-Disparagement.

I agree not to make any disparaging or negative remarks, either verbally or in writing, regarding the City or any of the City's current or former employees, elected or appointed officials, representatives, or business partners, either individually or in any representative capacity, with regard to acts occurring before the signing of this Agreement.

10. No Admission of Wrongdoing.

Nothing in this Agreement may be construed to be an admission of liability or wrongdoing by, against, or on behalf of the City or me. Any form of wrongdoing or liability is expressly denied by the City and its representatives and by the undersigned and his representatives.

11. Complete Agreement.

I acknowledge and agree that there are no other agreements, covenants, promises, undertakings, or understandings between me and the City except as explicitly set forth in this Agreement and that I have not relied on any statement, representation, or promise of the City, or of any representative or attorney for the City, in executing this Agreement, except as may be set forth explicitly in this Agreement.

No modification of, or addition to, this Agreement shall be effective unless it is in writing and signed by all Parties to this Agreement.

12. Miscellaneous.

I understand that this Agreement is a contract, and that the contract has been agreed upon by the City in Minnesota, and that this Agreement will be construed and interpreted in accordance with the laws of the state of Minnesota. I also understand that if either the City or I believe that this Agreement has been violated or breached in some fashion, that any litigation brought to enforce this Agreement must be brought in the State of Minnesota. I also understand that nothing

contained in this Agreement is to be construed by me or anyone else as an admission that the City has violated any local, state or federal law, rule, regulation or principle of common law. In fact, I understand that the City expressly denies any wrongdoing whatsoever in connection with my employment and the termination of my employment.

13. Signature.

I have read this Agreement, know its contents and have signed it as a free and voluntary act having had adequate opportunity to consider its terms. Furthermore,

I HAVE SIGNED THIS AGREEMENT INTENDING TO BE LEGALLY BOUND TO ALL ITS TERMS.

Date: 8/16/24 Richard A. Czech
EMPLOYEE NAME
[Signature]
EMPLOYEE SIGNATURE

Date: _____ THE CITY OF ELK RIVER

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk



Request for Action

To
City Council

Item Number
4.9

Meeting Date
September 3, 2024

Prepared By
Lauren Wipper, Human Resources Manager

Item Description
Event Server Position Description

Reviewed by
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the Furniture and Things Community Event Center Event Server position description.

Background/Discussion

The position of Event Server was added to the Compensation Plan for Non-organized Employees by Resolution at the July 1, 2024, Regular City Council meeting. We have now completed the position description and present it for approval.

Financial Impact

These expenses are included in the FT Center part-time budget.

Mission/Policy/Goal

The Elk River Mission

Attachments

- I. Event Server Position Description

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





City of Elk River

Event Server

Position Description

Department: Business Services/Multi-purpose Facility		Immediate Supervisor: Concessions Supervisor	
Pay Grade: \$16.00 - \$20.00 per hour	FLSA Status: Non-Exempt		Last Updated: (date) 9/2024
Positions Supervised: N/A			
Position Summary The Event Server prepares and sells concession items, prepares and serves catering items, handles money and makes change, and keeps the area clean and tidy. Responsible for the legal selling and serving of alcoholic beverages.			

Essential Functions

1. Works at catered events.
 - A. Assists in the preparation, set up, and clean up of food and food service area.
 - B. Serves food to event attendees and ensures food supplies remain stocked.
2. Responsible for legal liquor sales and service.
 - A. Ensures all patrons are of legal drinking age.
 - B. Prepares beverage booth for liquor sales.
 - C. Maintains cleanliness, organization, and security of work area.
3. Provides customer service and maintenance and security of concession area and equipment.
 - A. Prepares and serves food to customers in a polite and professional manner.
 - B. Performs routine cleaning of equipment.
 - C. Notifies Concessions Supervisor of any repairs and/or maintenance requiring attention from a service contractor.
 - D. Monitors and maintains security of the concession area when working.
4. Performs financial activities.
 - A. Rings up sales, receipts payments, gives change, etc.
 - B. Maintains change/refund fund in accordance with jurisdiction.
 - C. Coordinates the receipt and money.
5. May be assigned as the lead worker in the absence of the Concessions Supervisor.
 - A. Oversees staff to ensure they are preparing items in a proper manner.
 - B. Ensures food is prepared and ready for sale with limited wait time while also limiting excess food items at the end of the day.

6. Performs other essential job duties.
 - A. Regular and timely work attendance.
 - B. Follows all safety procedures and participates in safety training.
 - C. Follows all policies, procedures and practices related to alcohol service, food handling/sanitation guidelines, and general safety.

Required Knowledge, Skills, and Abilities

- ☐ Skill to communicate effectively with a variety of groups.
- ☐ Ability to deny service when necessary.
- ☐ Ability to keep accurate records.
- ☐ Ability to work independently and assume responsibilities with minimal direct supervision.
- ☐ Ability to operate a cash register, accurately count and record cash received.
- ☐ Ability to present a positive and professional image of the City to the public.
- ☐ Ability to follow all City policies.

Minimum Qualifications

- ☐ Experience handling money.
- ☐ Experience dealing with the public.
- ☐ Must be eighteen (18) years of age or older.

Preferred Qualifications

- ☐ Experience with alcohol sales.

Physical Requirements

- ☐ On a continuous basis, must be able to be on your feet for long periods of time.
- ☐ On a frequent basis, must be able to bend, stoop, and kneel and to perform custodial duties.
- ☐ On an occasional frequent basis must be able to lift 20 pounds from floor to waist and have the ability to carry it over 25 feet.
- ☐ On an occasional basis must be able to lift 10 pounds over head.
- ☐ On occasional basis, must be able to climb a step ladder.

This Position Description is not intended to be all-inclusive. It is within the City of Elk River's discretion to assign additional duties and responsibilities or remove duties and responsibilities at any time.

This Position Description does not constitute a Contract of Employment.



Request for Action

To
City Council

Item Number
4.10

Meeting Date
September 3, 2024

Prepared By
Lauren Wipper, Human Resources Manager

Item Description
Hire Wastewater Operator

Reviewed by
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the hiring of Jacob Dietsch to the position of wastewater operator effective September 4, 2024.

Background/Discussion

We went to market to fill a vacant wastewater operator position in May. We weren't able to fill the position at that time. We instead hired a seasonal laborer to assist with our summer work of jetting the sewer lines. Jacob Dietsch has proven to be a valuable employee and we recommend hiring him for the vacant wastewater operator position.

Mr. Dietsch previously worked in two food orientated retail businesses before beginning work for us this past July. He has attended Centry College for firefighting, EMS, and Hazardous Materials. He would start this position at step A. All pay and benefits would be consistent with city policy.

Financial Impact

This is a budgeted position.

Mission/Policy/Goal

The Elk River Mission

Attachments

None

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





Request for Action

To
City Council

Item Number
4.11

Meeting Date
September 3, 2024

Prepared By
Joe Stremcha, Business Services Director/Assistant
City Administrator

Item Description
Contract Award: Rivers Edge Commons

Reviewed by
Cal Portner
Tina Allard

Action Requested

- 1) Approve, by motion, contract award to Vada Contracting for a Base Bid of \$151,380.45, Alternate 1 (additional retaining wall) of \$36,666.10, and Alternate 2 (fiber run) of \$12,975) to construct the Rivers Edge Commons Park renovations.
- 2) Approve, by motion, using the GRE Fund to pay for the Rivers Edge Commons Park renovations.

Background/Discussion

Rivers Edge Commons Park was constructed in 2007 and later expanded in 2017. Most of the limestone seating has significant deterioration due to erosion. The City Council considered replacement alternatives during their Regular Work Session on March 4, 2024. Staff were directed to develop plans with HGKi to construct new concrete seating. Feedback related to the improvements was collected from the Parks and Recreation Commission during their meeting on July 10, 2024.

Project bids closed on Tuesday, August 27 and there were seven bidders. HKGi estimated the project cost with the alternate(s) included to be \$282,873.50. The Project bids ranged from \$201,021.55 to \$575,805.98.

Financial Impact

The funding source for Rivers Edge Commons Park revocations will be the GRE Fund with a balance of roughly \$832,000.

Mission/Policy/Goal

Opportunity to live, work, and play.

Attachments

1. Rivers Edge Recommend letter Vada
2. BidWorksheet_9254049_Eval bid results rivers edge

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



Memorandum



To: Joe Stremcha, Assistant City Administrator
From: Amy Bower, HKGi Landscape Architect
Subject: Elk River- Rivers Edge Renovations – Contract Award Recommendation
Date: August 29, 2024

Contract Award Recommendation

HKGi recommends project award to Vada Contracting for a Base Bid of \$151,380.45, Alternate 1 (additional retaining wall) of \$36,666.10, and Alternate 2 (fiber run) of \$12,975.00, for a total award of \$201,021.55.

1. Vada Contracting submitted the lowest price for the Base Bid and Alternates 1 & 2.
2. Vada Contracting pricing for the Base Bid and Alternates 1 & 2 are below engineer estimate, and within a reasonable range.
3. Vada Contracting has experience in quality large block retaining wall installation and site work.
4. A post-bid opening phone conversation with Aaron Haho about the project proved they had a thorough understanding of project conditions and requirements.

A handwritten signature in black ink that reads 'Amy Bower'.

Amy Bower, PLA (MN)
amy@hkgi.com 612-703-2358

Aly Bawn

Rivers Edge Renovations (#9254049)
Owner: Elk River MN, City of
Solicitor: Hoisington Koegler Group, Inc
08/27/2024 01:00 PM CDT

Section Ttl Line Item				UofM	Quantity	Engineer Estimate	Extension	part totals	Vada Contracting, LLC	Extension	G&M Outdoor Services, LLC	Extension	Sunram Construction, Inc.	Extension	Greenscape Companies Inc.	Extension	Blakeborough Hardscapes	Extension	Parkstone Contracting, LLC	Extension	Urban Companies	Extension						
Unit Price									Unit Price		Unit Price		Unit Price		Unit Price		Unit Price		Unit Price		Unit Price							
PART 1 - SITE:																												
1	1	ADMINISTRATION: MOBILIZATION	LS	1	\$15,000.00	\$15,000.00			\$8,425.00	\$8,425.00		\$3,000.00	\$3,000.00		\$9,350.55	\$9,350.55		\$3,500.00	\$3,500.00		\$12,500.00	\$12,500.00		\$95,000.00	\$95,000.00		\$20,000.00	\$20,000.00
2	2	SURVEY AND STAKING	LS	1	\$6,000.00	\$6,000.00		\$5,000.00	\$5,000.00		\$3,200.00	\$3,200.00		\$8,000.00	\$8,000.00		\$3,500.00	\$3,500.00		\$7,500.00	\$7,500.00		\$10,000.00	\$10,000.00		\$25,000.00	\$25,000.00	
3	3	SILT FENCE	LF	200	\$1.50	\$300.00		\$5.00	\$1,000.00		\$8.75	\$1,750.00		\$3.50	\$700.00		\$10.00	\$2,000.00		\$7.00	\$1,400.00		\$10.00	\$2,000.00		\$7.00	\$1,400.00	
4	4	INLET PROTECTION	EA	3	\$500.00	\$1,500.00		\$200.00	\$600.00		\$315.66	\$946.98		\$150.00	\$450.00		\$350.00	\$1,050.00		\$250.00	\$750.00		\$300.00	\$900.00		\$400.00	\$1,200.00	
5	5	CONSTRUCTION BARRIERS	LF	100	\$20.00	\$2,000.00		\$12.50	\$1,250.00		\$10.50	\$1,050.00		\$15.00	\$1,500.00		\$10.00	\$1,000.00		\$25.00	\$2,500.00		\$35.00	\$3,500.00		\$20.00	\$2,000.00	
6	6	ROCK CONSTRUCTION ENTRY - IF NEEDED	LS	1	\$2,000.00	\$2,000.00		\$250.00	\$250.00		\$1,800.00	\$1,800.00		\$800.00	\$800.00		\$3,000.00	\$3,000.00		\$1,500.00	\$1,500.00		\$250.00	\$250.00		\$0.01	\$0.01	
7	7	REMOVALS: MISC. CONCRETE/SALVAGE PAVERS	SF	100	\$8.00	\$800.00		\$9.31	\$931.00		\$5.73	\$573.00		\$7.50	\$750.00		\$15.00	\$1,500.00		\$10.00	\$1,000.00		\$15.00	\$1,500.00		\$20.00	\$2,000.00	
8	8	STRIP TOPSOIL FOR REUSE	SF	3633	\$3.00	\$10,899.00		\$1.20	\$4,359.60		\$1.27	\$4,613.91		\$2.00	\$7,266.00		\$1.00	\$3,633.00		\$1.50	\$5,449.50		\$1.50	\$5,449.50		\$5.00	\$18,165.00	
9	9	REMOVE AND GRUB SOD/PLANTING BED AREAS/IRRIGATION AS NEEDED	SF	100	\$6.00	\$600.00		\$9.25	\$925.00		\$46.16	\$1,200.00		\$12.00	\$1,200.00		\$10.00	\$1,000.00		\$30.00	\$3,000.00		\$10.00	\$1,000.00		\$1.00	\$100.00	
PART 2 - LIMESTONE REMOVAL:																												
10	10	LIMESTONE BLOCK SALVAGE AND STACK	LF	588	\$23.00	\$13,524.00		\$6.65	\$3,910.20		\$11.77	\$6,920.76		\$25.00	\$14,700.00		\$15.00	\$8,820.00		\$30.00	\$17,640.00		\$35.00	\$20,580.00		\$0.01	\$5.88	
11	11	LIMESTONE BLOCK REMOVAL FROM SITE	LF	588	\$11.00	\$6,468.00		\$6.00	\$3,528.00		\$1.70	\$999.60		\$8.50	\$4,998.00		\$13.00	\$7,644.00		\$15.00	\$8,820.00		\$20.00	\$11,760.00		\$0.01	\$5.88	
PART 3 - LARGE BLOCK SEATWALL:																												
12	12	EARTHWORKS/GRADING	LS	1	\$14,000.00	\$14,000.00		\$10,000.00	\$10,000.00		\$24,772.00	\$24,772.00		\$12,125.00	\$12,125.00		\$3,500.00	\$3,500.00		\$25,000.00	\$25,000.00		\$55,000.00	\$55,000.00		\$218,000.00	\$218,000.00	
13	13	PROVIDE AND INSTALL BLOCK WALL WITH BASE AND CAPS	LF	700	\$130.00	\$91,000.00		\$125.00	\$87,500.00		\$135.39	\$94,773.00		\$120.00	\$84,000.00		\$177.00	\$123,900.00		\$165.00	\$115,500.00		\$195.00	\$136,500.00		\$150.00	\$105,000.00	
14	14	STAIN BLOCK WALL	LF	700	\$8.00	\$5,600.00		\$3.25	\$2,275.00		\$4.33	\$3,031.00		\$30.00	\$21,000.00		\$10.00	\$7,000.00		\$5.00	\$3,500.00		\$33.00	\$23,100.00		\$12.00	\$8,400.00	
PART 4 - RESTORATION																												
15	15	SAND SET PAVERS	SF	200	\$40.00	\$8,000.00		\$22.25	\$4,450.00		\$24.98	\$4,996.00		\$24.25	\$4,850.00		\$19.00	\$3,800.00		\$20.00	\$4,000.00		\$30.00	\$6,000.00		\$30.00	\$6,000.00	
16	16	TOPSOIL RESPREAD - 6" MIN	SF	3633	\$1.50	\$5,449.50		\$1.20	\$4,359.60		\$1.29	\$4,686.57		\$2.65	\$9,627.45		\$1.00	\$3,633.00		\$1.50	\$5,449.50		\$1.50	\$5,449.50		\$5.00	\$18,165.00	
17	17	SOD	LF	3633	\$5.00	\$18,165.00		\$1.35	\$4,904.55		\$1.69	\$6,139.77		\$1.00	\$3,633.00		\$2.00	\$7,266.00		\$1.75	\$6,357.75		\$1.00	\$3,633.00		\$0.01	\$36.33	
18	18	PLANTING BED HARD WOOD MULCH	SF	150	\$5.00	\$750.00		\$3.87	\$580.50		\$2.50	\$375.00		\$1.50	\$225.00		\$5.00	\$750.00		\$5.00	\$750.00		\$1.50	\$225.00		\$10.00	\$1,500.00	
19	19	DECIDUOUS SHRUB NO.2 CONT.	EA	8	\$45.00	\$360.00		\$54.00	\$432.00		\$25.00	\$200.00		\$84.00	\$672.00		\$80.00	\$640.00		\$145.00	\$1,160.00		\$90.00	\$720.00		\$100.00	\$800.00	
20	20	RESTORE IRRIGATION SYSTEM	LS	1	\$8,000.00	\$8,000.00		\$6,700.00	\$6,700.00		\$3,384.00	\$3,384.00		\$10,300.00	\$10,300.00		\$18,000.00	\$18,000.00		\$15,000.00	\$15,000.00		\$11,000.00	\$11,000.00		\$35,000.00	\$35,000.00	
BASE BID TOTAL								\$210,415.50		\$151,380.45		\$171,827.59		\$196,147.00		\$205,136.00		\$238,776.75		\$393,567.00		\$393,567.00						
ALTERNATE 1 - ADDITIONAL WALL WORK																												
21	21	SURVEY & STAKING ASSOCIATED ADDITIONAL WORK	LS	1	\$3,000.00	\$3,000.00		\$500.00	\$500.00		\$1,500.00	\$1,500.00		\$2,300.00	\$2,300.00		\$1,500.00	\$1,500.00		\$2,500.00	\$2,500.00		\$4,000.00	\$4,000.00		\$5,000.00	\$5,000.00	
22	22	REMOVE ADDITIONAL LIMESTONE AND STACK	LF	194	\$23.00	\$4,462.00		\$6.65	\$1,290.10		\$11.77	\$2,283.38		\$25.00	\$4,850.00		\$16.00	\$3,104.00		\$30.00	\$5,820.00		\$35.00	\$6,790.00		\$0.01	\$1.94	
23	23	REMOVE ADDITIONAL LIMESTONE FROM SITE	LF	194	\$11.00	\$2,134.00		\$6.00	\$1,164.00		\$2.57	\$498.58		\$8.50	\$1,649.00		\$15.00	\$2,910.00		\$15.00	\$2,910.00		\$20.00	\$3,880.00		\$0.01	\$1.94	
24	24	ADDITIONAL EARTHWORKS: REMOVALS/SALVAGE TOPSOIL/GRADING	LS	1	\$10,280.00	\$10,280.00		\$2,500.00	\$2,500.00		\$3,800.00	\$3,800.00		\$7,500.00	\$7,500.00		\$2,500.00	\$2,500.00		\$7,500.00	\$7,500.00		\$25,000.00	\$25,000.00		\$49,000.00	\$49,000.00	
25	25	INSTALL LARGE BLOCK WALLS - WITH BASE/DRAINAGE, CUTS, CAPS	LF	164	\$130.00	\$21,320.00		\$138.00	\$22,632.00		\$139.67	\$22,905.88		\$120.00	\$19,680.00		\$177.00	\$29,028.00		\$165.00	\$27,060.00		\$195.00	\$31,980.00		\$150.00	\$24,600.00	
26	26	STAIN BLOCK WALL	LF	164	\$8.00	\$1,312.00		\$3.25	\$533.00		\$4.33	\$710.12		\$30.00	\$4,920.00		\$8.00	\$1,312.00		\$5.00	\$820.00		\$33.00	\$5,412.00		\$12.00	\$1,968.00	
27	27	SOD	SF	800	\$3.00	\$2,400.00		\$1.35	\$1,080.00		\$1.69	\$1,352.00		\$1.00	\$800.00		\$2.00	\$1,600.00		\$1.75	\$1,400.00		\$1.00	\$800.00		\$1.00	\$800.00	
28	28	DECIDUOUS SHRUB- NO 2 CONT	EA	45	\$40.00	\$1,800.00		\$54.00	\$2,430.00		\$19.50	\$877.50		\$80.00	\$3,600.00		\$65.00	\$2,925.00		\$145.00	\$6,525.00		\$85.00	\$3,825.00		\$100.00	\$4,500.00	
29	29	PLANTING BED RESTORE - WOOD MULCH	SF	600	\$5.00	\$3,000.00		\$3.87	\$2,322.00		\$2.50	\$1,500.00		\$1.50	\$900.00		\$5.00	\$3,000.00		\$5.00	\$3,000.00		\$1.50	\$900.00		\$1.00	\$600.00	
30	30	RESTORE IRRIGATION SYSTEM - SOD AND PLANTING BEDS	LS	1	\$5,000.00	\$5,000.00		\$2,215.00	\$2,215.00		\$5,774.00	\$5,774.00		\$13,000.00	\$13,000.00		\$9,000.00	\$9,000.00		\$5,000.00	\$5,000.00		\$11,000.00	\$11,000.00		\$10,000.00	\$10,000.00	
ALT 1 TOTAL							\$54,708.00		\$36,666.10		\$41,201.46		\$59,199.00		\$55,079.00		\$62,535.00		\$93,587.00		\$93,587.00							
ALTERNATE 2 - FIBER																												
31	31	(2) 1.5" PVC CONDUIT RUNS WITH PULL CORD/TRACER WIRE AND RESTORATION	LF	250	\$40.00	\$10,000.00		\$10.75	\$2,687.50		\$39.00	\$9,750.00		\$21.00	\$5,250.00		\$15.00	\$3,750.00		\$25.00	\$6,250.00		\$100.00	\$25,000.00		\$21.90	\$5,475.00	
32	32	FIBER LINE	LF	250	\$25.00	\$6,250.00		\$14.75	\$3,687.50		\$37.28	\$9,320.00		\$10.00	\$2,500.00		\$20.00	\$5,000.00		\$20.00	\$5,000.00		\$15.00	\$3,750.00		\$10.10	\$2,525.00	
33	33	HAND HOLES	EA	3	\$500.00	\$1,500.00		\$2,200.00	\$6,600.00		\$1,500.00	\$4,500.00		\$3,300.00	\$9,900.00		\$390.00	\$1,170.00		\$2,500.00	\$7,500.00		\$3,500.00	\$10,500.00		\$2,852.00	\$8,556.00	
ALT 2 TOTAL							\$17,750.00		\$12,975.00		\$23,570.00		\$17,650.00		\$9,920.00		\$18,750.00		\$39,250.00		\$39,250.00							
BASE BID PLUS ALT 1 AND 2							\$282,873.50		\$201,021.55		\$236,599.05		\$272,996.00		\$270,135.00		\$320,061.75		\$526,404.00		\$575,805.98	\$526,404.00						
						Engineer Estimate			Vada Contracting, LLC		G&M Outdoor Services, LLC		Sunram Construction, Inc.		Greenscape Companies Inc.		Blakeborough Hardscapes		Parkstone Contracting, LLC		Urban Companies							



Request for Action

To
City Council

Item Number
4.12

Meeting Date
September 3, 2024

Prepared By
Joe Stremcha, Business Services Director/Assistant
City Administrator

Item Description
Contract Award: Plants and Things Welcome
Complex

Reviewed by
Cal Portner
Tina Allard

Action Requested

Award, by motion, a contract to Divine Designs General Contracting for a Base Bid of \$244,000 and Alternate 1 (ADA Accessibility) of \$26,110 to construct the Plants and Things Recreation Complex Welcome Plaza.

Background/Discussion

The city sponsorship agreement with Plants and Things USA details a welcome plaza to be constructed utilizing the money collected (\$350,000 over 10 years). The Parks and Recreation Commission provided feedback on the design considerations during their Regular Work Session on June 12, 2024. Steve Hickman was contacted and shown the conceptual images to solicit feedback from the sponsor.

Project bids closed on Tuesday, August 27 and there were four bidders. HKGi estimated the project cost with the alternate(s) included to be \$241,090.00. The Project bids ranged from \$270,110.00 to \$395,631.25. Staff will issue a Change Order to remove the logo in concrete with sandblasting and staining, which amounted to \$35,000 (estimated at \$5,000) to cut project costs while fulfilling the sponsorship agreement.

Financial Impact

The funding source for the Plants and Things Recreation Complex Welcome Plaza will be the Park Improvement Fund, using sponsorship funds described in the agreement with Plants and Things USA that amount to \$350,000 over 10 years.

Mission/Policy/Goal

Opportunity to live, work, and play.

Attachments

1. Welcome Plaza Recommend letter Divine Design
2. BidWorksheet_9254048_Eval WELCOME BID RESULTS

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A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



Memorandum



To: Joe Stremcha, Assistant City Administrator
From: Amy Bower, HKGI Landscape Architect
Subject: Elk River- Athletic Complex – Welcome Plaza – Contract Award Recommendation
Date: August 29, 2024

Contract Award Recommendation

HKGi recommends project award to Divine Designs General Contracting for a Base Bid of \$244,000.00 and Alternate 1 of \$26,110.00, for a total award of \$270,110.00.

1. Divine Designs General Contracting submitted the lowest price for the Base Bid & Alternate 1.
2. Divine Designs General Contracting pricing for the Base bid & Alternates 1 are within a reasonable range.
3. Divine Designs General Contracting has experience in quality concrete and site work.
4. A post- bid opening phone conversation with Jeffery Martin (owner) about the project proved they had a through understanding of project conditions and requirements.

A handwritten signature in black ink that reads 'Amy Bower'.

Amy Bower, PLA (MN)
amy@hkgi.com 612-703-2358

Elk River Welcome Plaza (#9254048)
Owner: Elk River MN, City of
Solicitor: Hoisington Koegler Group, Inc
08/27/2024 02:00 PM CDT

Section	Tit Line	Item Code	Item Description	UofM	Quantity	Engineer Estimate		Divine Designs General Contracting LLC		Albrecht Company		Parkstone Contracting, LLC		Urban Companies				
						Unit Price	Extension	totals	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension		
PART 1 - SITE PREP:																		
	1		1 ADMINISTRATION: MOBILIZATION	LS	1	\$10,000.00	\$10,000.00			\$7,560.00	\$7,560.00		\$6,500.00	\$6,500.00		\$18,000.00	\$18,000.00	
	2		2 SURVEY AND STAKING	LS	1	\$5,000.00	\$5,000.00			\$3,000.00	\$3,000.00		\$5,000.00	\$5,000.00		\$25,000.00	\$25,000.00	
	3		3 CB AND HH ADJUSTMENTS TO NEW GRADES	LS	1	\$5,000.00	\$5,000.00			\$6,500.00	\$6,500.00		\$5,500.00	\$5,500.00		\$5,000.00	\$5,000.00	
	4		4 EARTHWORKS - GRADING/FILL/EXPORT AGG PARKING LOT ADJUSTMENTS	LS	1	\$5,000.00	\$5,000.00			\$20,000.00	\$20,000.00		\$23,565.00	\$23,565.00		\$50,000.00	\$50,000.00	
	5		5 MISC. SITE PREP: REMOVALS, EROSION CONTROL, CONSTRUCTION FENCING	LS	1	\$3,000.00	\$3,000.00			\$5,000.00	\$5,000.00		\$30,650.00	\$30,650.00		\$20,000.00	\$20,000.00	
	6		6 STRIP SOD - SALVAGE AND STOCK PILE TOPSOIL FOR REUSE	LS	1	\$3,000.00	\$3,000.00			\$3,000.00	\$3,000.00		\$2,500.00	\$2,500.00		\$10,000.00	\$10,000.00	
PART 2 -PAVEMENTS:																		
	7		7 6" CONCRETE AND BASE	SF	8700	\$12.00	\$104,400.00			\$10.00	\$87,000.00		\$11.00	\$95,700.00		\$12.50	\$108,750.00	
	8		8 TRUNCATED DOMES	SF	32	\$100.00	\$3,200.00			\$70.00	\$2,240.00		\$80.00	\$2,560.00		\$80.00	\$2,560.00	
	9		9 CURB - B612 AND VALLEY AND BASE	LF	294	\$35.00	\$10,290.00			\$50.00	\$14,700.00		\$60.00	\$17,640.00		\$65.00	\$19,110.00	
	10		10 STAIRS - 10FT WIDE - 8 TREADS	EA	8	\$800.00	\$6,400.00			\$1,500.00	\$12,000.00		\$1,850.00	\$14,800.00		\$2,000.00	\$16,000.00	
PART 3 - LANDSCAPING:																		
	11		11 PLANTING BED - TOPSOIL, MULCH	SF	2845	\$5.00	\$14,225.00			\$5.00	\$14,225.00		\$4.00	\$11,380.00		\$3.25	\$9,246.25	
	12		12 TREES	EA	22	\$750.00	\$16,500.00			\$450.00	\$9,900.00		\$750.00	\$16,500.00		\$600.00	\$18,150.00	
	13		13 SHRUBS	EA	139	\$50.00	\$6,950.00			\$25.00	\$3,475.00		\$50.00	\$6,950.00		\$90.00	\$12,510.00	
	14		14 PERENNIALS	EA	96	\$20.00	\$1,920.00			\$15.00	\$1,440.00		\$20.00	\$1,920.00		\$20.00	\$1,920.00	
	15		15 TURF RESTORE - TOPSOIL, SEED, BLANKET	LS	1	\$2,000.00	\$2,000.00			\$7,500.00	\$7,500.00		\$5,000.00	\$5,000.00		\$5,000.00	\$5,000.00	
	16		16 IRRIGATION SYSTEM EXPANSION	LS	1	\$5,000.00	\$5,000.00			\$7,500.00	\$7,500.00		\$7,500.00	\$7,500.00		\$12,500.00	\$12,500.00	
PART 4 - MISC																		
	17		17 LOGO IN CONCRETE - SANDBLAST AND STAIN	LS	2	\$2,500.00	\$5,000.00			\$17,500.00	\$35,000.00		\$13,750.00	\$27,500.00		\$11,000.00	\$22,000.00	
	18		18 STAIR HANDRAIL - 3 RUNS	LF	33	\$120.00	\$3,960.00			\$120.00	\$3,960.00		\$350.00	\$11,550.00		\$375.00	\$12,375.00	
BASE BID TOTAL								\$210,845.00			\$244,000.00			\$289,715.00			\$352,161.25	
ALTERNATE 1-ADA WORK																	\$352,161.25	
	19		19 6" CONCRETE ADA PARKING STALLS AND WALK AND BASE	SF	1320	\$15.00	\$19,800.00			\$10.00	\$13,200.00		\$11.00	\$14,520.00		\$18.00	\$23,760.00	
	20		20 TRUNCATED DOMES	SF	8	\$100.00	\$800.00			\$70.00	\$560.00		\$80.00	\$640.00		\$90.00	\$720.00	
	21		21 CURB - B612 AND VALLEY AND BASE	LF	27	\$35.00	\$945.00			\$50.00	\$1,350.00		\$60.00	\$1,620.00		\$45.00	\$1,215.00	
	22		22 2 ADA SIGNS, 1 NO PARKING SIGN W/BOLLARD	EA	3	\$1,500.00	\$4,500.00			\$2,500.00	\$7,500.00		\$750.00	\$2,250.00		\$1,750.00	\$5,250.00	
	23		23 STRIPING OF NO PARKING STALL	LS	1	\$1,200.00	\$1,200.00			\$1,500.00	\$1,500.00		\$1,000.00	\$1,000.00		\$525.00	\$525.00	
	24		24 ADDITIONAL GRADING, FILL AND TURF RESTORATION (TOPSOIL, SEED, BLANKET)	LS	1	\$3,000.00	\$3,000.00			\$2,000.00	\$2,000.00		\$7,500.00	\$7,500.00		\$12,000.00	\$12,000.00	
ALT 1 TOTAL								\$30,245.00			\$26,110.00			\$27,530.00			\$43,470.00	
BASE BID PLUS ALT TOTAL								\$241,090.00			\$270,110.00			\$317,245.00			\$395,631.25	
						Engineer Estimate			Divine Designs General Contracting LLC			Albrecht Company			Parkstone Contracting, LLC			Urban Companies



Request for Action

To
City Council

Item Number
6.1

Meeting Date
September 3, 2024

Prepared By
Tina Allard, City Clerk

Item Description
Introduction of New Employees

Reviewed by
Cal Portner
Tina Allard

Action Requested
Welcome new staff to the city.

Background/Discussion
Staff will be in attendance to introduce the following new employees

- Ja'Nea Dart, FTC Concessions Supervisor
- Jennifer Katke, FTC Assistant Manager
- Jill Knutson, Accountant
- Tim Sundem, Park Maintenance Worker

Financial Impact
N/A

Mission/Policy/Goal
Together we win

Attachments
None

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Request for Action

To
City Council

Item Number
7.1

Meeting Date
September 3, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Interim Use Permit: Residential Occupation, Jason
Bye - 10208 209th Ave. NW

Reviewed by
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, Resolution 24-___ making Findings of Fact denying the Interim Use Permit application submitted by Jason Bye.

or

Adopt, by motion, Resolution 24-___ making Findings of Fact approving the Interim Use Permit application submitted by Jason Bye, which includes the following conditions:

1. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, or mechanical permits before any interior commercial activities can occur.
2. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.
3. The fenced outdoor storage area shall be:
 - a. Limited to 20,000 square feet.
 - b. Fenced with a 6-foot-tall 100% opaque fence with gates, to be closed when not in use.
4. The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
5. The following shall be located within the fence outdoor storage area:
 - a. All equipment, vehicles, and products related to the business.
 - b. Garbage and recycling dumpsters.
 - c. All business or employee parking.
 - d. Portable outhouses.
 - e. Deliveries.
6. Dumpsters with lightweight materials shall be covered when not in use.
7. Except for company vehicles, construction equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
8. The hours of operation shall be limited to 7:00 a.m.-7:00 p.m., Monday through Saturday.
9. Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
10. Dust control measures shall be used regularly in the fenced yard area.

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11. A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
12. Outside of routine maintenance/repair completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.
13. The parcel shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.
14. Access to the subject parcel, for business activities, shall occur only at the single driveway located on 209th Avenue/County Road 33.
15. Business delivery vehicles shall not back into the site from 209th Avenue/County Road 33.
16. Signage identifying the business for deliveries shall be installed per county and city requirements.
17. An amendment to this Interim Use Permit will be required for future expansions/additions not shown on the staff site plan dated June 17, 2024.
18. The idling of a truck tractor or other business equipment in excess of 15 minutes is prohibited from April 16 through October 31, and idling in excess of 30 minutes is prohibited from November 1 through April 15.

Background/Discussion

At the August 5, 2024, City Council Work Session, the Council discussed the current IUP application in comparison to other home occupation approvals. The information provided to the Council included 11 letters of support from surrounding property owners to consider.

During the work session, the applicant's legal counsel clarified that several facts outlined in the Findings of Fact, attached to the July 15, 2024, City Council staff report, were either incorrect or misleading. Specifically, the issues concerned the level of traffic frequency and intensity, the incidence of semi-trucks backing onto the property from the county road (which allegedly has occurred only once), the noise level of loading/unloading operations, and the adequacy of the outdoor storage screening.

After discussion, the council decided to revisit the request and scheduled the item for a public hearing on September 3, 2024. The 16 property owners within 500 feet of the subject property were again notified of the meeting and public hearing.

The July 15, 2024, staff report, with the Planning Commission's recommended conditions, is attached for the Council's consideration.

The applicant authorized a 24-day extension to their IUP request, giving the City Council until September 20, 2024, to make their decision.

Public Comment

After receiving the public hearing notice, Deann Wells contacted staff to inquire about what changes had prompted a re-review of the request, especially since the Council had already directed staff to draft Findings of Fact denying the IUP. Staff explained that the applicant's legal counsel had clarified concerns about the Findings of Fact, and the Council had received 11 letters of support from surrounding property owners, which are now being considered.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community
Meet changing needs - agile

Opportunity to live, work, and play
Reflect the culture of citizens and what is important

Attachments

1. Resolution of Denial
2. Resolution of Approval
3. Staff Site Plan 6-17-2024
4. Letters of Support
5. Extension Letter
6. July 15, 2024, City Council Staff Report



City of Elk River City Council

Resolution 24-_____

A Resolution of the City Council of the City of Elk River denying the Interim Use Permit Application IU 24-01

WHEREAS, Jason Bye, (“Applicant”), has applied (“Application”) for an Interim Use Permit (IUP) (Case No. IU 24-01) to allow for outdoor storage and accessory structure use for a residential occupation at his residence, 10208 209th Ave NW, Elk River, MN (“Property”); and

WHEREAS, the record in this matter shall include all of the materials submitted to the Planning Commission and City Council in connection with the IUP Application; including the staff reports and all attachments thereto, all other written materials submitted to the Planning Commission and City Council, and all staff presentations and other testimony taken at the public meetings considering the Application for the IUP, all of which is incorporated in and made a part of the findings of fact and this resolution; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding the Application; and

WHEREAS, the Planning Commission recommended approval of the Application with the inclusion of eighteen (18) proposed conditions to ensure compliance with the required standards; and

WHEREAS, the City Council held a public hearing on June 17, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding whether the Application should be approved; and

WHEREAS, the Applicant and all others wishing to speak were given the opportunity to present testimony to the Planning Commission and City Council; and

WHEREAS, the City Council, at the conclusion of its June 17, 2024, public hearing on the Applicant’s Application, directed staff to prepare a resolution making findings of fact denying the Application as the request does not satisfy standards three, eight, and nine required for issuance of an IUP; and

WHEREAS, the City Council again reviewed the Application during its August 5, 2024 Work Session, and directed city staff to readvertise the Application for consideration during a public hearing on September 3, 2024.



NOW, THEREFORE, the City Council of the City of Elk River makes the following:

FINDINGS

1. The Property is zoned R-1a (Single-Family Residential) where residential occupations with outdoor storage or accessory structure use are allowed according to the standards outlined in City Code § 30-801.
2. City Code § 30-801(c) outlines the standards for permitted residential occupations, and § 30-801(d) outlines the Interim Residential Occupation process for uses that exceed the permitted standards described in 30-801(c).
3. City Code § 30-801(b)(4) provides that no residential occupation (including interim) may “adversely affect neighboring property values or constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, . . . vibration, dust or other nuisance or safety hazards.”
4. City Code § 30-801(b)(5) specifically prohibits body shops, machine shops, and hazardous materials or activities, as defined by the Minnesota Building Code.
5. City Code §30-801(c) states that permitted residential occupations must be carried out entirely within the dwelling unit and shall not include outdoor storage.
6. The Application includes outdoor storage and use of an accessory structure. It is therefore not a permitted residential occupation and requires an IUP in accordance with City Code § 30-801(d).
7. The Applicant submitted an IUP application, Case No. IU 24-01. The Application was deemed complete and scheduled for review by the Planning Commission and City Council.
8. The Application requests an IUP to utilize an existing 20,000 square foot fenced area and an accessory structure for indoor and outdoor storage. The Application does not request production or manufacturing on the Property, however, the Applicant is requesting storage for a business that occurs off site, which results in the Applicant receiving multiple deliveries per week, equipment storage, and employee parking for a business specializing in cellular equipment construction.
9. IUP’s must comply with the standards as outlined in § 30-658.
10. City Code § 30-658(c) provides for analysis and findings required to be the grant of an IUP. The Application and proposed use does not meet all required findings in City Code § 30-658(c)(1)-(9) as provided below:

(1) The period of time for which the interim use permit is to be granted will not terminate before any adverse impacts are felt upon adjacent properties.

City Code § 30-801 provides that an IUP terminates when the property is sold or the lease expires. This time limit is indeterminate and cannot prevent



future adverse impacts here because the Property already has nearby neighboring residential uses. The proposed use is not simply for outdoor storage for use on site by the Applicant, but as a storage yard for an off-site business, which will and does result in numerous visits by employees daily to retrieve items stored on the Property. The use also requires numerous deliveries which requires delivery traffic stopping on, and blocking, the roadway to make deliveries to the site. The residential character of the area will be impacted by a more industrial zone type use and will be immediately adversely impacted by a permit approval.

(2) There is adequate assurance that the property will be left in suitable condition after the use is terminated.

There is no indication that the proposed structure and fence will cause adverse impact to the Property if the use is terminated.

(3) The use is not similar to uses allowed in the zoning district in which the property is located.

The Property is currently within an otherwise quiet residential area. Although City Code can allow outdoor storage and accessory building use on properties larger than 5 acres in the R-1a district, the proposed operation involves potentially 10-20 employees, and an amount of parking, storage, noise, and traffic beyond what is found in the R-1a rural residential district. The proposed operation will receive numerous large deliveries and trash pickups. The scope of the proposed operation is far more industrial and commercial than other uses found in the zoning district, is greater in impact than the simple outdoor storage contemplated within the Code, and goes beyond the residential character found in the R-1a rural residential zone. Some of the proposed conditions to mitigate safety impacts, including signage to identify the property and limit traffic impacts, themselves depart from the residential character of the zoning district. While not exactly the same, the use is more similar to those expressly prohibited by City Code § 30-801(b)(5) such as body shops, machine shops, and hazardous materials or activities, as defined by the Minnesota Building Code

(4) The date or event that will terminate the use can be identified with certainty.

The IUP shall terminate on sale or lease termination, with certainty.

(5) Authorizing the use will impose additional costs on the public if it is necessary for the public to take the property in the future.

Some of the proposed conditions necessary to address safety concerns, including the on-site turnaround area for delivery trucks, would potentially lock in the layout of the Property such that any public acquisition, for potential expanded roadway, for example, would impact the business as a whole. This situation, combined with the intensity of the business use and the volume of commercial traffic, would likely substantially increase the cost of any acquisition by a governmental entity. This is particularly relevant given that this property is on the Twin Lakes Road Corridor identified in the City's



Comprehensive plan as a target for capacity improvement to support residential subdivision development; not only would the use increase the cost of acquisition but such acquisition is more likely to occur within the lifetime of the IUP.

(6) The property owner or lessee agree to all conditions that the city council deems appropriate for authorization of the interim use.

The applicant has stated he would agree to all recommended conditions.

(7) The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.

The use will terminate with the sale of the Property, a time that is clear enough that no further assurances would be necessary.

(8) Authorization of the interim use will result in adverse effects on the public health, safety, or welfare.

The use has generated noise disrupting the welfare of neighboring properties while operating without a permit, and this noise may begin again if approved. Given the number of vehicles accessing and parking at the property, and the number of employees involved, there is no way to prevent this adverse impact to the neighboring area. The operation requires frequent large deliveries, generating substantial commercial traffic in an area without the infrastructure to accommodate the traffic, nor intended to have such traffic. Because of the location of the proposed use, this commercial traffic is also mixed with residential traffic. This leads to potentially dangerous vehicle trips, and delivery vehicles stopping on and impeding the roadway. Sherburne County Public Works acknowledged concerns with delivery traffic stopping on, and blocking, the roadway to make deliveries to the site. These conditions create an adverse effect on public health and safety. Although traffic conditions or signage could be altered to attempt to reduce these dangers, given the volume and size of traffic the impact cannot be eliminated. Although neighborhood sentiment alone is not a basis for the Council's decision, the neighbor's statements at the hearing provide compelling further evidence for the Council's finding that this proposed use will generate excessive traffic and noise—because it already has done so.

(9) The proposed interim use is not consistent with the City of Elk River comprehensive plan and conforms to the city's zoning regulations.

The level of impact and intensity of this use is not consistent with the City's comprehensive plan. The Property is zoned R-1a, rural residential single-family. Under the comprehensive plan, it is guided for "Traditional Single-Family Residential." It is also within the proposed Urban Service Extension Area for development in the near future, and it is along the Twin Lakes Road Corridor, which is further targeted for capacity improvements to support residential subdivision development. A commercial use generating this



volume of commercial traffic, as well as noise and the intensity of the business storage, parking, and trash generation, is not compatible with the guidance under the comprehensive plan. It will create adverse impacts on the proposed development course under the comprehensive plan and frustrate the orderly development of the Property and neighboring areas under the comprehensive plan. Given the intensity of the proposed use and the nature of the proposed use as a commercial construction operation, these adverse impacts cannot be mitigated by imposing conditions because they are incompatible with the future development plans for the area.

11. Taking into consideration all of the testimony and evidence received, including statements from the applicant and neighbors, staff reports, the City Council finds that the Applicant's proposed goes beyond mere Outdoor Storage, and will have significant impacts upon safety and the quiet enjoyment in a residential zone. The Applicant has not established that he has met the requirements for an IUP. The permit would not be in the public interest.

DECISION

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK RIVER, MINNESOTA, based upon the information received and the above Findings, the City Council of the City of Elk River hereby denies the Interim Use Permit Application IU 24-01 for a residential occupation at 10208 209th Avenue NW, Elk River, MN.

Passed and adopted this 3rd day of September 2024.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk





City of Elk River City Council

Resolution 24-_____

A Resolution of the City Council of the City of Elk River approving the Interim Use Permit Application IU 24-01

WHEREAS, Jason Bye, (“Applicant”), has applied (“Application”) for an Interim Use Permit (IUP) (Case No. IU 24-01) to allow for outdoor storage and accessory structure use for a residential occupation at his residence, 10208 209th Ave NW, Elk River, MN (“Property”); and

WHEREAS, the record in this matter shall include all of the materials submitted to the Planning Commission and City Council in connection with the IUP Application; including the staff reports and all attachments thereto, all other written materials submitted to the Planning Commission and City Council, and all staff presentations and other testimony taken at the public meetings considering the Application for the IUP, all of which is incorporated in and made a part of the findings of fact and this resolution; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding the Application; and

WHEREAS, the Planning Commission recommended approval of the Application with the inclusion of eighteen (18) proposed conditions to ensure compliance with the required standards; and

WHEREAS, the City Council held a public hearing on June 17, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding whether the Application should be approved; and

WHEREAS, the Applicant and all others wishing to speak were given the opportunity to present testimony to the Planning Commission and City Council; and

WHEREAS, the City Council, at the conclusion of its June 17, 2024, public hearing on the Applicant’s Application, directed staff to prepare a resolution making findings of fact approving the Application as the request satisfies all required standards required for issuance of an IUP; and

WHEREAS, the City Council again reviewed the Application at its August 5, 2024 Work Session, and directed staff to advertise the Application for consideration during a public hearing on September 3, 2024.



NOW, THEREFORE, the City Council of the City of Elk River makes the following:

FINDINGS

1. The Property is zoned R-1a (Single-Family Residential) where residential occupations with outdoor storage or accessory structure use are allowed according to the standards outlined in City Code § 30-801.
2. City Code § 30-801(c) outlines the standards for permitted residential occupations, and § 30-801(d) outlines the Interim Residential Occupation process for uses that exceed the permitted standards described in 30-801(c).
3. City Code § 30-801(b)(4) provides that no residential occupation (including interim) may “adversely affect neighboring property values or constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, . . . vibration, dust or other nuisance or safety hazards.”
4. City Code § 30-801(b)(5) specifically prohibits body shops, machine shops, and hazardous materials or activities, as defined by the Minnesota Building Code.
5. City Code §30-801(c) states that permitted residential occupations must be carried out entirely within the dwelling unit and shall not include outdoor storage.
6. The Application includes outdoor storage and use of an accessory structure. It is therefore not a residential occupation that is permitted by right. The Application is also not for a body shop, machine shop, or hazardous activity. The City may grant the application if it meets the requirements for an IUP pursuant to City Code § 30-801(d).
7. The Applicant submitted an IUP application, Case No. IU 24-01. The Application was deemed complete and scheduled for review by the Planning Commission and City Council.
8. The Application requests an IUP to utilize an existing 20,000 square foot fenced area and an accessory structure for indoor and outdoor storage. The Application does not request production or manufacturing on the Property, however, the Applicant is requesting storage for a business that occurs off site, which results in the Applicant receiving multiple deliveries per week, equipment storage, and employee parking for a business specializing in cellular equipment construction.
9. IUP’s must comply with the standards as outlined in § 30-658.
10. Approval of the Application is subject to the following conditions:
 - (1) The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, or mechanical permits before any interior commercial activities can occur.
 - (2) A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.



- (3) The fenced outdoor storage area shall be:
 - i. Limited to 20,000 square feet.
 - ii. Fenced with a 6-foot-tall 100% opaque fence with gates, to be closed when not in use.
- (4) The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
- (5) The following shall be located within the fence outdoor storage area:
 - i. All equipment, vehicles, and products related to the business.
 - ii. Garbage and recycling dumpsters.
 - iii. All business or employee parking.
 - iv. Portable outhouses.
 - v. Deliveries.
- (6) Dumpsters with lightweight materials shall be covered when not in use.
- (7) Except for company vehicles, construction equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
- (8) The hours of operation shall be limited to 7:00 a.m.-7:00 p.m. Monday through Saturday.
- (9) Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
- (10) Dust control measures shall be used regularly in the fenced yard area.
- (11) A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
- (12) Outside of routine maintenance/repair completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.
- (13) The parcel shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.
- (14) Access to the subject parcel, for business activities, shall occur only at the single driveway located on 209th Avenue/County Road 33.
- (15) Business deliver vehicles shall not back into the site from 209th Avenue/County Road 33.



- (16) Signage identifying the business for deliveries shall be installed per county and city requirements.
 - (17) An amendment to this Interim Use Permit will be required for future expansions/additions not shown on the staff site plan dated June 17, 2024.
 - (18) The idling of a truck tractor or other business equipment in excess of 15 minutes is prohibited from April 16 through October 31, and idling in excess of 30 minutes is prohibited from November 1 through April 15.
11. City Code § 30-658(c) provides for analysis and findings required to be the grant of an IUP. The Application and proposed use, with the conditions meets all required findings in City Code § 30-658(c)(1)-(9) as provided below:

(1) The period of time for which the interim use permit is to be granted terminates before any adverse impacts are felt upon adjacent properties.

City Code § 30-801 provides that an IUP terminates when the property is sold or the lease expires. Although termination does not guarantee adverse effects will not affect nearby properties, the residential occupation outdoor storage ordinance regulations and the approved conditions strive to prevent this outcome.

(2) There is adequate assurance that the property will be left in suitable condition after the use is terminated.

There is no indication that the proposed structure and fence will cause adverse impact to the Property if the use is terminated.

(3) The use is similar to uses allowed in the zoning district in which the property is located.

Outdoor storage is allowed with an IUP in this zoning district on properties 5 acres and larger. The subject property is 13.34 acres, well above the minimum requirement. There are also other residential occupations with outdoor storage in the area, including other occupations involving significant commercial traffic. These uses have not adversely impacted the zoning district.

(4) The date or event that will terminate the use can be identified with certainty.

The IUP shall terminate on sale or lease termination, with certainty.

(5) Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

The required conditions for this IUP does not contain any extraordinary features that would impose additional costs on the public.



- (6) **The property owner or lessee agree to all conditions that the city council deems appropriate for authorization of the interim use.**
The applicant has stated he would agree to all recommended conditions.

- (7) **The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.**
The use will terminate with the sale of the Property, a time that is clear enough that no further assurances would be necessary.

- (8) **Authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.**
The city code has predetermined the acceptable lot sizes and distances from existing neighboring structures so as to protect the public health, safety, and welfare. The Application would meet or exceed all of the required minimum distances. At the public hearings on the Application the City received concerns about traffic, parking, noise, and access. However, the conditions imposed on the approval of the Application adequately protect against adverse impacts. Furthermore, after the public hearing, the City received signatures of support from numerous surrounding property owners.

- (9) **The proposed interim use is consistent with the City of Elk River comprehensive plan and conforms to the city's zoning regulations.**
The Property is zoned R-1a, rural residential single-family. Under the comprehensive plan, it is guided for "Traditional Single-Family Residential." It is also within the proposed Urban Service Extension Area for development in the near future, and it is along the Twin Lakes Road Corridor, which is further targeted for capacity improvements to support residential subdivision development. City zoning code allows for the operation of residential occupations involving outdoor storage with an IUP in rural residential and single-family use zones. Other, similar businesses already operate in the area without conflict with neighboring residential uses. The conditions imposed on the IUP adequately ensure conformity with the planned use of the area.

12. Taking into consideration all of the testimony and evidence received, including statements from the applicant and neighbors, staff reports, the findings of the Planning Commission, and the memorandum from Sherburne County, the City Council finds that the Applicant's proposed use meets the requirements for an IUP. The permit would be in the public interest.

DECISION

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK RIVER, MINNESOTA, based upon the information received and the above Findings, the City Council of the City of Elk River hereby grants the Interim Use



Permit Application IU 24-01 for a residential occupation at 10208 209th Avenue NW, Elk River, MN.

Passed and adopted this 3rd day of September 2024.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk



STAFF SITE PLAN - 6/17/2024

County Road 33 (209th Avenue)

Signage identifying the business/deliveries shall be installed per county and city requirements.

All business activity shall access at the driveway only and business delivery vehicles shall not back into the site from the road.

6,750 sq.ft. max
Accessory
Structure

20,000 sq.ft. max
Outdoor Storage

No access for business
activities allowed from
cul-de-sac

208th Avenue

Dear Mayor Dietz and City Council, thank you for taking the time to read this e-mail, I would like to bring attention to a few points regarding Mr. Bye's IUP

1. It appears that Mr. Bye is being portrayed as somebody who "does whatever they want and asks for forgiveness later." As his business partner I have worked with him and city planning, particularly Chris Leesburg on the construction of his pole building with the intent to use it for personal and business use. Mr. Leesburg had informed us early in the process that Mr. Bye would need to go through the conditional use permit process. The only reason it was not pursued sooner was for budgeting issues requiring septic, water and a bathroom to be added to the building. When Mr. Bye was requested by the city to pursue the CUP he immediately did so. What was thought would be a simple process turned into a yearlong endeavor with him receiving a cease-and-desist order. This came with great hardship to Mr. Bye and his business activities. He put tremendous effort into meeting the demands to be compliant with the directive of the city. I believe he has demonstrated his willingness to work with the city.
2. There is tremendous support in the neighborhood for Mr. Bye's IUP to be approved. I've spoken to 13 different property owners in the neighborhood. 11 of 13 signed statements of support. ***Please see attachment.*** Nearly all those 11 made comments that they were unhappy about how Mr. Bye has been treated. Many were particularly frustrated with one neighbor that campaigned against Mr. Bye. This person spread false information about semi-trucks on residential streets and poisoning well water. No one I spoke to have a single complaint of any disturbance, or about the actions of Mr. Bye.
3. The intended use of the property is typical of properties in the area of this size. He is using less than 1 acre of his 13 acres and all his activity will occur within a fenced in area or the pole building. He will also not be adding any traffic to residential streets. Close to 80% of regular business hours will have no activity at the property.
4. Denying this IUP will create a hardship not only for Mr. Bye but for the employees of this company and people of this community. Denial likely will Require Mr. Bye and the business to find a location outside of the Elk River community.

 = In Support



I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Car H. Van

Address 20575 Quincy St NW EK

Phone Number 612-701-8677

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Irene Kostroba

Address 20573 Quincy St. NW E.R.

Phone Number 763-441-4457

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Jillian + Brandon Ringer

Address 10087 209th Ave NW ELK RIVER MN

Phone Number 763 438 8195

Jason + Brandon

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Brook Turner

Address 10137 209th Ave NW, Elk River, MN 55330

Phone Number 763-439-5909

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Scott Nelson 

Address 10039 209th Ave NW

Phone Number 612-940-9540

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Dennis Moore

Address 10213 209th

Phone Number 763-441-8860

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Donald Frascetta

Address 20894 Haven ST NW Elk River MN 55330

Phone Number 763-486-2181

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Susan Bergstrom-Franks Bergstrom

Address 10303-209th Ave NW

Phone Number 320-232-0040

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Shavonne Bierch

Address 21882 Hoover St NW Elk River MN 55330

Phone Number 763-228-9101

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Ben Bangasser

Address 20898 Haver St NW Elk River MN

Phone Number 612-849-2740

I'm a neighbor of Jason and Nikki Bye at 10208 209th Ave, NW I live in a close vicinity and can observe their property from my home and in my travels to and from my house. I'm aware that they have operated a business at this property and are seeking an interim use permit to continue. I support the planning commission's proposal to approve the permit based on the 18 conditions.

Name Martini + Caran Montz

Address 20541 Swin Lakes Rd. NW.

Phone Number 763-441-2864

City of Elk River
August 5, 2024
Page 1

City of Elk River
13065 Orono Parkway
Elk River, MN 55330

**Re: IUP Application for Jason and Nicole Bye
Our File No. 31906-0001**

Dear City of Elk River:

We understand that a thorough review and additional consideration is necessary for the proper evaluation of our IUP Application. To help facilitate this process, we hereby grant the City of Elk River (the “City”) an extension of the 60-day period for agency action under Minn. Stat. § 15.99.

We authorize an extension of 24 days, which will extend the deadline to **Friday, September 20, 2024**. We hope this additional time will allow the City enough time to review the information, and provide a positive ruling on our IUP application.

Please let us know if you require any further information or have any questions.

Sincerely,



Jason Bye



Nicole Bye



Request for Action

To
City Council

Item Number
4.7

Meeting Date
July 15, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Resolution 24-38: Findings of Fact Denying IUP
Request for a Residential Occupation at 10208
209th Ave NW, Jason Bye

Reviewed by
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, Resolution 24-38 making Findings of Fact denying an Interim Use Permit application submitted by Jason Bye.

Background/Discussion

At the June 17, 2024, City Council meeting, the Council reviewed an application for an Interim Use Permit (IU 24-01) for a residential occupation involving on-site outdoor storage and the use of an accessory building at 10208 209th Ave NW. After considering the request and receiving public comments, the Council directed staff to prepare a resolution making Findings of Fact denying the application based on the standards outlined in Sec. 30-658. These findings are attached for review.

If the council has questions or disagrees with the findings, the item can be pulled from consent and discussed further.

Financial Impact

None

Mission/Policy/Goal

Reflect the culture of citizens and what is important.

Attachments

1. City Council Staff Report 06-17-2024
2. Resolution Finding Of Fact

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity





Request for Action

To
City Council

Item Number
7.4

Meeting Date
June 17, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Interim Use Permit: Residential Occupation with
Outdoor Storage, 10208 209th Ave NW - Jason Bye

Reviewed by
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Approve, by motion, an Interim Use Permit with the following conditions to satisfy the standards outlined in Section 30-658 (c):

1. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, and/or mechanical permits before any interior commercial activities can occur.
2. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.
3. The fenced outdoor storage area shall be:
 - a. Limited to 20,000 square feet.
 - b. Fenced with a 6-foot tall 100% opaque fence with gates, to be closed when not in use.
4. The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
5. The following shall be located within the fence outdoor storage area:
 - a. All equipment, vehicles, and products related to the business.
 - b. Garbage and recycling dumpsters.
 - c. All business/employee parking.
 - d. Portable outhouses.
 - e. Deliveries.
6. Dumpsters with lightweight materials shall be covered when not in use.
7. Except for company vehicles, equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
8. The hours of operation shall be limited to 7:00 a.m.-7:00 p.m. Monday through Saturday.
9. Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
10. Dust control measures shall be used in the fenced yard area.
11. A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
12. Outside of routine maintenance/repair completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



13. The site shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight, excluding vehicles servicing on-site dumpsters.
14. Access to the subject parcel, for business activities, shall occur only in the single driveway located on 209th Avenue/County Road 33.
15. Business delivery vehicles shall not back into the site from 209th Avenue/County Road 33.
16. Signage identifying the business/deliveries shall be installed per county and city requirements.
17. An amendment to this Interim Use Permit will be required for future expansions/additions not shown on the staff site plan dated June 17, 2024.
18. The idling of a truck tractor or other business equipment in excess of 15 minutes from April 16 through October 31, and 30 minutes from November 1 through April 15, is prohibited.

Background/Discussion

The property, approximately 13 acres in size, is zoned R1-a (Single Family Residential) where residential occupations with proposed outdoor storage and/or use of an accessory structure require an Interim Use Permit (IUP). The applicant requests an IUP to utilize the existing 20,000 sf fenced area (100% opaque) and accessory structure for indoor/outdoor storage, deliveries (likely a couple of times a week), equipment storage, and employee parking. The business specializes in cellular equipment construction across Minnesota and neighboring states. They erect cellular towers and provide civil construction services preparing the sites for the towers. The applicant is not requesting approval for production or manufacturing on the property.

Planning Commission

The Commission asked if the accessory structure was being used in the request and if the IUP could be revoked if conditions were not met. Staff clarified that the accessory structure is part of the request, and the permit can be revoked if conditions are not met.

Public Hearing

Deann Wells and Bryan Rucks, neighbors to the subject property, provided the following comments:

- Reviewed the code enforcement activities from February 2023.
- Outlined concerns about past practices/use of the property before the applicant applied for the CUP in 2023. They were concerned with the patterns of behavior reoccurring.
- They reviewed the following sections:

Section 30-801 discusses not jeopardizing the residential character or health, safety, and general welfare of the surrounding neighborhood and lists prohibited activities. Noted that the proposed operation does not add to their property value and described negative activities discussed during the applicant's previous CUP request.

Section 46-31 which is from the Public Nuisance Code, and states that excessive noise, disruption, and other public nuisance activities are injurious to the public health, safety, and welfare and interfere with the quiet enjoyment of life and property. They stated this code is set in place for those affected by these types of situations.

This section of the code is in place for all properties across the city for enjoyment of life and property in general. The city recognizes that introducing residential occupations in residential districts will be noticeable and strives to include approval conditions aimed at mitigating its impact.

Section 46-34 which is from the Public Nuisance code and lists nuisances, including materials covering more than one percent of the total lot area of a lot.

This section of the code is in place for all properties across the city but through the ordinance, outdoor storage of

occupational materials/equipment is allowed with an approved Interim Use Permit as part of a residential occupation.

The three ordinance sections are attached.

- Outlined concerns with the city processes, specifically with how city staff have spoken with the applicant regarding the IUP/CUP process and directed him to the necessary applications and required submittal materials.
- Stated one of the conditions from the July 25, 2023, Planning Commission staff report was not followed.
 - *The CUP application was withdrawn, so no conditions were approved or binding to the applicant.*
- A tractor and trailer are close to 26,000 pounds.
 - *Ordinance states that under permitted residential Occupations, Occupations shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.*
 - *Vehicles larger than 26,000 pounds can be approved with an IUP.*
- Deliveries stopping on the road, which is dangerous. What is going to be done to make sure no accidents occur?
 - *The county has reviewed the application and does not have concerns with the proposed activity (IUP). Their review notes that the use will not compromise the safety of the county road but agrees vehicles stopping on the road is a safety concern and suggests signage be installed. (A response letter from the county is attached)*
- What happens if the project is abandoned?
 - *It would be cleaned up by the property owner or the city would clean it up and assess it back to the property, as would be done with any property in any zoning district.*
- The applicant is asking for the same thing as he did with the 2023 CUP, nothing has changed.
 - *The proposed use is the same, but the City Council recently adopted updated residential occupation standards. Specifically, standards regulating outdoor storage on residential lots larger than 5-acres.*
- Somehow, in the last year, the city redid zones to allow this to occur. They did not see anything in the paper regarding how this was changed.
 - *The ordinance amendment process began in February 2023 (two months before the initial CUP application)*
 - *Public notices were published in the newspaper in August 2023 and again in October 2023*
 - *Large turnout at the October 24, 2023, Planning Commission public hearing supporting outdoor storage.*
 - *City Council approved the amendment in November 2023*
- Does not like the way this process is happening.
- Going by the ordinance and by their experience, they believe their concerns have been infringed upon.
- Trash pickup with commercial roll-off bins is likely over 26,000 pounds.
 - *Ordinance limits the size of delivery vehicles, again for permitted residential occupations.*
 - *The council can limit the number of times the bins can be serviced per week if they desire.*
- Questioned if it is fair that a business can run from 7:00-7:00 Monday – Saturday in a residential district next to homes where someone may want to host family gatherings and now need to worry about dust and noise?
- Was Sherburne County notified of the proposed project?
 - *The application was sent, via email on May 3, 2024, to six county staff for review, and city staff received no feedback.*
 - *Staff reached out again, per public comments, to verify the county comments were the same as the CUP review. A memo from the county is attached.*

Jason Bye, the applicant, had the following comments:

- He further explained his request and addressed speculations provided during the public hearings.

- Described the types of work his business does and how he plans to utilize the property.
- Understands that the building needs to meet commercial building codes.
- He noted that his operation is consistent with several other businesses operating with outdoor storage/accessory structures near his property, most without a CUP/IUP to an extent greater than what he is asking for.
- Noted that he installed 220 feet of privacy fencing along the west property line to help screen the storage area.
- He noted he now lets his employees drive company vehicles home, so there are fewer business and employee vehicles on site.
- Clarified that he spoke with staff before purchasing the property to discuss his options and that he was told a CUP would be required for a home occupation.
 - *Staff did speak with him before he purchased the property, as they do many times a year with people seeking to purchase land or a building and want to know their options, whether for a home occupation on a residential lot or a retail business on a commercial lot.*
- He has requested that his suppliers now make deliveries with a box truck rather than a semi-truck.
- He owns a semi-truck which he is allowed to have on the property.
 - *Section 30-991 states tractor-trailer parking (only in the R-1A district on parcels five acres or larger) is allowed as an accessory use.*
- Stated that when code enforcement was on his property in early 2023, his accessory building was under construction and that his employees did most of the work, contributing to the large number of people observed on-site.
- Has no concerns with the recommended conditions.

The Planning Commission had concerns about the proximity of the outdoor storage area to the house to the east but understood the updated residential occupation ordinance codified a 50-foot setback.

While the commission had concerns about the proximity of the outdoor storage area to the neighboring house, they unanimously recommended approval as there are conditions in place to mitigate impacts on neighboring properties.

Since the Planning Commission meeting, staff spoke with Ms. Wells at City Hall. Staff agreed the request (proposed use) has not changed but that the ordinance did change as it relates to the review and approval of residential occupations. After numerous discussions with the Planning Commission and City Council regarding changes to the residential occupation standards, the Council approved the amendment in late 2023. Staff reviewed the major changes within the ordinance amendment, including codified hours of operation, an IUP vs. CUP, and outdoor storage with lot size and distance requirements. Regarding her concerns that were noted during the public hearing and related to staff's role in advising applicants before and during the land use process, staff reiterated that their role includes guiding applicants through the public review process - including relevant application materials, documents, and likely conditions.

Lastly, after speaking with Sherburne County, staff added two additional conditions per their request.

Financial Impact

None

Mission/Policy/Goal

Meet changing needs - agile.

Opportunity to live, work, and play.

Attachments

1. Planning Commission Memo dated May 28, 2024
2. Location Map
3. Staff Site Plan 6-17-2024
4. Sections 30-801, 46-31, 46-34
5. Assistant Public Works Director-Deputy County Engineer Memo dated June 5, 2024
6. IU 23-01 Interim Use Permit
7. 7.4 Bye Presentation



Request for Action

To
Planning Commission

Item Number
5.3

Meeting Date
May 28, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Interim Use Permit: Residential Occupation with
Outdoor Storage, 10208 209th Ave NW - Jason Bye

Reviewed by:
Zack Carlton

Action Requested

Recommend, by motion, approval of an Interim Use Permit with the following conditions to satisfy the standards set forth in Section 30-658 (c):

1. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, and/or mechanical permits before any interior commercial activities can occur.
2. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.
3. The fenced outdoor storage area shall be:
 - a. Limited to 20,000 square feet.
 - b. Fenced with a 6-foot tall 100% opaque fence with gates, to be closed when not in use.
4. The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
5. The following shall be located within the fence outdoor storage area:
 - a. All equipment, vehicles, and products related to the business.
 - b. Garbage and recycling dumpsters.
 - c. All business/employee parking.
 - d. Portable outhouses.
 - e. Deliveries.
6. Dumpsters with lightweight materials shall be covered when not in use.
7. Except for company vehicles, equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
8. The hours of operation shall be limited to 7:00 a.m.-7:00 p.m. Monday through Saturday.
9. Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
10. Dust control measures shall be used regularly in the fenced yard area.
11. A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
12. Outside routine maintenance/repair, completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.
13. Shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.

The Elk River Vision

A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity



14. Access to the subject parcel, for business activities, shall occur only at the single driveway located on County Road 33.
15. The idling of a truck tractor or other business equipment in excess of 15 minutes from April 16 through October 31, and 30 minutes from November 1 through April 15, is prohibited.

Background/Discussion

The Planning Commission and City Council began reviewing the residential occupation ordinance amendment back in February 2023. Several meetings over several months occurred, with outdoor storage being reviewed thoroughly. The council did not have concerns with considering outdoor storage in conjunction with residential occupations if it was on parcels 5 acres or larger, setback 50-feet or more from all existing residential structures (houses) on adjacent parcels, and follows Section 30-807 Outdoor Storage. The City Council approved the amendment in November 2023, which also states that residential occupations occurring in detached structures or have outdoor storage require an Interim Use Permit (IUP). The IUP process limits the business to the current property owner and not the property itself, as an approved IUP shall terminate when the property is sold or when a lease has expired.

The property, approximately 13 acres in size, is zoned R1-a (Single Family Residential) where residential occupations with proposed outdoor storage and/or use of an accessory structure require an IUP. The applicant is requesting an IUP to utilize both the existing 20,000 sq.ft. fenced in area (100% opaque) and accessory structure for indoor/outdoor storage, receiving deliveries (likely a couple of times a week), equipment storage, and employee parking. The business specializes in cellular equipment construction across Minnesota and neighboring states. They erect cellular towers as well as provide civil construction services, preparing the sites for the towers. The applicant is not requesting approval for production or manufacturing on the property.

The nearest neighboring house structure to the proposed outdoor storage area is approximately 65 feet away (50-feet required) with an accessory structure located approximately 35 feet away. The applicant has installed about 220-feet of fencing along the west property line to screen the screened outdoor storage area from the adjacent property.

If the IUP is approved, the Building Department will review the commercial building permit for all commercial building codes with the Engineering Department also reviewing the site for all stormwater regulations.

Employees

While the proposed business employs 10–20 employees, only a few will be on site during the day as the rest will meet on the job site. Employee vehicles will be parked in the outdoor storage area and could be on site for numerous days.

Deliveries

Deliveries will be received most often by a flatbed truck or Amazon type trucks delivering packages. The ordinance limits deliveries for residential occupations to vehicles no heavier than 26,000 pounds gross vehicle weight.

The city recognizes that introducing residential occupations in residential districts will be noticeable and strives to include approval conditions aimed at mitigating its impact.

Interim Use - Applicable Regulations

Before the city council may authorize an interim use, it must make the following findings:

1. *The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.*

The ordinance (Section 30-801) states an approved Interim Use Permit for a residential occupation shall terminate when the property is sold or when a lease has expired. Although termination does not guarantee adverse effects will not affect nearby properties, the residential occupation outdoor storage ordinance regulations and the approved conditions strive to prevent this outcome.

2. *There is adequate assurance that the property will be left in suitable condition after the use is terminated.*

The detached accessory structure and fenced-in area, the areas being reviewed, are currently located on the parcel. If the Interim Use Permit is terminated, the site will be left in a suitable condition.

3. *The use is similar to uses allowed in the zoning district in which the property is located.*

Outdoor storage is allowed with an IUP in the zoning district on properties 5-acres or larger. The subject property (13.34 acres) is well above the required minimum. The city has also approved residential occupations with outdoor storage areas.

4. *The date or event that will terminate the use can be identified with certainty.*

Yes, the ordinance states an approved Interim Use Permit for a residential occupation shall terminate when the property is sold or when a lease has expired.

5. *Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.*

If the public were to take over the property, no additional costs would be imposed on the public, as there are no extraordinary features to the request.

6. *The applicant and user agree to all conditions that the city council deems appropriate for authorization of the interim use.*

This will be determined at the City Council meeting.

7. *The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.*

Again, the ordinance states an approved Interim Use Permit for a residential occupation shall terminate when the property is sold or when a lease has expired. A cash deposit does not appear to be necessary to comply with the criteria.

8. *Authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.*

The ordinance has predetermined acceptable lot sizes and distances from existing neighboring structures. With the Outdoor Storage Ordinance Regulations and proposed conditions, the use should not adversely affect the public health, safety, or welfare.

9. *The proposed interim use is consistent with the City of Elk River Comprehensive Plan and conforms to the city's zoning regulations.*

The use is consistent with the Comprehensive Plan which guides the property as Rural Residential and single family uses, with residential occupations, are allowed in the zoning district.

Financial Impact

None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Outdoor Storage Plans
4. Building Plan
5. Site Plan



Project Location Map

Jason Bye

Interim Use Permit

Case No: IU 24-01



Dear: City of Elk River:

I am the co-owner of Rothmeyer TEC, a wireless construction company based out of Anoka, MN (The “**Company**”). The Company specializes in cellular civil construction across Minnesota and neighboring states. I am asking the City of Elk River (the “**City**”) to consider allowing the accessory structure and surrounding fenced in yard on my property located at 10208 209th Avenue NW, Elk River, MN to be used as a home occupation by granting me an interim use permit to allow for the accessory structure and the surrounding yard to receive deliveries for the Company, store materials for the Company, to allow employees of the Company to park in the yard, and to allow for storage of certain vehicles.

This is not a request to use the property in an industrial manner; activity will be limited. The goal is to utilize the property as a point place for certain equipment needed before employees travel to a job site and to allow the employees to meet at a central location. No production or manufacturing will be occurring on the property. My family and I will continue to utilize the property for its primary purpose – a residential home. Other than common maintenance, machinery and vehicles will not be worked on.

Description/Scope of the Project. The property is about 13 acres in size. My family and I live at a residential home on the property. The accessory structure I am proposing to use is approximately 6,750 square feet. I would propose using a 20,000 square foot yard surrounding the accessory structure, which includes a fence surrounding the yard using 100% opaque material to shield and prevent anyone from being able to see the material being stored.

I am proposing to use the accessory structure on the property and the yard surrounding the structure to receive deliveries for the Company and store materials. Deliveries would be received most often by a flatbed truck or trucks like trucks delivering Amazon packages. The vehicles making the deliveries will create limited noise, the “beeping” typically heard with semi-trucks will not be an issue. The property is still primarily being used as a residence, so deliveries would likely only occur one to two times per week.

I would also like the Company to utilize the yard surrounding the accessory structure, for the purposes of parking Company vehicles, parking employee vehicles and storage of other Company material. Any materials stored in the yard would be properly screened. The employees will not be traveling to the property each day. They will travel to the property to drive together in a company vehicle to the job site, where they typically work for a week. There would be a limited increase in traffic.

The request is consistent with the comprehensive plan. The property is zoned in the R-1a district. The primary use of the property is residential, but I would also like to use the property for accessory use as allowed by City ordinance. The City does allow home occupations when permitted. The property is categorized as Rural Residential. Due to the nature and size of the property, neighbors are not close in proximity to the property, so the character of the district will be maintained.

I have had prior conversations with the City and the Planning Commission about using the property in the manner described above. Due to those conversations, I am proposing the following conditions for the property:

1. A fence is installed around the yard. The fenced off area is limited to 20,000 square feet, is 6 feet tall, and uses 100% opaque material. The fenced is laid out as depicted below:



2. The area inside the fence will be paved with a crushed concrete/asphalt surface.
3. All equipment related to the Company will be stored inside the fenced in area. This would include dumpsters, business/employee parking.
4. Dumpsters will be covered when not in use.
5. No material or products will be stored height than the fence, except for company vehicles and enclosed trailers.
6. The hours of operation shall be from 7:00 a.m. – 7:00 p.m. Monday through Saturday, when deliveries can be received.
7. Exterior lighting utilized for businesses purposes shall be limited to one hour a day during operational hours or directional fixtures will be used that meet the city ordinance.
8. Dust control measures will be utilized in the fenced area.
9. No major repair or maintenance of company vehicles or equipment shall occur on the property, outside of routine maintenance. Any minor maintenance or repair that needs to be completed will occur in the accessory structure.
10. Access to the property for business activities will occur at the driveway located on County Road 33.
11. The idling of business equipment in excess of 15 minutes will be prohibited from April 16 through October 31.
12. The idling of business equipment in excess of 30 minutes will be prohibited from November 1 through April 15.
13. The accessory structure will be brought up to commercial code before business related activity occurs at the property.
14. 200 feet of 7' tall fence is installed at the west property line to further screen the neighbors per previous council recommendations.



fence extension

75-113-3202

Material storage

Fence is approx 120ft
wide from east
property line

dumpsters

Fence is aprox 165ft
south from back of
outbuilding

planned fence
extension

equipment parking

75-588-0220

APPLICABLE CODE(S)

- 2020 Minnesota State Building Code.

OCCUPANCY CLASSIFICATION

- Group S-1, Moderate-hazard Storage. (Section 311.2)

TYPE OF CONSTRUCTION

- Type VB. (Table 601)

SPRINKLERS

- Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. (Section 903.2)
 - An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists: (Section 903.2.9)
 - A Group S-1 fire area exceeds 12,000 square feet.
 - **6,736 square foot fire area - Sprinklers not required.**
 - A Group S-1 fire area is located more than three stories above grade plane.
 - **Single-story - Sprinklers not required.**
 - The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 24,000 square feet.
 - **6,736 square foot fire area - Sprinklers not required.**
 - A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.
 - Commercial Motor Vehicles are used to transport passengers or property where the motor vehicle either has a gross vehicle weight rating of 10,000 pounds or more; or is designed to transport 16 or more passengers, including the driver.
 - **No storage of commercial motor vehicles - Sprinklers not required.**

OCCUPANCY SEPARATIONS

- **Single occupancy - Separations not required. (Section 508)**

FIRE-RESISTANCE RATINGS

- The building elements shall have a fire-resistance rating not less than that specified in Table 601. (Section 602.1)
 - Type VB = 0-hour fire-resistance rating. (Table 601)
 - **Building elements fire-resistance ratings not required.**
- The exterior walls shall have a fire-resistance rating not less than that specified in Table 602. (Section 602.1)
 - Fire separation distance $\geq$ 30 feet = 0-hour fire-resistance rating. (Table 602)
 - **Exterior wall fire-resistance rating not required.**

HEIGHT & AREA LIMITATIONS

- Group S-1, Type VB, non-sprinklered.
 - Allowable building height above grade plane = 40 feet. (Table 504.3)
 - **Actual = 24 feet. OK.**
 - Allowable number of stories above grade plane = 1-story. (Table 504.4)
 - **Actual = 1-story. OK.**
 - Allowable building area = 9,000 square feet. (Table 506.2)
 - **Actual = 6,736 square feet. OK.**
 - Note: Area factor increase due to frontage per Section 506.2.1 not calculated.

OCCUPANCY LOAD (Table 1004.5)

- Maximum floor area allowance per occupant. (Table 1001.5)
 - Warehouse space = 500 square feet (gross) per occupant.
 - **Total Building = 6,736 square feet/500 = 14 occupants.**
 - **Smaller space = 1,536 square feet/500 = 3 occupants.**
 - **Larger space = 5,200 square feet/500 = 11 occupants.**

DOORS - MEANS OF EGRESS

- Two exits or exit access doorways from any space shall be provided where the design occupant load or the common path of egress travel distance exceeds the values listed in Table 1006.2.1. (Section 1006.2.1)
 - Spaces with one exit or exit access doorway. (Table 1006.2.1)
 - Group S-1, non-sprinklered.
 - Maximum occupant load of space = 29 occupants.
 - Maximum common path of travel distance = 100 feet.
 - **Smaller space = 3 occupants actual.**
 - **80 feet common path of travel distance actual.**
 - **One exit access doorway required. OK.**
 - **Larger space = 11 occupants (14 occupants cumulative).**
 - **130 feet common path of travel distance.**
 - **Two exits required. OK.**
 - Where two exits or exit access doorways are required from any portion of the exit access, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between them. (Section 1007.1.1)
 - **Required = 57'-7",**
 - **Actual = 104'-0". OK.**
 - Means of egress door – minimum clear opening width 32 inches; maximum width of a swinging leaf 48 inches; and minimum clear opening height 80 inches. (Section 1010.1.1)
 - **Field verify exit access door out of smaller space is 36" x 80".**
 - **Field verify both exit doors out of larger space are 36" x 80".**

- Pivot or side-hinged swinging doors shall swing in the direction of egress travel where serving a room or area containing an occupant load of 50 or more persons. (Section 1010.1.2.1)
 - **Actual occupancy = 14. OK.**
- There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal [2-percent slope]. (Section 1010.1.5)
 - Landings shall have a width not less than the width of the door. Doors in the fully open position shall not reduce a required dimension by more than 7 inches. Landings shall have a length measured in the direction of travel of not less than 44 inches. (Section 1010.1.6)
 - **Exterior landings required at both exit doors out of larger space.**

EGRESS ILLUMINATION

- The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied. (Section 1008.2)
 - The means of egress illumination level shall be not less than 1 footcandle at the walking surface. (Section 1008.2.1)
 - Illumination shall be provided along the path of travel for the exit discharge from each exit to the public way. (Section 1008.2.3)
 - **Interior illumination required at both smaller & larger spaces.**
 - **Exterior illumination required at both exit doors out of larger space.**
- In the event of power supply failure in rooms and spaces that require two or more means of egress, an emergency electrical system shall automatically illuminate all aisles. (Section 1008.3.1, Item #1)
 - The emergency power system shall provide power for a duration of not less than 90 minutes and shall consist of storage batteries, unit equipment or an on-site generator. (Section 1008.3.4)
 - Emergency lighting facilities shall be arranged to provide initial illumination that is not less than an average of 1 footcandle and a minimum at any point of 0.1 footcandle measured along the path of egress at floor level. Illumination levels shall be permitted to decline to 0.6 footcandle average and a minimum at any point of 0.06 footcandle at the end of the emergency lighting time duration. (Section 1008.3.5)
 - **Emergency illumination required at exit aisles through larger space only.**
 - **Emergency illumination recommended at exit aisles through smaller space.**
 - In the event of power supply failure in buildings that require two or more means of egress, an emergency electrical system shall automatically illuminate all of the exterior landings at exit doorways. (Section 1008.3.2, Item #5)
 - **Emergency illumination required at both exit doors out of larger space.**
 - In the event of power supply failure, an emergency electrical system shall automatically illuminate the electrical equipment room. (Section 1008.3.3, Item #1)
 - **Emergency illumination required in electrical equipment room.**

EXIT SIGNS

- Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. (Section 1013.1)
- Exit signs are not required in rooms or areas that require only one exit or exit access. (Section 1013.1, Exception #1)
- Exit signs shall be internally or externally illuminated. (Section 1013.1)
 - **Illuminated exit signs required at both exit doors out of larger space only.**
 - **Illuminated exit sign recommended at exit access door out of smaller space.**

EXIT ACCESS

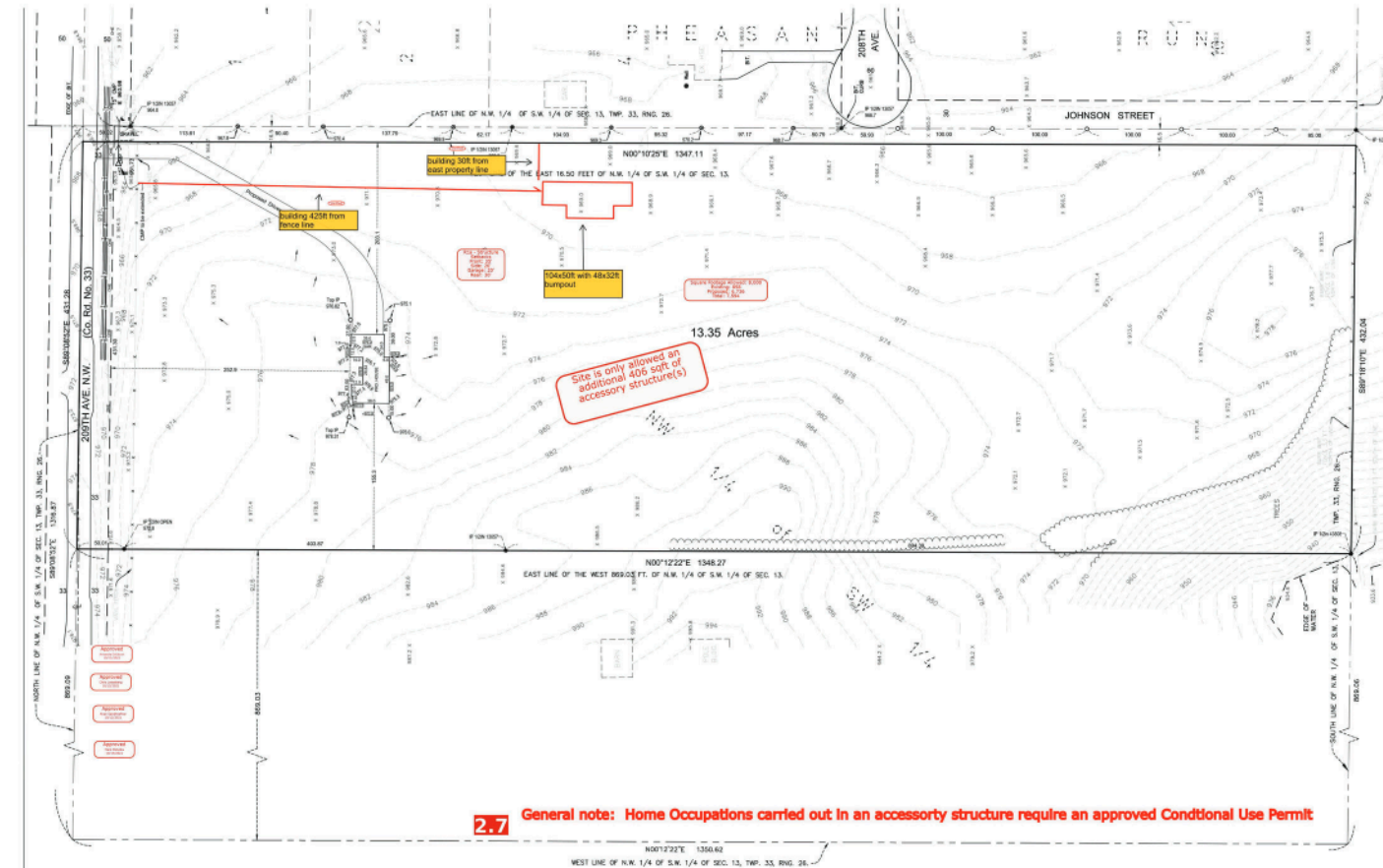
- Means of egress are not prohibited through adjoining or intervening rooms or spaces in a Group S occupancy where the adjoining or intervening rooms or spaces are the same or a lesser hazard occupancy group. (Section 1016.2, Item #2 Exception)
 - **Smaller space egress passes through larger space. OK.**

TRAVEL DISTANCE

- Group S-1, non-sprinklered.
 - Exit access travel distance = 200 feet. (Table 1017.2)
 - **Actual = 180 feet. OK.**

PLUMBING FIXTURES

- Minimum number of required plumbing fixture. (Table 2902.1)
 - Group S-1, 14 occupants.
 - Water Closet, 1 per 100 occupants.
 - Separate facilities [*for each sex*] shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 25 or less. (Section 2902.2, Exception #2)
 - **One water closet required.**
 - Bathtubs/showers.
 - **Bathtub/shower not required.**
 - Lavatories, 1 per 100 occupants.
 - **One lavatory required.**
 - Drinking Fountains, 1 per 1,000 occupants.
 - A drinking fountain shall not be required in buildings or tenant spaces having an occupant load of less than 50. (Table 2902.1, Footnote H)
 - **Drinking fountain not required.**
 - Service Sink.
 - **One service sink required.**



2.7 General note: Home Occupations carried out in an accessory structure require an approved Conditional Use Permit

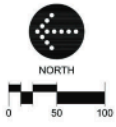
Denotes potential retaining systems that may be necessary to maintain key grading concepts and manageable slopes on the proposed lot. Final configuration and materials will be determined by builder upon final lot grading.

PROPERTY DESCRIPTION
That part of the Northwest Quarter of the Southwest Quarter of Section 13, Township 33, Range 26, lying East of the West 89.03 feet thereof, and lying West of the East 16.50 feet thereof, Stearns County, Minnesota.

PROPOSED ELEVATIONS
HOUSE TYPE: FULL BASEMENT LOOKOUT
GARAGE FLOOR ELEVATION = 979.2
TOP OF FOUNDATION ELEV. = 976.5
BASEMENT FLOOR ELEVATION = 971.5
REAR LOOKOUT ELEVATION = 974.5

SITE SYMBOLS

- PROPOSED ELEVATION
- PROPOSED ELEVATION
- 12" x 16" BOOK END SET WITH A PLASTIC CAP MARKED AT 1000 ON 20000
- PL. HALL SET
- NON-TYPE FOUND



CLIENT
Jason Bye
5100 BRIDGE ROAD
ELK RIVER, MN 55424
763.473.0455

SUBCITY
Elk River

PROJECT
BYE PROPERTY
ELK RIVER, MN

CERTIFICATION
I hereby certify that the above shown is a true and correct copy of the original survey as shown on the ground and as shown on the original survey map of this case as filed at Landform Professional Services, LLC and as a certified copy thereof.

REVISION HISTORY

NO.	DATE	DESCRIPTION
1	01/11/2023	ISSUED FOR PERMIT

PROJECT MANAGER REVIEW

LANDFORM
From Site to Finish

100 South Fifth Avenue
Suite 510
Minneapolis, MN 55401
Phone: 612.332.0070
Fax: 612.332.0077
Email: info@landform.net

CERTIFICATE OF SURVEY
SHEET NO. 111



Project Location Map

Jason Bye

Interim Use Permit

Case No: IU 24-01

STAFF SITE PLAN - 6/17/2024

County Road 33 (209th Avenue)

Signage identifying the business/deliveries shall be installed per county and city requirements.

All business activity shall access at the driveway only and business delivery vehicles shall not back into the site from the road.

6,750 sq.ft. max
Accessory
Structure

20,000 sq.ft. max
Outdoor Storage

No access for business
activities allowed from
cul-de-sac

208th Avenue

Sec. 30-801. Residential occupations.

- (a) *Purpose.* The purpose of this section is to provide a means, through the establishment of specific standards and procedures, by which residential occupations can be conducted in residential neighborhoods, without jeopardizing the residential character or health, safety, and general welfare of the surrounding neighborhood as well as the users of the property. In addition, this section is intended to provide a mechanism enabling a distinction between permitted residential occupations and interim residential occupations, so that permitted residential occupations may be allowed through an administrative process rather than a quasi-judicial hearing process.
- (b) *Prohibited activities.* No residential occupation (permitted or interim) shall:
- (1) Be conducted by an individual who does not reside on the property and uses the residence as a primary address for legal purposes.
 - (2) Operate between the hours of 7:00 p.m. and 7:00 a.m. Monday through Saturday and all day on Sunday.
 - a. Exception. Permitted residential occupations as outlined in section 30-801(c).
 - (3) Reduce the dimensions of accessory structure space, used for garage purposes, to less than 440 square feet where dimensions of 20' × 22' must be maintained.
 - (4) Constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, glare, odor, electrical interference, vibration, dust and other nuisance or safety hazards.
 - (5) Involve any of the following:
 - a. Ammunition manufacturing.
 - b. Body shops.
 - c. Escort businesses.
 - d. Flea markets.
 - e. Gun repair and/or sales.
 - f. Hazardous materials or activities, as defined by the Minnesota State Building Code.
 - g. Machine shops.
 - h. Motor vehicle repairs, with the exception of parcels in the R1-A district on lots ten-acres or larger.
 - i. Motor vehicle sales.
 - j. Repair of internal combustion engines.
 - k. Sexually oriented land uses.
 - l. Wholesale or retail business, unless conducted entirely by courier, mail, or email.
 - m. Welding.
 - (6) Have signage greater than four square feet.
 - (7) Adversely affect governmental facilities and services, including roads, sanitary sewers, water, storm drainage, garbage service, police and fire service, sensitive environmental features, including lakes,

surface water and underground water supply and quality, wetlands, slopes, floodplains, and soils, or other.

- (c) *Permitted residential occupations.* Permitted residential occupations (occupation) shall be allowed subject to the conditions of this section, other applicable city ordinances, and state laws and statutes. Permitted residential occupations must satisfy the following criteria:
- (1) The occupation shall be carried out entirely within the dwelling unit.
 - (2) No noise, lights, odors, dust, gas, heat, vibration, glare, or other physical manifestations resulting from the occupation shall be evident beyond the boundaries of the property on which the occupation is being conducted.
 - (3) Use equipment which is not normally found in a home (such as, but not limited to, stationary power tools and salon seats), except that equipment which is typically in an office may be used.
 - (4) The occupation shall not require internal or external construction features not customarily found in single-family residential dwellings.
 - (5) A maximum of one full-time employee, or equivalent, other than those persons who customarily reside on the premises shall be employed.
 - (6) Occupations involving teaching shall not exceed two pupils at a time.
 - (7) Occupations shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.
 - (8) Occupations shall not create a parking demand more than that which can be accommodated in an existing driveway or approved surface area, where no vehicle is parked closer than 15 feet to the curb line or edge of the paved surface nor is parked within any right-of-way.
 - (9) On-site sales shall be limited to those clearly incidental to the services provided.
 - (10) There shall be no exterior evidence of the occupation such as displays or exterior storage of business equipment, materials, merchandise, inventory, and/or heavy equipment.
- (d) *Interim residential occupations.* Residential occupations that do not involve prohibited activities but do not satisfy the permitted residential occupation criteria may be allowed with approval of an interim use permit by the city council pursuant to the provisions of subdivision III of division 2 of this article.
- (1) The council may impose such specific conditions with regard to the proposed use as it considers necessary to promote compatibility with and minimize any potentially adverse effects upon adjacent properties, the neighborhood, or the city.
 - (2) Outdoor storage must satisfy the following criteria:
 - a. Shall be in the R1-A district on lots five acres or larger.
 - b. Shall follow section 30-807.
 - c. Shall be setback 50-feet or more from all existing residential structures on adjacent parcels.
- (e) *Inspections.* The city may at any reasonable time inspect the residential occupation to determine if the applicant is strictly adhering to the criteria for a permitted residential occupation or the conditions placed on an interim residential occupation.
- (f) *Revocation or expiration of an interim use permit for residential occupations.*
- (1) An approved interim use permit shall terminate when the property is sold or when a lease has expired.
 - (2) Expirations of interim residential occupations shall be as set forth in section 30-656.
 - (3) Revocation of interim use permits for residential occupations shall be as set forth in section 30-659.

(g) *Professional design services.* The applicant shall engage the services of a person licensed pursuant to Minn. Stats., Ch. 326 to verify existing/new structures meet current commercial building codes based on the use. The exceptions set forth in Minn. Stats., § 326.03, subd. 2, and Minnesota Rules, part 1800.5900 shall apply to this section.

(h) The property owner is responsible for the operations of the residential occupation and any liability related thereto.

(Ord. No. 23-24, § 3, 11-20-2023)

Editor's note(s)—Ord. No. 23-24, § 3, adopted November 20, 2023, repealed the former § 30-801, and enacted a new § 30-801 as set out herein. The former § 30-801 pertained to home occupations and derived from the Code of 1982, § 900.25; Ord. No. 05-09, § 2, adopted April 4, 2005; Ord. No. 14-16, § 1, adopted November 17, 2014; Ord. No. 19-11, § 1, May 20, 2019.

Cross reference(s)—Licenses and business regulations, ch. 38.

Sec. 46-31. Statement of purpose.

The purpose of this article of the Code is to prohibit certain conduct that is harmful to the health, safety, and welfare of the community and to prevent and abate nuisance conduct, events, characteristics or conditions and their deleterious effects on city. The council finds that excessive noise, disruption and other public nuisance activities are injurious to the public health, safety and welfare and interfere with the quiet enjoyment of life and property.

(Ord. No. 23-12, § 1, 6-5-2023)

Sec. 46-34. Public nuisances.

- (a) The following are declared to be public nuisances:
- (1) All ponds or pools of stagnant water.
 - (2) All decayed or unwholesome food offered for sale to the public.
 - (3) Privy vaults and garbage cans which are not flytight and trash receptacles of insufficient size so as to not eliminate the storage of trash outside the covered receptacle.
 - (4) The effluent from any cesspool, septic tank, or sewage disposal system discharging upon the surface of the ground.
 - (5) Accumulations of manure, trash, household items, or other debris.
 - (6) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances.
 - (7) All noxious weeds and other overgrown vegetation upon public or private property.
 - (8) Dense smoke, noxious fumes, gas and soot, or cinders in such quantities as to render the occupancy of the property itself, or any other property, uncomfortable to a person or ordinary sensibilities.
 - (9) Accumulations or storage in the open (i.e., not contained within a building) of any of the following items or any parts or accessories thereto:
 - a. All dangerous unguarded machinery, in any public place, or so situated or operated on private property as to attract the public;
 - b. Household appliances or furnishings;
 - c. Any motor vehicle which is inoperable, not currently licensed, or generally is not being driven.
 - d. Items which are not generally or normally used on the particular premises;
 - e. Firewood which is not neatly stacked;
 - f. Any other materials or items of any kind or nature which tend to harbor rats, mice, snakes, or vermin or otherwise a potential fire, health or safety hazard from such accumulations;
 - g. Pipe, lumber, forms, machinery, or other occupational materials kept up any property for more than 30 days except when in current use in construction or repair work; and
 - h. Accumulations of any items that tend to cause unsightly appearance of the premises and which cause discomfort for any other members of the public who may be using their own or public property.
 - i. The outside storage of pipe, lumber, forms, machinery, or other occupational materials upon property in a residential district and covering more than one percent of the total lot area of such property.
 - j. Dumpsters, bag dumpsters, and other rubbish containment containers (excluding standard trash and recycling bins used in conjunction with normal household or business operations) used for the disposal of garbage, trash, rubbish, etc. must be located on a paved or gravel surface and may not be placed within the public right-of-way.
 1. Dumpsters, bag dumpsters, and other rubbish containment containers are limited to 30 days within a calendar year, unless being utilized in conjunction with an active building

permit for a temporary service such as a construction or remodeling project benefitting the premises.

- (10) Violations of the International Property Maintenance Code or state building code which exist on the exterior of the property and create a potential fire, health or safety hazard.
- (11) Violations of the International Property Maintenance Code or state building code which cause unsightly appearance of the premises, and which cause discomfort for or interfere with any other members of the public and their use and enjoyment of their own or public property.
- (12) The improper storage of containers for the storage of waste.
 - a. For single-family dwellings, appropriate waste containers may be stored in the rear of the premises, may be stored in the side yard if screened from the street and adjoining properties, or may be stored within any structure located on the premises.
 - b. For commercial or multi-family residential buildings, appropriate waste containers may be stored in the rear of the premises or within any structure located on the premises. All trash areas that are visible from any public right-of-way will be screened on all sides. Trash or trash containers must not exceed the height of the screening. Required screening will be at least 95 percent opaque throughout the year, unless otherwise specified. Screening will be designed to be compatible with the architectural treatment of the principal building.
- (13) All signs, awnings, wires and other structures over the streets or sidewalks so situated or constructed as to endanger public safety.
- (14) The allowing of rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.
- (15) Wastewater, excepting that of natural runoff rainwater or snow, which is cast upon or permitted to flow upon or over streets or other public property.
- (16) Any well, hole or excavation left uncovered or in such other condition as to constitute a hazard to a person being or coming upon the premises where the well, hole or excavation is located.
- (17) To own or have control of property or a building thereon which property or building has incomplete landscaping or exterior appearance and for which no building permit for construction work has been issued within the preceding 12 months.
- (18) All buildings, walls and other structures which have been damaged by fire, decay or otherwise, and which are so situated as to endanger the safety of the public.
- (19) To permit or suffer to be or remain offensive, hurtful, dangerous, unhealthy or uncomfortable to any person or neighborhood any sewer, private drain, sink, pool, cesspool, outhouse, privy vault, putrid or unsound flesh, meat, fish, skin, carcass, garbage (except in otherwise authorized containers), stagnant water, vegetable matter, weeds, rodents, vermin, rubbish, swill, offal, metal cans, ashes, litter, yard cleanings (except as otherwise authorized), or other unwholesome or offensive substance, liquid or other thing, in or upon premises or land occupied by or under the control of the party allowing such a condition.
- (20) To permit or allow upon one's private property a tree which is dead, diseased or otherwise not maintaining foliage on more than 50 percent thereof in the growing season.
- (21) For any person to urinate or defecate on public or private property other than in facilities provided for such functions.

-
- (22) All gambling devices, except those gambling devices known as paddlewheels or tipboards or apparatus used in conducting raffles, provided that a license to operate such gambling device has been obtained in accordance with the provisions of chapter 38, article V.
 - (23) Betting, bookmaking, and all apparatus used in such occupations.
 - (24) All trees, hedges, billboards, or other obstructions that prevent persons from having a clear view of all traffic approaching an intersection.
 - (25) The outside piling, storing, or keeping of old machinery, junk, junk vehicles or inoperable vehicles, unlicensed vehicles, car parts, debris, trash, or abandoned motor vehicles as defined by Minn. Stat. ch. 168B, regardless of whether such items are located on the ground or on a trailer.
 - (26) The outside storage of boats or other items that do not comply with the following requirements:
 - a. When stored outside, boats (except pontoon boats) shall be stored on a trailer designed for transporting the model, type, and size of boat on the trailer.
 - b. Covering items with a tarp or other covering not specifically designed for the items beneath the covering does not abate the nuisance.
 - (27) The placing or throwing on any street, alley, road, highway, sidewalk or other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over such substance.
 - (28) The parking of a truck tractor and/or trailer, or other commercial type vehicle, excluding pickup trucks or vans, in excess of 7,000 pounds gross weight, on:
 - a. Public property within an area zoned residential; and
 - b. Residential lots in all zoning districts below two and one-half acres in size, unless a residential occupation has been granted, provided the vehicle is parked on an approved surface, and all other provisions of the city code are complied with.
 - (29) The idling of a truck tractor in excess of 15 minutes from April 16 through October 31, and 30 minutes from November 1 through April 15.
 - (b) In the enforcement and interpretation of this section, the city shall take into account the fact that there is significant diversity of uses in the city, particularly the fact that substantial portions of the city are agricultural lands. Some of the listed nuisances may not be deemed to be nuisances when they are reasonably conducted and related to productive agricultural use of land.

(Ord. No. 23-12, § 1, 6-5-2023; Ord. No. 23-24, § 12, 11-20-2023)

Cross reference(s)—Offenses involving public safety, § 50-91 et seq.



David A. Roedel
Assistant Public Works Director

Sherburne County Government Center
13880 Business Center Drive
Suite 100
Elk River, MN 55330-4668
(763) 765-3000
1-800-433-5228

June 5, 2024

To: Elk River Planning Department

RE: IU 24-01 Jason Bye – 10208 209th Avenue NW
Interim Use Permit for residential occupational with outdoor storage.

1. No concerns with the proposed Interim Use Permit. After reviewing the site plan and narrative provided, I do not see the proposed activity will compromise the safety of the County Road. I am not anticipating the number of vehicles entering or exiting the site daily to exceed 100 trips. That would be the threshold for requiring a right turn lane into the property.

It has been brought to my attention that delivery vehicles are currently stopping on County Road 33 and are backing up on the roadway to enter the site. This is a safety concern and is not allowed. If the reason is backing for deliveries, a turnaround area should be provided on the interior of the site. If delivery drivers are not recognizing the business location, I would request specific signage be added that identifies the business and deliveries (with arrow). The sign would need to be located 50' from centerline of the road, outside future right of way. Signing would be per the City of Elk River requirements.

I would ask the Interim use permit to have language that identifies backing of vehicles on the county road is not allowed and this be a condition set forth in the permit. If the applicant does not abide by the conditions this would be grounds for revocation of the Interim Use Permit.

Please contact me if you have any questions.

David A. Roedel, PE

Assistant Public Works Director / Deputy County Engineer

CITY OF ELK RIVER
SHERBURNE COUNTY

INTERIM USE PERMIT
Case No. IU 24-01

Permit. Subject to the terms and conditions set forth herein, the City of Elk River hereby grants an Interim Use Permit (“Permit”) requested by Jason and Nicole Bye for the following use:

**Residential Home Occupation Interim Use Permit for an
Accessory Structure with Outdoor Storage at
10208 209th Ave. NW, Elk River, Minnesota**

Property. The Permit is for the following described property (“Subject Property”) in the City of Elk River, Sherburne County, Minnesota:

That part of the Northwest Quarter of the Southwest Quarter lying East of the West 869.03 feet thereof and lying West of the East 16.50 feet thereof, Section 13, Township 33, Range 26. Sherburne County, Minnesota.

Owner. Owner of the Subject Property at time of the approval of the Permit:

Jason T. Bye and Nicole M. Bye, owners

Conditions. The Interim Use Permit is issued subject to the following conditions to satisfy the standards set forth in 30-658 (c):

1. The applicant and/or property owner must apply for all required commercial building, electrical, plumbing, and/or mechanical permits before any interior commercial activities can occur.
2. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional.
3. The fenced outdoor storage area shall be:
 - a. Limited to 20,000 square feet.

- b. Fenced with a 6-foot tall 100% opaque fence with gates, to be closed when not in use.
4. The fenced outdoor storage area must be paved with an approved surface (Class 5, concrete, asphalt, or crushed concrete/asphalt).
5. The following shall be located within the fence outdoor storage area:
 - a. All equipment, vehicles, and products related to the business.
 - b. Garbage and recycling dumpsters.
 - c. All business/employee parking.
 - d. Portable outhouses.
 - e. Deliveries.
6. Dumpsters with lightweight materials shall be covered when not in use.
7. Except for company vehicles, equipment, and enclosed trailers, no materials or products can be stored higher than the top of the outdoor storage area fence.
8. The hours of operation shall be limited to 7:00 a.m.-7:00 p.m. Monday through Saturday.
9. Exterior lighting on the accessory structure and in the outdoor storage area shall comply with Section 30-937.
10. Dust control measures shall be used in the fenced yard area.
11. A stormwater retention pond, if required, shall be reviewed by city staff and installed in accordance with all applicable plans.
12. Outside of routine maintenance/repair completed only by the property owner, there shall be no major repair/maintenance of company vehicles/equipment on site. Routine maintenance/repair shall only occur inside the building with all doors and windows closed.
13. Shall not be serviced by delivery vehicles larger than 26,000 pounds gross vehicle weight.
14. Access to the subject parcel, for business activities, shall occur only at the single driveway located on 209th Avenue/County Road 33.
15. Business delivery vehicles shall not back into the site from 209th Avenue/County Road 33.
16. Signage identifying the business/deliveries shall be installed per county and city requirements.
17. An amendment to this Interim Use Permit will be required for future expansions/additions not shown on the staff site plan dated June 17, 2024.
18. The idling of a truck tractor or other business equipment in excess of 15 minutes from April 16 through October 31, and 30 minutes from November 1 through April 15, is prohibited.

Termination of Permit. The Permit shall remain in effect only for so long as the conditions set for the herein are complied with. The City may revoke the Permit following a public hearing for violation of the terms and/or conditions set forth in the Permit.

Lapse. If within two (2) years of the issuance of the Permit the proposed work described in a conditional use permit has not been substantially completed, the permit shall expire and become void, except that the council may, following recommendation of the planning commission, extend the permit for an additional period determined by the council on the receipt of a request for a permit

Jason Bye Interim Use Permit



SITE

209th Ave

75-00588-0205

75-00588-0210

Hoover Street

75-00113-3202

208th Avenue

75-00588-0145

Hoover Court

75-00588-0140

125

Background

- Zoned R1a, ~13 acres
- Requesting IUP to utilize both:
 - Accessory Structure (~6,750 sqft)
 - Outdoor Storage (20,000 sqft)
- For indoor/outdoor storage, receiving deliveries, equipment storage, and employee parking



planned fence extension

fence extension

75-113-3202

Material storage

Fence is approx 120ft wide from east property line

dumpsters

Fence is aprox 165ft south from back of outbuilding

equipment parking

75-588-0220



Background

- The applicant is the co-owner of Rothmeyer TEC, a wireless construction company
- Specializes in cellular equipment construction
 - Telecommunication towers
 - Electrical work and connections
 - Civil construction services preparing the sites
- Not requesting approval for production or manufacturing

Background

- Proposed business employs 10–20 employees
 - A few will be on site during the day
 - The rest will meet on the job site
- Employee vehicles will be parked in the outdoor storage area and could be on site for numerous days
- Deliveries - most often by a flatbed truck or Amazon type trucks

Background

- Nearest house to the proposed outdoor storage area is approximately 80-feet (50-feet required)
- Applicant installed about 220-feet of fencing near the west property line to screen the screened outdoor storage area from the adjacent property



ST NW

10189 208TH
AVE NW



Planning Commission

- Asked if structure was being used and can an IUP be revoked?

Public hearing neighbors:

- Concerns with past practices/use
- Read three ordinance sections
- Concerns with the city process
- Vehicles stopping on County Road is dangerous
- Asking for the same thing as the 2023 CUP
- Delivery vehicle weight
- Is it fair a business can run 12 hours a day 6 days a week in a residential district?

Planning Commission

Public hearing applicant:

- Further explained his request and addressed speculations
- Operation is consistent with other businesses with outdoor storage/accessory structures near his property
- Now lets his employees drive company vehicles home, fewer business and employee vehicles on site
- Owns a semi-truck which he is allowed to have on the property
- Has no concerns with the recommended conditions

Planning Commission

- Commission had concerns about the proximity to the house to the east
- Understood the updated residential occupation ordinance codified a 50-foot setback

Planning Commission

- PC analysis of the application shows compliance with all nine (9) of the standards required for approval of the IUP
- While they had concerns about the proximity of the house, they unanimously recommended approval
 - Stating conditions are in place to mitigate impacts on neighboring properties

Sherburne County

- Reviewed the application
- Does not have concerns with the proposed IUP activity
- The use will not compromise the safety of the county road
- Agree vehicles stopping on the road is a safety concern
- Suggested two additional conditions
 - Delivery vehicles shall not back into site
 - Signage identifying the business/deliveries

Action Requested

- Recommend, by motion, approval of an IUP with the 18 conditions to satisfy the standards set forth in Section 30-658 (c)





ST NW

10189 208TH
AVE NW





SITE

209th Ave

75-00588-0205

75-00588-0210

Hoover Street

75-00113-3202

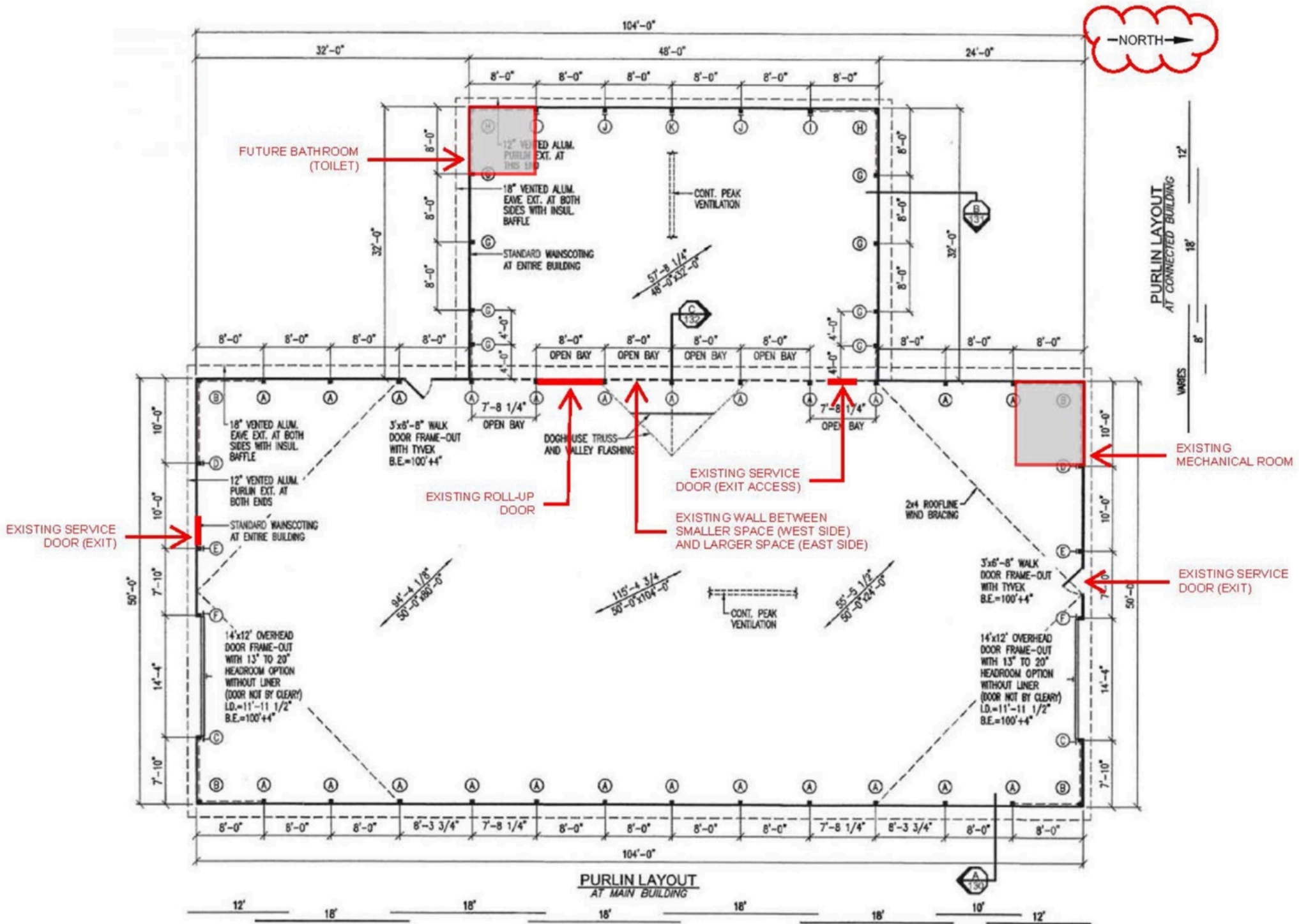
208th Avenue

75-00588-0145

Hoover Court

75-00588-0140

125



Applicable Regulations #1

The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.

- Section 30-801 states an approved IUP shall terminate when the property is sold or when a lease has expired
- Although termination does not guarantee adverse effects will not affect nearby properties
 - The outdoor storage ordinance regulations and the recommended conditions strive to prevent this outcome

Applicable Regulations #2

There is adequate assurance that the property will be left in suitable condition after the use is terminated.

- The detached accessory structure and fenced-in area, the areas being reviewed, are currently located on the parcel
- Common items on a residential parcel
- If the IUP is terminated, the site will be left in a suitable condition

Applicable Regulations #3

The use is similar to uses allowed in the zoning district in which the property is located.

- Outdoor storage is allowed with an IUP
 - On properties 5-acres or larger
- Subject property is well above the required minimum (13.34 acres)
- The city has approved residential occupations with outdoor storage areas

Applicable Regulations #4

The date or event that will terminate the use can be identified with certainty.

- Yes, the ordinance states an approved IUP shall terminate when the property is sold or when a lease has expired

Applicable Regulations #5

Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

- There are no extraordinary features to the request
- If the public were to take over the property
 - No additional costs would be imposed on the public

Applicable Regulations #6

The applicant and user agree to all conditions that the city council deems appropriate for authorization of the interim use.

- This will be determined at the City Council meeting

Applicable Regulations #7

The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.

- Again, the ordinance states an approved IUP shall terminate when the property is sold or when a lease has expired
- A cash deposit does not appear to be necessary to comply with the criteria

Applicable Regulations #8

Authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.

- The residential occupation ordinance has predetermined criteria:
 - Acceptable lot sizes
 - Distances from existing neighboring structures
 - Outdoor storage ordinance/regulations
- These, along with the proposed conditions should help to ensure no adverse affect to the public health, safety, or welfare

Applicable Regulations #9

The proposed interim use is consistent with the City of Elk River Comprehensive Plan and conforms to the city's zoning regulations.

- The use is consistent with the Comp Plan
- Guides property as Rural Residential
- Single family uses, with residential occupations, are allowed in the zoning district



City of Elk River City Council

Resolution 24-_____

A Resolution of the City Council of the City of Elk River Denying the Interim Use Permit Request for a Residential Occupation at 10208 209th Ave NW

WHEREAS, Jason Bye, (“Applicant”), has applied (“Application”) for an Interim Use Permit (IUP) (Case No. IU 24-01) to allow for outdoor storage and accessory structure use for a residential occupation at his residence, 10208 209th Ave NW, Elk River, MN (“Property”); and

WHEREAS, the record in this matter shall include all of the materials submitted to the Planning Commission and City Council in connection with the IUP Application; including the staff reports and all attachments thereto, all other written materials submitted to the Planning Commission and City Council, and all staff presentations and other testimony taken at the public meetings considering the Application for the IUP, all of which is incorporated in and made a part of the findings of fact and this resolution; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding the Application; and

WHEREAS, the Planning Commission recommended approval of the Application with the inclusion of eighteen (18) proposed conditions to ensure compliance with the necessary standards; and

WHEREAS, the City Council held a public hearing on June 17, 2024, to receive testimony and evidence from city staff, the Applicant and any other persons regarding whether the Application should be approved; and

WHEREAS, the Applicant and all others wishing to speak were given the opportunity to present testimony to the Planning Commission and City Council; and

WHEREAS, the City Council, at the conclusion of its June 17, 2024, public hearing on the Applicant’s Application, directed staff to prepare a resolution making findings of fact denying the Application as the request does not satisfy standards three, eight, and nine required for issuance of an IUP.

NOW, THEREFORE, the City Council of the City of Elk River makes the following:



FINDINGS

1. The Property is zoned R-1a (Single-Family Residential) where residential occupations with outdoor storage or accessory structure use are allowed according to the standards outlined in City Code § 30-801.
2. City Code § 30-801(c) outlines the standards for permitted residential occupations, and § 30-801(d) outlines the Interim Residential Occupation process for uses that exceed the permitted standards described in 30-801(c).
3. City Code § 30-801(b)(4) provides that no residential occupation (including interim) may “adversely affect neighboring property values or constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, . . . vibration, dust or other nuisance or safety hazards.”
4. City Code § 30-801(b)(5) specifically prohibits body shops, machine shops, and hazardous materials or activities, as defined by the Minnesota Building Code.
5. City Code §30-801(c) states that permitted residential occupations must be carried out entirely within the dwelling unit and shall not include outdoor storage.
6. The Application includes outdoor storage and use of an accessory structure. It is therefore not a permitted residential occupation and requires an IUP in accordance with City Code § 30-801(d).
7. The Applicant submitted an IUP application, Case No. IU 24-01. The Application was deemed complete and scheduled for review by the Planning Commission and City Council.
8. The Application requests an IUP to utilize an existing 20,000 square foot fenced area and an accessory structure for indoor and outdoor storage. The Application does not request production or manufacturing on the Property, however, the Applicant is requesting storage for a business that occurs off site, which results in the Applicant receiving multiple deliveries per week, equipment storage, and employee parking for a business specializing in cellular equipment construction.
9. IUP’s must comply with the standards as outlined in § 30-658.
10. City Code § 30-658(c) provides for analysis and findings required to be the grant of an IUP. The Application and proposed use does not meet all required findings in City Code § 30-658(c)(1)-(9) as provided below:

- (1) **The period of time for which the interim use permit is to be granted will not terminate before any adverse impacts are felt upon adjacent properties.**

City Code § 30-801 provides that an IUP terminates when the property is sold or the lease expires. This time limit is indeterminate and cannot prevent future adverse impacts here because the Property already has nearby neighboring residential uses. The proposed is not simply for outdoor storage for use on site by the Applicant, but as a storage yard for an off-site business,



which will and does result in numerous visits by employees daily to retrieve items stored on the Property. The use also requires numerous deliveries which requires delivery traffic stopping on, and blocking, the roadway to make deliveries to the site. The residential character of the area will be impacted by a more industrial zone type use and will be immediately adversely impacted by a permit approval.

(2) There is adequate assurance that the property will be left in suitable condition after the use is terminated.

There is no indication that the proposed structure and fence will cause adverse impact to the Property if the use is terminated.

(3) The use is similar to uses allowed in the zoning district in which the property is located.

The Property is currently within an otherwise quiet residential area. Although City Code can allow outdoor storage and accessory building use on properties larger than 5 acres in the R-1a district, the proposed operation involves potentially 10-20 employees, and an amount of parking, storage, noise, and traffic beyond what is found in the R-1a rural residential district. The proposed operation will receive numerous large deliveries and trash pickups. The scope of the proposed operation is far more industrial and commercial than other uses found in the zoning district, is greater in impact than the simple outdoor storage contemplated within the Code, and goes beyond the residential character found in the R-1a rural residential zone. Some of the proposed conditions to mitigate safety impacts, including signage to identify the property and limit traffic impacts, themselves depart from the residential character of the zoning district. While not exactly the same, the use is more similar to those expressly prohibited by City Code § 30-801(b)(5) such as body shops, machine shops, and hazardous materials or activities, as defined by the Minnesota Building Code

(4) The date or event that will terminate the use can be identified with certainty.

The IUP shall terminate on sale or lease termination, with certainty, but the date is not certain.

(5) Authorizing the use will not impose additional costs on the public if it is necessary for the public to take the property in the future.

Some of the proposed conditions necessary to address safety concerns, including the on-site turnaround area for delivery trucks, would potentially lock in the layout of the Property such that any public acquisition, for potential expanded roadway, for example, would impact the business as a whole. This situation, combined with the intensity of the business use and the volume of commercial traffic, would likely substantially increase the cost of any acquisition by a governmental entity. This is particularly relevant given that this property is on the Twin Lakes Road Corridor identified in the City's Comprehensive plan as a target for capacity improvement to support residential subdivision development; not only would the use increase the cost



of acquisition but such acquisition is more likely to occur within the lifetime of the IUP.

- (6) **The property owner or lessee agree to all conditions that the city council deems appropriate for authorization of the interim use.**
The applicant has stated he would agree to all recommended conditions.
- (7) **The applicant provides assurances deemed adequate by the city council that the use will terminate as provided in the interim use permit. The city council may require the applicant to deposit a cash amount with the city, or provide some other form of security, to ensure compliance with this criteria.**
The use will terminate with the sale of the Property, a time that is clear enough that no further assurances would be necessary.
- (8) **Authorization of the interim use will not result in adverse effects on the public health, safety, or welfare.**
The use has generated noise disrupting the welfare of neighboring properties while operating without a permit, and this noise may begin again if approved. Given the number of vehicles accessing and parking at the property, and the number of employees involved, there is no way to prevent this adverse impact to the neighboring area. The operation requires frequent large deliveries, generating substantial commercial traffic in an area without the infrastructure to accommodate the traffic, nor intended to have such traffic. Because of the location of the proposed use, this commercial traffic is also mixed with residential traffic. This leads to potentially dangerous vehicle trips, and delivery vehicles stopping on and impeding the roadway. Sherburne County Public Works acknowledged concerns with delivery traffic stopping on, and blocking, the roadway to make deliveries to the site. These conditions create an adverse effect on public health and safety. Although traffic conditions or signage could be altered to attempt to reduce these dangers, given the volume and size of traffic the impact cannot be eliminated. Although neighborhood sentiment alone is not a basis for the Council's decision, the neighbor's statements provide compelling further evidence for the Council's finding that this proposed use will generate excessive traffic and noise—because it already has done so.
- (9) **The proposed interim use is consistent with the City of Elk River comprehensive plan and conforms to the city's zoning regulations.**
The level of impact and intensity of this use is not consistent with the City's comprehensive plan. The Property is zoned R-1a, rural residential single-family. Under the comprehensive plan, it is guided for "Traditional Single-Family Residential." It is also within the proposed Urban Service Extension Area for development in the near future, and it is along the Twin Lakes Road Corridor, which is further targeted for capacity improvements to support residential subdivision development. A commercial use generating this volume of commercial traffic, as well as noise and the intensity of the business storage, parking, and trash generation, is not compatible with the



guidance under the comprehensive plan. It will create adverse impacts on the proposed development course under the comprehensive plan and frustrate the orderly development of the Property and neighboring areas under the comprehensive plan. Given the intensity of the proposed use and the nature of the proposed use as a commercial construction operation, these adverse impacts cannot be mitigated by imposing conditions because they are incompatible with the future development plans for the area.

11. Taking into consideration all of the testimony and evidence received, including statements from the applicant and neighbors, staff reports, the findings of the Planning Commission, and the memorandum from Sherburne County, the City Council finds that the Applicant's proposed goes beyond mere Outdoor Storage, and will have significant impacts upon safety and the quiet enjoyment in a residential zone. The Applicant has not established that he has met the requirements for an IUP. The permit would not be in the public interest.

DECISION

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK RIVER, MINNESOTA, based upon the information received and the above Findings, the City Council of the City of Elk River hereby denies the Interim Use Permit Application IU 24-01 for a residential occupation at 10208 209th Avenue NW, Elk River, MN.

Passed and adopted this 15th day of July, 2024.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk





Request for Action

To
City Council

Item Number
8.1

Meeting Date
September 3, 2024

Prepared By
Jolene Richter, Deputy Clerk

Item Description
Discuss Work Session Items

Reviewed by
Cal Portner
Tina Allard

Action Requested

Review work session items listed below and identify future work session topics.

Background/Discussion

Work sessions will be added to the end of regular meetings on the first and third Mondays as needed. At the first Council meeting of each month, staff will present a list of future work session topics for Council review.

Proposed work session topics are as follows:

- Fire Station #1 Facility Funding
- Public Safety grant expenditure update
- Review of zoning north of 197th Ave and gravel mining area following Highway 169 construction
- Council Chambers Security (October 21, 2024)

Financial Impact
N/A

Mission/Policy/Goal

Responsibly grow, meet changing needs (agile), and ethical, efficient, and responsible.

Attachments
None

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Request for Action

To
City Council

Item Number
8.2

Meeting Date
September 3, 2024

Prepared By
Cal Portner, City Administrator

Item Description
Orono Lake Improvement District Annual Update
and 2025 Budget

Reviewed by
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, the resolution approving OLID Resolution 24-01 2025 OLID Annual Service and Activities Charge Request.

Background/Discussion

By the Order Establishing Orono Lake Improvement District, the City Council shall review the OLID budget annually after the Annual Meeting in July or August of each year.

The proposed 2025 OLID Budget was submitted by the Board of Directors on August 28, 2024. This includes the OLID Annual Budget for Projects/Activities 1-8 detailed in the attachment for various projects costing \$17,250. OLID property owner's annual cost for 2025 is \$100 per unit for these activities.

The OLID Board submitted Resolution 24-01 certifying the annual services and activities charge request.

City staff were provided with the following voting results from the OLID Annual Meeting below.

The 2025 OLID Annual Services and Activities Charge Request was approved unanimously by the 26 lake property owners attending the annual meeting on August 27, 2024.

In addition, Charlie Blesener and Ben Carlson were elected to a three-year term on the OLID Board.

Financial Impact
N/A

Mission/Policy/Goal
City of Elk River Mission Statement

Attachments

1. Proposed Projects & Budget 2025
2. Resolution 24-01: 2025 Service Charge Request

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Orono Lake Improvement District (OLID) Proposed Budget 2025

	Project/Activity	Description: OLID Annual Services and Activities Fee	Budget
1	AIS Control Curly-leaf Pondweed (CLP)	Continue surveying and treatment where needed of this invasive species until CLP seed banks are eliminated. For 2025 the estimated acres requested to be treated is 32 to fit within the MN DNR maximum allowable without a variance (15% of the littoral area). Herbicide, mechanical and/or hand removal will all be considered. If MN DNR or Sherburne AIS Grant funds remain available and are approved, costs to OLID could be reduced or funds carried over for use the following year. Also, a Sherburne SWCD AIS grant will be applied for to cover required independent contractor CLP delineation costs.	\$8,475
2	Sedimentation Monitoring and Management	Continue lake sonar surveys and baseline studies to monitor existing conditions, sediment sources and baseline sediment levels. Monitoring equipment and data processing. Conduct or contract for feasibility studies and develop proposals for future dredging projects.	\$2,000
3	Undesirable Aquatic Vegetation and Organisms Public Waters Control	MN DNR staff have stated that Water star-grass, and the distribution and density of any submerged aquatic plant, can vary significantly from season to season, particularly in a reservoir system like Lake Orono. Set-aside funds are needed to be prepared to act. Also, work with the City of Elk River to secure existing funds or seek additional funds through Minn. Statute 103G.625 for the control of CLP, harmful or undesirable aquatic vegetation and organisms in public waters.	\$2,000
4	Fisheries Survey, Preservation and/or Stocking	Continue to work with the DNR to determine fish stocking needs and the most appropriate species to select to stock as available and deemed appropriate. Also, assist with current awareness campaign for the need to continue encouraging catch and release.	\$2,000
5	Web Licensing and Maintenance	OLID membership communication, official document repository, director nomination forms, absentee election ballots, etc.	\$200
6	County Special Assessment Fee	Fee for Cities, Townships and LIDS to certify special assessment on the Sherburne County tax system (\$5.00/parcel/year).	\$920
7	Office Supplies and Organizational Expenses	Annual meeting notice mailing, location rental or refundable deposit, building staff supervision, P.O. Box, membership dues or other meeting-related or general supplies.	\$675
8	OLID Board Liability Insurance	Secure standard Liability Insurance for the OLID Board of Directors.	\$980
Total cost of goals 1 – 8			\$17,250*
*OLID property owner annual cost for 2025 of \$100.00 per unit.			

Note: A carryover of funds from year-to-year may be allowed to accommodate cash flow.

RESOLUTION 24 - 01

**RESOLUTION CERTIFYING
2025 OLID ANNUAL SERVICES AND ACTIVITIES
CHARGE REQUEST**

WHEREAS, pursuant to proper notice duly given as required by law, the Orono Lake Improvement District (OLID) has met and certified the assessment roll for the 2025 OLID services and activities charge;

NOW THEREFORE, be it resolved by the Board of Directors of the Orono Lake Improvement District, that the City of Elk River is requested, pursuant to Minnesota Statutes, Section 103B.555, to impose a service charge on all eligible parcels as per the 2025 OLID Service Charge List attached as Exhibit A in the per full unit amount of \$100.00 for OLID services and activities provided in 2025;

BE IT FURTHER RESOLVED that the Orono Lake Improvement District Board of Directors requests that the City of Elk River authorize the Sherburne County Auditor/Treasurer's Office to place the service charge in the total amount of \$17,250 on the 2025 Sherburne County Tax rolls, as shown on Exhibit A.

Said Exhibit A is attached and shall be called the 2025 OLID Service Charge List.

Adopted by the OLID Board of Directors August 27, 2024.

ATTEST: Orono Lake Improvement District


Thomas Binsfeld, Secretary


Chris Rock, Chair



Request for Action

To
City Council

Item Number
9.1

Meeting Date
September 3, 2024

Prepared By
Jolene Richter, Deputy Clerk

Item Description
Council Liaison Updates

Reviewed by
Cal Portner
Tina Allard

Action Requested
Councilmembers to provide liaison updates.

Background/Discussion
The Mayor and Councilmembers serve as liaisons to multiple committees and commissions. The first meeting of the month provides an opportunity for the Council to provide updates on the work of those committees and commissions.

- **Energy City Commission** – CM Grupa
- **Multipurpose Facility Commission** – CM Wagner
- **Heritage Preservation Commission** – CM Grupa
- **Library Board** – Mayor Dietz
- **Parks and Recreation Commission** – CM Beyer
- **Planning Commission** – CM Westgaard
- **Utilities Commission** – CM Westgaard
- **Region 7W** – Mayor Dietz

Other Committees, Commissions, etc.

Financial Impact
None

Mission/Policy/Goal
Elk River Mission

Attachments
None

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Request for Action

To
City Council

Item Number
11.1

Meeting Date
September 3, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Concept Review: Holzem Properties - Kent
Roessler

Reviewed by
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Provide staff and the applicant with informal, non-binding, feedback regarding their proposed residential project.

Background/Discussion

The applicant requests initial feedback regarding a proposed residential subdivision near Twin Lakes Elementary School and along the city's border with Nowthen. The submitted plan proposes a 98-lot single-family subdivision consistent with the R-1b non-sewered zoning standards – 1-acre lots with 160 feet of frontage.

The Comprehensive Plan guides the property for Mixed Residential use with city utilities and was included in the utility expansion study completed in early 2023. The study included cost estimates and contemplated funding options for the trunk utilities. Direction from the City Council and Elk River Municipal Utilities have been to work with the developer to install the new infrastructure.

The estimated trunk extension costs for the subject site are \$36,351/gross acre or \$7,161,147. Based on density guidance in the Comprehensive Plan, the developer could expect to construct between 450 and 500 homes, for a trunk utility cost of \$15,000 per home.

The developer has stated this cost is unaffordable and that his project would not be competitive with other developers currently working within the community.

City staff reviewed their concerns and would like direction from the City Council regarding the long-term vision for this area of the city. If the project site were removed from the urban service district and developed as proposed, the remainder of the northeast urban service area would likely no longer be economical, and the Comprehensive Plan should be amended to support larger lots with private wells and septic.

Alternatively, if the Council envisions this area as the next phase of urban development and expansion for the community, the current urban service area and feasibility study could be amended to take a closer look at the development potential within the current urban service area. The findings and recommendations in the

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feasibility study identified a potentially smaller urban service area in this area of the city. With the Council's direction, city staff would initiate a review of the current plans and studies, which may lead to a more economical recommendation for a targeted expansion of city utilities.

Financial Impact

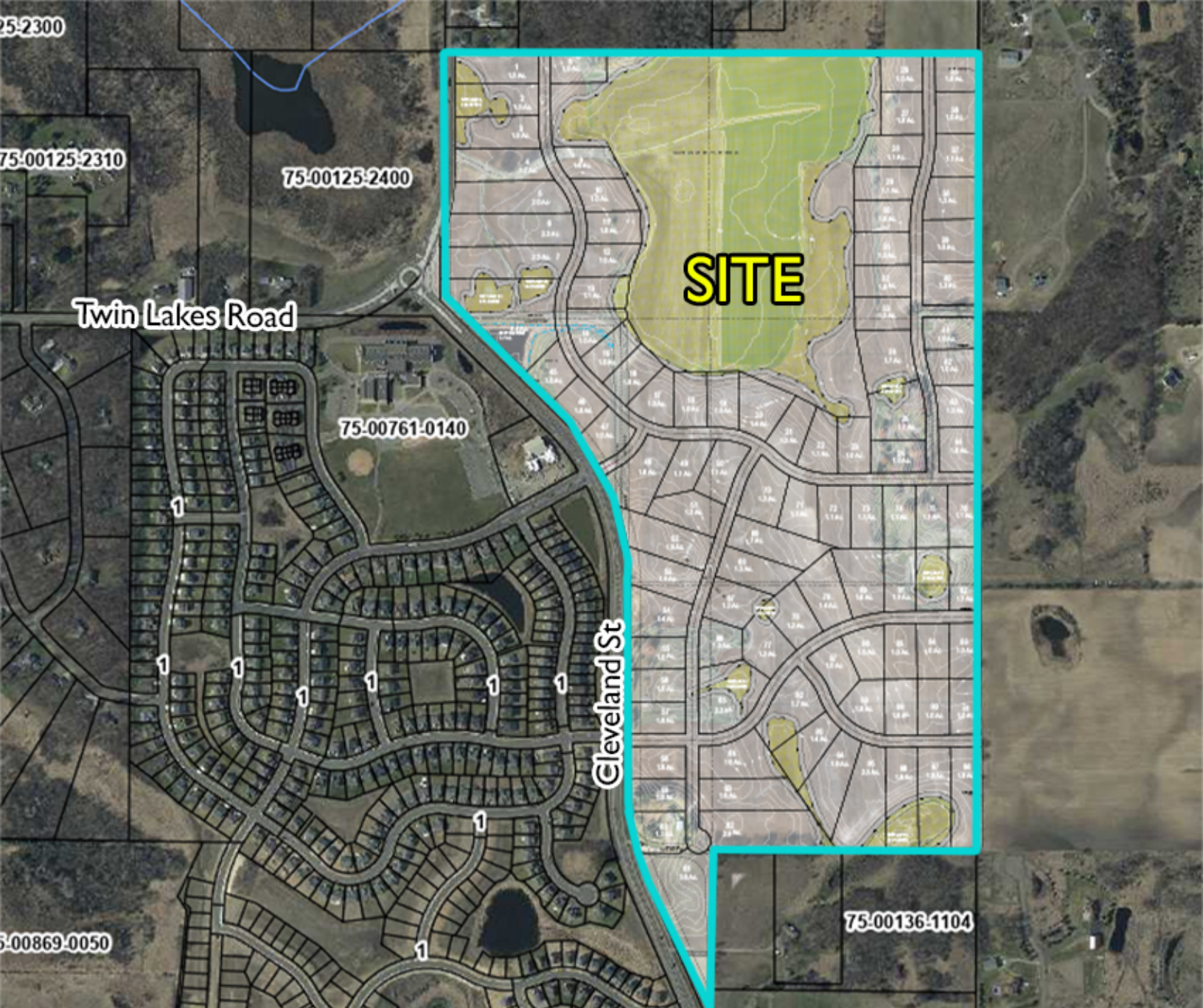
None

Mission/Policy/Goal

Support the growth and development of the community.

Attachments

1. Location Map
2. Applicant's Narrative
3. Concept Plan



Project Location Map

Holzem Property

Concept Review

Case No: CR 24-08

Narrative
Holzem Property Concept Plan

Prepared for:
Kent Roessler

June 19, 2024

SUBMITTED TO
City of Elk River
13065 Orono Parkway
Elk River, MN 55330



PREPARED BY
Landform Professional Services, LLC
105 5th Ave S, Suite 513
Minneapolis, MN 55401

TABLE OF CONTENTS

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Introduction

On behalf of Kent Roessler, Landform is pleased to submit this application for concept plan review of the Holzem site which includes the following PID numbers; 75-00869-0010, 75-00125-4101, 75-00125-4102, 75-00761-0040, 75-00125-1100. The site includes five parcels that total 197.13 acres. Our concept plan was created to show a rural residential development on well and septic rather than municipal sewer and water. We are excited about the plan proposed for this site and look forward to discussing this proposal with the City.

Concept Plan

The site is currently guided Mixed Residential by the future land use plan and zoned R-1a Single Family Residential on the zoning map. The land is also shown within the future urban service area. We are requesting a land use change from Mixed Residential to Rural Residential and removal from the future urban service area. The concept plan has been prepared consistent with the dimensional standards of the R-1b zoning district which is the zoning change that would be requested with support of the land use and urban service area changes.

We are requesting a change to remove the project site from the future urban service area. The project site was originally not part of the future urban service area, but the designation was changed as part of the 2040 Comprehensive Plan Update adopted in 2021. LGI Homes came forward with a concept plan in 2022 to develop the site with municipal services, which prompted the City to hire a consultant to perform a study for the expansion of sewer and water into the future urban service areas, specifically the northeast area where this project is located. The study showed the significant infrastructure necessary to serve the northeast area with sewer and water. A new force main from the wastewater treatment site over 3 miles away is necessary to serve the northeast area and this project site. This would require participation from several smaller adjacent properties to the south. The cost and additional properties that need to participate make it not feasible for this site to develop with sewer and water. Following the results of the study, LGI Homes decided not to pursue the development given the costs associated.

The City has the option to bond for the infrastructure project and assess the costs through the Section 429 process. This would result in higher taxes for Elk River residents and large assessments for the benefitting properties in the northeast district. This would involve a lengthy process and would likely receive pushback from many of the property owners. Therefore, the discussion with the council was that all improvements would be a cost borne by the developer as properties develop.

This project site cannot bear the infrastructure costs to bring a new trunk sanitary line from the wastewater treatment plant, therefore we are requesting an amendment to the comprehensive plan to remove this site from the future urban service area. We believe this is the only viable option to develop this site in the foreseeable future and we request the City to consider amending the comprehensive plan to provide a path forward for the property to develop.

Summary

We respectfully request feedback on the Concept Plan to develop the Holzem site as a rural residential community without sewer and water.

Contact Information

This document was prepared by:

Kevin Shay, AICP
Landform
105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Eric Luth at eluth@landform.net or 612.638.0261.



Request for Action

To
City Council

Item Number
11.2

Meeting Date
September 3, 2024

Prepared By
Cal Portner, City Administrator

Item Description
Discuss Public Safety Facility Patio Addition and
Public Safety Aid Update

Reviewed by
Cal Portner
Joe Gacke
Tina Allard

Action Requested

- 1) Review request for Public Safety Facility Patio Addition, and provide staff direction.
- 2) Receive an update on Public Safety Aid Expenditures, year to date.

Background/Discussion

The police administration has proposed the construction of a patio adjacent to the Public Safety Facility to serve as a break area for staff to promote employee wellness and foster a sense of community within the organization. After consulting with city building maintenance and planning staff, they sought an estimate for the construction of a 20x28 sf paver stone patio which would include edging, decorative rock, accent boulders, shrub/perennials, and four low-maintenance privacy panels. The patio would meet ADA requirements.

This proposal was not included in the budget or previous Capital Improvement Plans. Cost estimates for construction and furnishings are approximately \$50,000. At least two formal quotes would be requested, and the project needs City Council approval. The administration suggests using Public Safety Aid funds allocated by the State of Minnesota.

Review Public Safety Aid expenses and balance.

Financial Impact

The proposal meets the requirements set by the State of Minnesota for Public Safety Aid funds.

Mission/Policy/Goal

The Elk River Mission - Meet changing needs - Agile

Attachments

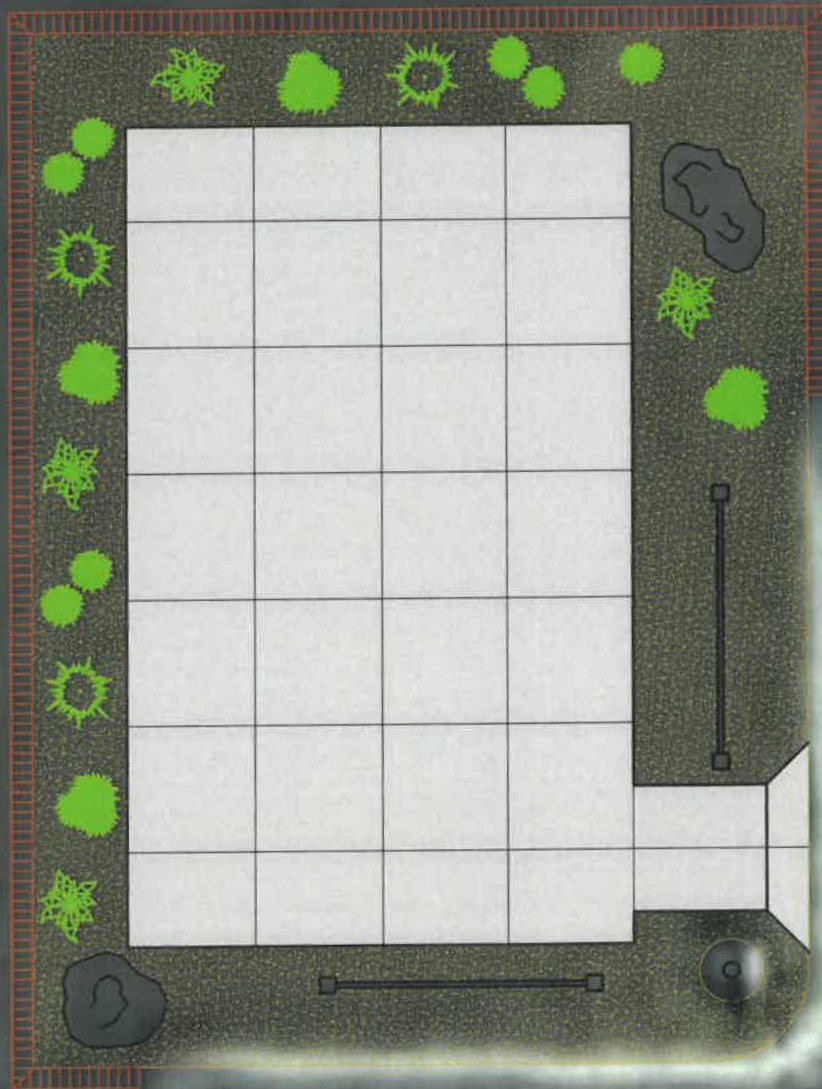
1. Patio Concept
2. A Public Safety Aid Update 08 24

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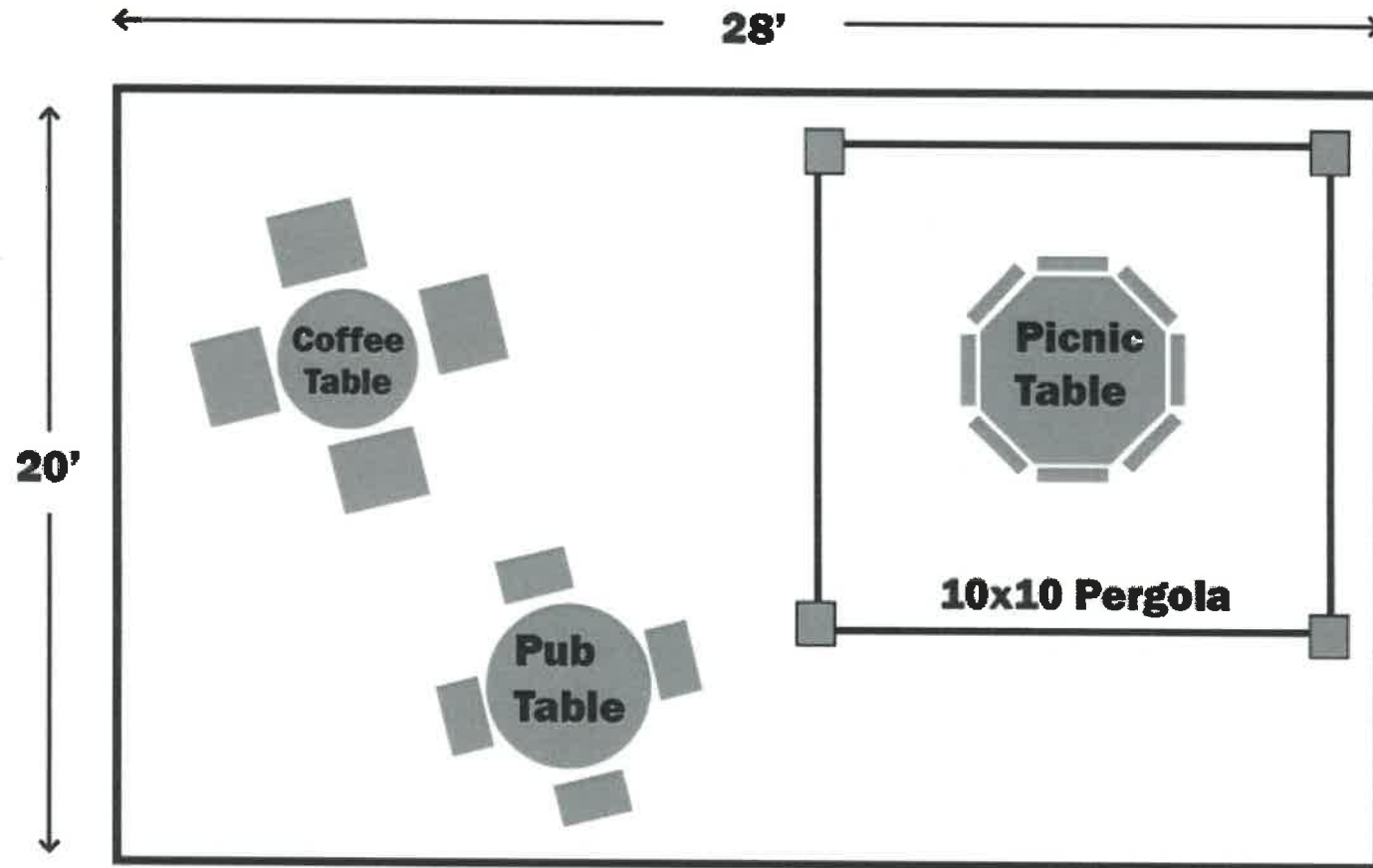


Addendum A



PLAN PROPOSAL

Dimensions 20' x 28'
Pergola with 3 Separate Seating areas



Proposed Relaxation Zone Layout*
*not to scale

VINEYARD PERGOLA



- 10x10 pergola
- Shade Structure
- Cedar tone
- Solid wood
- Shade lattice
- Made in the USA



Memorandum

To: Cal Portner, City Administrator

From: Lori Stich, Finance Manager

Date: August 29, 2024

Subject: Public Safety Aid

In December 2023, we received Public Safety Aid from the State of Minnesota in the amount of \$1,145,601. These funds were to be split equally between police and fire per council consensus.

Below is a summary of expenditures as of September 3, 2024:

Police - \$82,768.32

Purchases include: ballistic helmets, speed signs, rifle-rated bunkers and training software

Fire - \$114,291.00

Purchases include: fire simulator, drone and training equipment

As of September 3, 2024, the remaining balance is \$948,541.68.



Request for Action

To
City Council

Item Number
11.3

Meeting Date
September 3, 2024

Prepared By
Joe Stremcha, Business Services Director/Assistant
City Administrator

Item Description
2025 Budget

Reviewed by
Cal Portner
Tina Allard

Action Requested
Discuss the 2025 budget and provide staff direction.

Background/Discussion

As of the August 12 budget work session, the 2025 General Fund Budget was \$22,522,200. This is a 4.4% increase over the 2024 budget.

Preliminary Net Tax Capacity (NTC) values should be available next week from Sherburne County. On September 16, the Council will adopt the maximum Preliminary Tax Levy for taxes payable in 2025. The Final Tax Levy will be adopted in December and can be the same or lower but cannot be greater than the Preliminary Tax Levy.

The full-time firefighter position and youth enrichment coordinator positions presented during the prior Work Sessions were not included in the 2025 budget. A third position of shelter liaison has also been developed for consideration and is included in the packet.

Discussion Items to Consider:

- Personnel requests – funding of personnel requests not included in the preliminary General Fund Budget.
- Council direction regarding the General Fund Budget and Preliminary Tax Levy.
- Adding the debt service payments for the Public Works facility on the levy.

Financial Impact

The 2025 budget has a direct impact on residential property taxes and user fees.

Mission/Policy/Goal

Responsible for every dollar - good stewards.

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Attachments

1. 2025 Position Requests
2. 2025 General Fund Summary
3. 2025 General Fund Expenditures
4. 2025 General Fund Revenues
5. Debt Service 2020B - PW

**2025 BUDGET
PERSONNEL REQUESTS**

	Department:	Recreation	Recreation	Fire		GENERAL FUND
	Position:	Youth Enrichment Coord	Shelter Liaison	Fire Engineer		TOTAL
4101	Regular Pay			77,100		77,100
4102	Overtime Pay					-
4103	Part-Time Pay	28,100	6,350			34,450
4104	PERA	2,100		5,800		7,900
4105	FICA	1,750	400	4,800		6,950
4107	Medicare	400	100	1,100		1,600
4108	Insurance	-		17,850		17,850
4109	Workers Comp	100	50	400		550
	Total Personal Services	32,450	6,900	107,050	-	146,400
	<u>Additional Costs:</u>					-
4217	Uniform Allowance			650		650
4219	Supplies					-
4331	Training/License					-
4361	Auto insurance					-
4560	Equipment - vehicle					-
	Total Additional Costs	-		650	-	650
	Total Position Requests	32,450	6,900	107,700	-	147,050

Staff Request Form 2025 Budget Year

Position: Youth Enrichment Coordinator Department: Recreation

Number of Positions: 1

If positions aren't exactly the same (# of hours, duties, etc.), please use a separate form for each position.

Position Classification: Part-Time Non-Exempt

Benefit earning? no *please make a selection in the highlighted boxes

Length of Hire to # hours/week 20
(for Seasonal/Temp only)

Estimated Hire Date: Monday, January 6 Pay Range: \$ 25 to \$ 27
Min. Max.

Reason additional staffing is needed/requested:

This position will fulfill recreation programming needs within the FT Center as the facility shifts towards a hospitality focus and away from a recreation programming facility management perspective. Most recreation programs occur during year-round at the FT Center and can function similarly to the senior activity center. There is an opportunity to utilize the FT Center in the summer when parks are unavailable due to weather. This position can enhance the community focus within the community event center as it will enhance our youth programming opportunities.

What benefit will the city receive as a result of these changes? (Do additional hours need covering?)

Is the position needed to support a new program/grant?

The focus of this position would be youth enrichment. They would fulfill this objective by coordinating programming in these areas of opportunity: Pre-School Classes, Non-School Day/Early Out Activities, Safety Camp, Learn to Skate, Open Skate/Turf, 5-8 Grade afterschool programming at FT Center, Homework help/Study Hall, Crafts/Activities/Games, FT Center Flex Room could be used as a teen center, movies in the Fieldhouse.

List other costs associated with adding this position:

	<u> </u>
	<u>32,000</u>
	<u> </u>
	<u> </u>
TOTAL	<u>\$ 32,000</u>

Other comments:

There is the potential to collaborate with Thumbs Up and the Boys and Girls Club to enhance programming as students currently use the FT Center after school in an unstructured environment creating vandalism and disruptive behaviors.

Requested by: Joe Stremcha Date: 6/3/2024

City Administrator Approve Deny Date:

Staff Request Form 2024 Budget Year

Position: Shelter Liaison Department: Recreation

Number of Positions: 4-Feb

If positions aren't exactly the same (# of hours, duties, etc.), please use a separate form for each position.

Position Classification: Part-Time Non-Exempt

Benefit earning? no *please make a selection in the highlighted boxes

Length of Hire 5/1/2025 to 9/30/2025 # hours/week 18
(for Seasonal/Temp only)

Estimated Hire Date: 4/21/2025 Pay Range: \$ 14 to \$ 16
Min. Max.

Reason additional staffing is needed/requested:

Park shelters rental utilization has grown exponentially after the Together Elk River projects were completed. User group sizes and frequency has grown to the point where cleaning between multiple rentals on the same day is necessary to ensure the shelter is ready for the next user. Peak rental times are 12:00 PM to 6:00PM on Friday, Saturday, and Sunday from May through September.

What benefit will the city receive as a result of these changes? (Do additional hours need covering?)

Is the position needed to support a new program/grant?

The city will benefit from sustained revenue growth by providing consistent quality guest service both during and between peak hours of shelter rentals.

List other costs associated with adding this position:

	<u>\$6,336</u>	Shelter Liaison staffed at \$16/hr for 18 hrs over 22 weeks.
	<u> </u>	
	<u> </u>	
	<u> </u>	
	<u> </u>	
TOTAL	<u>\$ 6,336</u>	

Other comments:

Requested by: Joe Stremcha Date: 8/29/2024

City Administrator Approve Deny Date:

**Staff Request Form
2025 Budget Year**

Position: Fire Engineer Department: Fire Department

Number of Positions: _____
If positions aren't exactly the same (# of hours, duties, etc.), please use a separate form for each position.

Position Classification: Full-Time Non-Exempt

Benefit earning? yes *please make a selection in the highlighted boxes

Length of Hire _____ to _____ # hours/week 40
(for Seasonal/Temp only)

Estimated Hire Date: Jan-25 Pay Range: \$ 74,156 to \$ 87,243 (2N - 2024 pay rates)
Min. Max.

Reason additional staffing is needed/requested:

This position would help assist the Fire Marshal, Community Risk Reduction specialist, and Rental Inspector position. Two years ago we combined two positions and have been able to keep up with all the responsibilities, but with the growth of businesses and rentals, we are struggling to meet expectations. This position would also be a full-time firefighter position which would help with day-time response.

**What benefit will the city receive as a result of these changes? (Do additional hours need covering?
Is the position needed to support a new program/grant?)**

The Rental division has been successful in keeping our residents residing in rental properties safe, this position would be able to keep up with the growing pace of our infrastructure while helping the Fire Marshal continue to help our business community grow unhindered. Additionally, this position would help our fire department's day time response which has decreased over the years.

List other costs associated with adding this position:

Uniform	_____
	<u>650</u>

TOTAL	<u>\$ <u>650</u></u>

Other comments:

Requested by: Fire Chief Mark Dickinson Date: 5/29/2024

City Administrator _____ Approve _____ Deny _____ Date: _____

**CITY OF ELK RIVER
2025 PRELIMINARY BUDGET
GENERAL FUND**

	2021 ACTUAL	2022 ACTUAL	2023 ACTUAL	2024 BUDGET	7/31/2024 ACTUAL	2025 PRELIMINARY	% of Budget	Increase/ (Decrease)	% Change
<u>General Fund Revenues:</u>									
Property taxes	12,297,572	13,017,377	13,785,282	14,917,700	7,671,673	\$16,169,050	71.8%	\$1,251,350	8.4%
Other taxes	233,745	173,039	156,365	225,000	13,156	225,000	1.0%	\$0	0.0%
Licenses & Permits	1,015,529	939,133	976,260	1,008,200	422,189	974,200	4.3%	(\$34,000)	-3.4%
Intergovernmental Revenues	581,927	657,106	706,917	659,000	46,943	704,000	3.1%	\$45,000	6.8%
Charges for Services	1,035,953	1,129,410	1,210,808	1,148,200	958,106	1,236,950	5.5%	\$88,750	7.7%
Fines	127,266	127,954	169,910	150,000	82,640	155,000	0.7%	\$5,000	3.3%
Other Revenues	297,915	335,594	445,610	330,000	111,826	361,000	1.6%	\$31,000	9.4%
Other Financing Source - Lease	-	225,719	-	-	-	-	0.0%	\$0	0.0%
Transfers In	2,281,960	2,599,306	3,202,249	3,132,500	2,172,786	2,697,000	12.0%	(\$435,500)	-13.9%
Total General Fund Revenues	17,871,867	19,204,638	20,653,401	21,570,600	11,479,318	22,522,200	100.0%	\$951,600	4.4%
<u>General Fund Expenditures</u>									
General Government:									
Mayor & Council	161,522	180,733	196,879	213,550	105,526	233,000	1.0%	19,450	9.1%
Communications	334,651	368,036	436,535	485,300	244,603	515,550	2.3%	30,250	6.2%
Administrative Services	597,464	609,868	691,952	721,850	398,081	756,000	3.4%	34,150	4.7%
Human Resources	344,469	367,643	398,243	426,550	226,901	456,350	2.0%	29,800	7.0%
Elections	6,300	41,864	6,280	75,500	25,633	6,800	0.0%	(68,700)	-91.0%
Finance	620,548	696,918	733,973	800,750	482,860	866,000	3.8%	65,250	8.1%
Information Technology	454,648	652,096	617,017	731,500	329,549	769,000	3.4%	37,500	5.1%
Legal	244,402	270,650	288,808	275,000	179,709	300,000	1.3%	25,000	9.1%
Community Dev/Planning	578,245	479,845	460,952	485,100	279,477	506,500	2.2%	21,400	4.4%
Facilities Maintenance	812,257	925,910	1,054,680	1,085,250	575,132	1,170,400	5.2%	85,150	7.8%
Energy City	23,922	24,475	56,284	49,050	15,224	62,700	0.3%	13,650	27.8%
Total General Government	4,178,428	4,618,038	4,941,603	5,349,400	2,862,697	5,642,300	25.1%	292,900	5.5%
Public Safety:									
Police	6,338,212	6,909,469	7,190,412	7,578,400	3,962,073	8,108,750	36.0%	530,350	7.0%
Fire	1,514,752	1,733,540	1,979,598	1,998,000	875,927	2,104,700	9.3%	106,700	5.3%
Building Safety	489,072	610,684	572,772	625,500	330,848	665,450	3.0%	39,950	6.4%
Code Enforcement	86,316	76,049	116,261	126,000	66,371	132,950	0.6%	6,950	5.5%
Environmental	57,578	111,919	128,842	101,700	67,054	107,100	0.5%	5,400	5.3%
Total Public Safety	8,485,930	9,441,661	9,987,885	10,429,600	5,302,272	11,118,950	49.4%	689,350	6.6%
Public Works:									
Street Maintenance	1,472,080	1,391,531	1,532,241	1,742,150	860,497	1,777,300	7.9%	35,150	2.0%
Snow Removal	336,707	366,282	338,473	411,150	205,118	376,600	1.7%	(34,550)	-8.4%
Equipment Services	253,000	353,287	363,728	397,300	218,449	427,450	1.9%	30,150	7.6%
Engineering	396,165	426,794	464,372	489,150	244,996	365,550	1.6%	(123,600)	-25.3%
Total Public Works	2,457,952	2,537,894	2,698,814	3,039,750	1,529,060	2,946,900	13.1%	(92,850)	-3.1%
Culture & Recreation:									
Park Maintenance	1,310,852	1,572,359	1,558,303	1,743,700	851,463	1,824,950	8.1%	81,250	4.7%
Recreation	648,970	761,741	773,426	812,150	425,593	773,000	3.4%	(39,150)	-4.8%
Sr. Citizen Programs	119,465	136,016	178,074	196,000	109,909	216,100	1.0%	20,100	10.3%
Total Culture & Recreation	2,079,287	2,470,116	2,509,803	2,751,850	1,386,965	2,814,050	12.5%	62,200	2.3%
Transfers Out	171,591	-	-	-	-	-	0.0%	-	0.00%
Total General Fund Expenditures	\$17,373,188	\$19,067,709	\$20,138,105	\$21,570,600	\$11,080,995	\$22,522,200	100.0%	\$951,600	4.4%

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CITY OF ELK RIVER
2025 PRELIMINARY BUDGET
GENERAL FUND EXPENDITURES BY ACCOUNT

EXPENDITURES:	2021 ACTUAL	2022 ACTUAL	2023 ACTUAL	2024 BUDGET	2025 PRELIMINARY	INCREASE/ (DECREASE)	% CHANGE
<u>Personal Services</u>							
Full Time Salaries	\$9,130,334	\$9,818,161	\$10,315,488	\$11,156,600	\$11,633,500	\$476,900	4.3%
Overtime	276,223	288,869	282,114	263,500	283,800	\$20,300	7.7%
Part Time Salaries	657,853	587,143	587,971	723,650	706,150	(\$17,500)	-2.4%
PERA	1,123,073	1,165,831	1,246,038	1,336,550	1,398,100	61,550	4.6%
FICA	366,023	393,388	402,197	461,250	461,300	\$50	0.0%
Other Retirement Contributions	248,909	285,658	309,775	260,000	305,000	\$45,000	17.3%
Medicare	142,267	150,083	158,966	174,850	182,900	\$8,050	4.6%
Insurance	1,197,940	1,360,230	1,491,007	1,639,750	1,737,950	\$98,200	6.0%
Workers Compensation	267,271	350,141	439,336	432,050	534,250	\$102,200	23.7%
Unemployment Benefits	-	13,991	1,175	-	-	\$0	0.0%
Total Personal Services	13,409,893	14,413,495	15,234,067	16,448,200	17,242,950	794,750	4.8%
<u>Supplies</u>							
Office Supplies	39,405	31,639	21,108	37,500	38,250	750	2.0%
Fuels/Lubes	154,724	215,352	250,078	288,850	273,500	(15,350)	-5.3%
Uniform Allowance	109,572	81,922	81,967	104,250	110,050	5,800	5.6%
Operating Supplies	667,777	792,513	887,802	821,900	820,200	(1,700)	-0.2%
Equipment Parts	145,394	161,157	189,628	190,800	176,800	(14,000)	-7.3%
Street Signs	49,615	22,109	11,205	39,000	31,000	(8,000)	-20.5%
Total Supplies	1,166,487	1,304,692	1,441,788	1,482,300	1,449,800	(32,500)	-2.2%
<u>Services & Charges</u>							
Audit Fees	20,605	17,442	19,838	22,500	23,000	500	2.2%
Engineering Fees	1,472	17,348	4,220	5,000	-	(5,000)	-100.0%
Legal Fees	244,402	270,650	288,808	275,000	300,000	25,000	9.1%
Professional Services	99,592	125,155	197,651	168,600	178,750	10,150	6.0%
Telephone	72,558	75,677	77,233	79,950	82,500	2,550	3.2%
Postage	10,053	10,948	12,788	13,450	13,100	(350)	-2.6%
Travel, Conferences/Schools	113,688	124,308	147,637	196,750	217,550	20,800	10.6%
Car Allowance	9,600	9,600	9,600	9,600	9,600	-	0.0%
Advertising/Marketing	12,416	5,766	9,819	7,500	8,000	500	6.7%
Publishing	8,826	14,668	15,875	19,150	19,200	50	0.3%
Property/liability Insurance	183,379	210,633	222,189	238,350	269,450	31,100	13.0%
Utilities	407,785	521,719	535,974	526,400	562,800	36,400	6.9%
Building Maintenance	155,182	194,437	183,421	196,450	193,350	(3,100)	-1.6%
Equipment/Software Maint.	522,253	558,821	575,749	660,100	683,600	23,500	3.6%
Contractual Services	214,024	268,337	358,717	387,950	391,300	3,350	0.9%
Building Rent	657	1,710	1,841	5,000	5,000	-	0.0%
Equipment Rental	35,337	36,445	18,200	40,000	25,500	(14,500)	-36.3%
Dues & Subscriptions	50,652	52,625	54,389	65,100	81,050	15,950	24.5%
Taxes & Licenses	348	1,001	802	850	850	-	0.0%
Credit Card Fees	19,654	24,972	40,056	27,750	41,250	13,500	48.6%
Miscellaneous	33,016	39,238	44,251	15,100	16,250	1,150	7.6%
Fleet Replacement Charge	372,000	404,000	436,500	471,000	509,000	38,000	8.1%
IT Equipment Charge	-	-	92,600	92,600	88,450	(4,150)	-4.5%
Total Services & Charges	2,587,499	2,985,500	3,348,158	3,524,150	3,719,550	195,400	5.5%
Capital Outlay	37,718	257,243	3,830	-	-	-	-
Debt Service	-	106,845	110,258	115,950	109,900	(6,050)	-5.2%
Transfers Out	171,591	-	-	-	-	-	-
Total General Fund Expenditures	\$17,373,188	\$19,067,775	\$20,024,013	21,570,600	22,522,200	\$951,600	4.4%

**CITY OF ELK RIVER
2024 BUDGET
GENERAL FUND REVENUES**

REVENUES:	2021 ACTUAL	2022 ACTUAL	2023 ACTUAL	2024 BUDGET	6/30/24 ACTUAL	2025 PRELIMINARY	INCREASE/ DECREASE	% CHANGE
<u>Taxes</u>								
Property Taxes	12,297,572	13,017,377	13,785,282	14,917,700	5,335,967	16,169,050	1,251,350	8.4%
Gravel Tax	233,745	173,039	156,365	225,000	13,156	225,000	-	0.0%
Total Taxes	12,531,317	13,190,416	13,941,647	15,142,700	5,349,123	16,394,050	1,251,350	17.6%
<u>Licenses & Permits</u>								
Liquor License	73,595	81,990	77,630	82,000	72,445	82,000	-	0.0%
THC License	-	1,600	5,200	4,000	400	5,000	1,000	25.0%
Cigarette License	4,656	2,825	3,000	4,000	450	4,000	-	0.0%
Rental License	62,603	56,725	62,260	65,000	28,930	65,000	-	0.0%
Mining License	25,849	26,108	26,843	26,000	6,628	26,000	-	0.0%
Garbage Hauler License	2,460	1,545	1,940	2,500	2,505	2,500	-	0.0%
Other Business License/Permit	15,955	17,685	15,815	16,000	11,990	16,000	-	0.0%
NPDES Permit	24,675	16,305	13,475	23,000	3,675	23,000	-	0.0%
Building Permit	588,999	512,999	521,105	600,000	143,695	550,000	(50,000)	-8.3%
Plumbing/Heating Permit	191,019	189,965	214,743	160,000	44,242	175,000	15,000	9.4%
Permit Surcharge	753	629	657	700	2,817	700	-	0.0%
Animal License	800	660	810	-	100	-	-	#DIV/0!
Other Non-Business Lic/Permit	24,165	30,097	32,782	25,000	5,391	25,000	-	0.0%
Total Licenses & Permits	1,015,529	939,133	976,260	1,008,200	323,268	974,200	(34,000)	-3.4%
<u>Intergovernmental Revenue</u>								
Federal Grant	-	10,678	1,872	-	-	-	-	0.0%
MV Credit	5,756	5,894	5,786	6,000	-	6,000	-	0.0%
Fire State Aid	218,909	255,658	279,775	230,000	3,000	275,000	45,000	19.6%
Police State Aid	276,543	320,526	339,387	340,000	-	340,000	-	0.0%
Police Training Reimb	38,002	33,489	31,316	35,000	-	35,000	-	0.0%
State Crime Prevention Grant	42,717	30,861	48,781	48,000	10,960	48,000	-	0.0%
Other Grants	-	-	-	-	12,396	-	-	#DIV/0!
Total Intergovernment Revenue	581,927	657,106	706,917	659,000	26,356	704,000	45,000	6.8%
<u>Charges for Services</u>								
Planning & Zoning Fees	33,725	27,084	22,572	25,000	14,914	25,000	-	0.0%
Plan Check Fee	281,502	235,691	216,110	250,000	63,183	230,000	(20,000)	-8.0%
Special Assessment Search	1,250	330	365	500	60	500	-	0.0%
Copies	1,491	1,053	1,032	1,500	701	1,500	-	0.0%
Other General Govt Services	-	13	330	-	-	-	-	#DIV/0!
Lockout Fees	3,780	3,365	2,700	3,500	928	3,500	-	0.0%
Police Services	67,177	46,470	46,027	45,000	11,647	46,000	1,000	2.2%
School Liaison	155,077	180,030	184,055	183,000	93,557	185,000	2,000	1.1%
Animal Impound Fee	300	625	400	500	350	500	-	0.0%
Fire Contracts	289,662	380,317	430,774	400,000	259,593	465,750	65,750	16.4%
Fire Services	2,475	6,194	6,600	3,000	1,009	3,000	-	0.0%
Street Services	27,426	21,433	23,182	35,000	15,817	35,000	-	0.0%
Engineering Services Reimb	16,505	14,741	22,542	20,000	-	20,000	-	0.0%
Recreation Fees	32,505	45,160	53,082	50,000	32,996	52,500	2,500	5.0%
Sr Center Activities	36,264	40,515	43,817	43,000	20,834	47,500	4,500	10.5%
Farmer's Market	21,839	50,381	48,492	12,000	24,055	15,000	3,000	25.0%
Elk RiverFest	20,622	20,845	27,250	20,000	12,485	20,000	-	0.0%
Park Use Fee	25,238	39,033	64,433	40,000	36,029	70,000	30,000	75.0%
Sewer Inspection Fee	17,840	15,060	16,250	15,000	6,940	15,000	-	0.0%
Contractor License Check	1,275	1,070	795	1,200	415	1,200	-	0.0%
Total Charges for Services	1,035,953	1,129,410	1,210,808	1,148,200	595,513	1,236,950	88,750	7.7%
<u>Fines</u>								
Court Fines	125,266	125,054	165,910	150,000	67,501	155,000	5,000	3.3%
Parking Fines	-	-	-	-	-	-	-	#DIV/0!
Ordinance Violations	2,000	2,900	4,000	-	-	-	-	#DIV/0!
Total Fines	127,266	127,954	169,910	150,000	67,501	155,000	5,000	3.3%

REVENUES:	2021 ACTUAL	2022 ACTUAL	2023 ACTUAL	2024 BUDGET	6/30/24 ACTUAL	2025 PRELIMINARY	INCREASE/ DECREASE	% CHANGE
<u>Other Revenue</u>								
Interest Income	119,745	153,523	202,983	150,000	89,153	175,000	25,000	16.7%
Refunds & Reimbursements	145,251	144,641	188,548	145,000	(10,229)	150,000	5,000	3.4%
Contributions - Concert Sponsorships	19,000	24,811	42,260	25,000	25,750	26,000	1,000	4.0%
Miscellaneous Revenue	13,919	12,619	11,819	10,000	4,389	10,000	-	0.0%
Total Other Revenue	297,915	335,594	445,610	330,000	109,063	361,000	31,000	9.4%
<u>Other Financing Sources</u>								
Other Financing Source - Lease	-	225,719	-	-	-	-	-	0.0%
<u>Transfers In</u>								
Transfers	460	1,656	300,749	-	225	-	-	-
Transfer-Capital Outlay Reserv	-	50,000	78,500	89,000	8,500	95,000	6,000	6.7%
Transfer-Development	10,600	10,650		-	-	-	-	0.0%
Transfer-ARPA	-			-	-	-	-	0.0%
Transfer-WWTP	160,000	165,000	170,000	175,000	-	180,000	5,000	2.9%
Transfer-Liquor	500,000	750,000	1,000,000	1,000,000	-	750,000	(250,000)	-25.0%
Transfer-Garbage	52,000	54,000	56,500	250,000	-	60,000	(190,000)	-76.0%
Transfer-Utilities	1,355,000	1,355,000	1,380,000	1,400,000	573,888	1,400,000	-	0.0%
Transfer-Stormwater	121,000	135,000	135,000	135,000	-	125,000	(10,000)	-7.4%
Transfer-EDA	41,000	43,000	45,000	46,000	-	48,000	2,000	4.3%
Transfer-HRA	41,900	35,000	36,500	37,500	-	39,000	1,500	4.0%
Total Transfers In	2,281,960	2,599,306	3,202,249	3,132,500	582,613	2,697,000	(435,500)	-13.9%
Total General Fund Revenues	17,871,867	19,204,638	20,653,401	21,570,600	7,053,437	22,522,200	951,600	4.4%

\$5,340,000

City of Elk River, Minnesota

General Obligation Capital Improvement Plan Refunding Bonds, Series 2020B

Issue Summary

Post-Sale Tax Levies

Payment Date	Principal	Coupon	Interest	Total P+I	105% Overlevy	Levy Amount	Levy/Collect Year
02/01/2022	870,000.00	5.000%	215,812.33	1,085,812.33	1,140,102.95	1,140,102.95	2020/2021
02/01/2023	940,000.00	5.000%	154,695.00	1,094,695.00	1,149,429.75	1,149,429.75	2021/2022
02/01/2024	295,000.00	5.000%	107,695.00	402,695.00	422,829.75	422,829.75	2022/2023
02/01/2025	305,000.00	5.000%	92,945.00	397,945.00	417,842.25	417,842.25	2023/2024
02/01/2026	320,000.00	5.000%	77,695.00	397,695.00	417,579.75	417,579.75	2024/2025
02/01/2027	340,000.00	5.000%	61,695.00	401,695.00	421,779.75	421,779.75	2025/2026
02/01/2028	355,000.00	4.000%	44,695.00	399,695.00	419,679.75	419,679.75	2026/2027
02/01/2029	365,000.00	4.000%	30,495.00	395,495.00	415,269.75	415,269.75	2027/2028
02/01/2030	380,000.00	1.000%	15,895.00	395,895.00	415,689.75	415,689.75	2028/2029
02/01/2031	385,000.00	1.000%	12,095.00	397,095.00	416,949.75	416,949.75	2029/2030
02/01/2032	390,000.00	1.000%	8,245.00	398,245.00	418,157.25	418,157.25	2030/2031
02/01/2033	395,000.00	1.100%	4,345.00	399,345.00	419,312.25	419,312.25	2031/2032
Total	\$5,340,000.00	-	\$826,307.33	\$6,166,307.33	\$6,474,622.70	\$6,474,622.70	-