



**Meeting of the City Council
Held at the Elk River City Hall
Monday, May 5, 2025**

Members Present: Mayor John Dietz, Councilmember Jennifer Wagner, Councilmember Mike Beyer, Councilmember Cory Grupa, Councilmember J. Brian Calva

Members Absent: None

Staff Present: City Administrator Cal Portner, Senior Planner Chris Leeseberg, Business Services Director/Assistant City Administrator Joe Stremcha, Public Works Director/Chief Engineer Justin Femrite, Street Division Foreman Chris Teff, Police Chief David Kuhnly, Engineering Project Manager Ryan Sandhoefner, and Deputy Clerk Jolene Richter.

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

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

4. CONSENT AGENDA

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

4.1 April 16, 2025, Board of Appeal Minutes

4.2 April 21, 2025 Minutes

4.3 Check Register

4.4 Resolution 25-21 Accepting a Bench Donation

4.5 Resolution 25-20: Premises Permit for Elk River Lions Club

4.6 Athletic Facilities Emergency Action Plan

4.7 Resolution 25-22: Summary Publication of Ordinance 25-05

5. OPEN FORUM

Dan Abrahamson, 17936 Tyler Dr NW, stated they play cards at the senior center on Tuesdays and Fridays. He expressed their concern about a comment they received about Dennis Heath's son, who is 42 years old, who was told he was not welcome and couldn't be at the senior center anymore. Mr. Abrahamson explained that after seven years of being able to pay \$5 to play cards with them, now they are saying he is not welcome anymore. He continued to say that Mr. Heath's son was hurt by the comment and believes this is an injustice, and wanted the Council to be aware of what happened. Mr. Abrahamson expressed that it is a perk to pay \$35 a year and have your child pay \$5 to be able to join their parent at the senior center to play cards. Mr. Abrahamson would like the Council to find out why this was done and correct it.

Dennis Heath, 520 7th St NW, stated that it was seven years ago when he joined the senior center at the old location. He explained that there was another person who brought their adult child to the senior center to play cards, so he asked if it was okay to bring his adult son. He was told that they would love to have younger people at the senior center, and was told the same thing by other seniors. He further explained, when they moved into the new building, they told him that they would not allow his son to attend the senior center anymore, but then a group of seniors got together to petition against that policy, and staff decided to allow it since it was allowed before. Mr. Heath stated that about a month ago, they put a sign at the check-in that said 55+, which is what it has always been, but he knows of other seniors who have had their children pay \$5 and come into the senior center as well. He thinks that what was said to his son is wrong, and it should be addressed and corrected.

Anthony Pietrzak, 19040 Ulysses St NW, spoke regarding Section 30-803 - Animals regarding keeping chickens on properties of 2.5 acres or more. Mr. Pietrzak stated they have a petition with over 100 signatures who agree with them to change the ordinance to under 2.5 acres. He stated they had property that was less than 2.5 acres in the City of Elk River in the past, and had chickens, and did not receive any complaints. He currently has a 0.5-acre lot. He encouraged that chickens are great pets, aid in pest control, are ecologically good for the environment to reduce garbage from kitchen table waste, and they provide a healthy food source for their family and friends. He argued that the current ordinance makes it impossible for most city residents to enjoy the benefit of having chickens, which he finds restrictive and unnecessary when the surrounding communities allow chickens on lots of 2.5 acres or less. He continued to explain the many benefits of chickens, which include healthier lifestyles and sustainable living.

Mayor Dietz would like staff to do research regarding chicken ordinances for neighboring cities and bring it back to the Council.

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 Proclamation: Recognizing K9 Duke for his Service

Chief Kuhnly discussed both Officer Heldt's and Duke's involvement and history with the city.

Mayor Dietz read and presented a proclamation certificate to Duke.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt the proclamation. Motion Carried 5-0.

6.2 Proclamation: Designating Kevin Heldt Day

Mayor Dietz read and presented a plaque and declared May 30, 2025, as Kevin Heldt Day in the City of Elk River. The Council wished him the best in his retirement.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt the proclamation. Motion Carried 5-0.

6.3 National Pollutant Discharge Elimination System (NPDES) Annual Report

The staff report was presented.

Mayor Dietz asked if the storm water fee covers what needs to get done every year, and how they decide what ponds need to get done each year. Mr. Sandhoefner stated yes, and that it depends on the maintenance schedule and inspections of the ponds.

7. PUBLIC HEARINGS

7.1 Ordinance Amendment 25-06: City-Owned Advertising Signs

The staff report was presented.

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

Councilmember Wagner added that she thinks it is a good move for the facility, and agrees not to limit the text on the sign.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt Ordinance 25-06 amending Sec. 30-867 to allow government-owned off-premises advertising signs. Motion Carried 5-0.

8. GENERAL BUSINESS

8.1 Yale Court and Line Avenue Realignment Project

The staff report was presented.

Councilmember Wagner asked if the access to the apartments off of Dodge Avenue and 5th Street would go away. Mr. Sandhoefner stated that access will stay, and it should be less confusing when the soft curve is in place.

Moved by Councilmember Beyer and seconded by Councilmember Calva to approve the final plans for the Yale Court and Line Avenue Realignment Project and authorization to

advertise it for bid. Motion Carried 5-0.

8.2 Ordinance 25-07: Multipurpose Facility Advisory Commission Membership

The staff report was presented.

The Council discussed how many non-resident members should be on the commission.

Mayor Dietz stated that he does not necessarily agree with more than one non-resident, but does not want to kick any one off the commission who is currently a member; therefore suggested the current members could be grandfathered in until the non-resident member leaves, then follow the updated ordinance for no more than one non-resident.

Councilmember Wagner suggested having up to two non-resident members, with one of the two having to either own a business or work in Elk River.

Councilmember Calva suggested following the plan that is written, but put a time limit on it for adopting the new ordinance, for example, as of January 1 or the end of their term expiration. Then there would possibly be a natural elimination of the non-resident members as to whether they would like to continue on the commission or not.

The Council discussed the possible end-of-term expiration of adopting the ordinance.

Councilmember Wagner expressed that it has been difficult to find at-large members for the commission, and that is why she suggested having up to two non-residents, with one of them either owning a business or working within the city.

It was decided that the Community Event Center Commission would be comprised of five voting members, one of whom is a sitting City Council representative, one Senior Center Elk River resident, the other three representatives up to two representatives do not need to be residents of the City of Elk River, but at least one of them must own a business or work within the city limits.

Moved by Councilmember Wagner and seconded by Councilmember Calva to adopt Ordinance 25-07 as amended by the Council, regarding membership and duties of the Community Event Center Commission. Motion Carried 4-1. Councilmember Beyer opposed.

8.3 Discuss Work Session Items

Mayor Dietz suggested revisiting the fire station funding after the legislative session is over.

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

The regular meeting adjourned at 7:34 p.m. Mayor Dietz called the work session to order at 7:38 p.m.

II. WORK SESSION

II.1 Discuss Possible CUP Revocation: Carnova

The staff report was presented.

Mayor Dietz confirmed that since the first violation, there has been no progress. Mr. Leeseberg stated that very little progress had been made and said they did put Class 5 in the fenced-in areas, but there are a large number of vehicles still on the property.

Councilmember Grupa asked who the vehicles belonged to. Mr. Leeseberg stated that they are the sub-lessees' vehicles, but Mr. Alnuaimi, as the initial lessee and CUP holder, is responsible.

Mayor Dietz asked if they revoke the CUP, then what is the process? Mr. Leeseberg answered, saying they would have to look into it a bit more.

Councilmember Beyer confirmed the revocation process means that we draw a line in the sand and say it is going to happen on this day, and we are going to have someone come in and clean it up, and the CUP is done. Mr. Leeseberg answered that was correct.

Councilmember Wagner questioned if Carnova is an active business because when she looked it up, it stated that it is permanently closed.

Owner Brian Cain, 17242 Ulysses St NW, stated he is under a court order at the moment concerning the lawsuit and is not able to speak on the matter.

Omar Alnuaimi, lessee of the property and CUP holder, explained that when he applied, there were 18 conditions that he met, and the CUP was approved.

Mayor Dietz asked Mr. Alnuaimi what the excuse was for not removing the vehicles. Mr. Alnuaimi stated that the vehicles are the sub-lessors' vehicles, and it is not easy to remove the vehicles that are not operable and find places for the vehicles to go. He further stated that they did take some out, but they are looking for places to take the rest.

Mayor Dietz asked if Mr. Alnuaimi has any authority to tell the sub-lessors what to do. Mr. Alnuaimi stated yes, but he wanted to work with the sub-leasers. Mayor Dietz confirmed that Mr. Alnuaimi was ultimately responsible for the sub-lessors to follow the rules.

Mayor Dietz confirmed that the owner, Mr. Cain, and Mr. Alnuaimi have a court date, and the judge will decide on lease matters. Mr. Alnuaimi answered yes, the judge will decide if they have the right to fulfill the lease, which is a 10-year lease.

Councilmember Beyer asked if there was a plan right now. Mr. Alnuaimi stated that they started by putting some of the vehicles in the fenced area, but they are working to either get the vehicles fixed

quickly or put them somewhere else. He stated that it is a matter of time and cost of how much it would be to move them or fix them.

Councilmember Beyer asked again what the plan was and the schedule for the plan. Mr. Alnuaimi didn't know the schedule. Councilmember Beyer stated if you have a plan but not a date, then that makes it hard for the Council to decide what to do right now. Mr. Alnuaimi said they have a hearing date on May 23 and a mediation in September, but he would like to have at least 2-3 months to give them time to find other locations for the vehicles.

Mayor Dietz confirmed with Mr. Leeseberg that the last extension they gave him expired on April 30, 2025, and asked the Council if they were interested in any kind of extension.

Councilmember Wagner stated that she was willing to give an extension one last time and explained that we are not trying to put them out of business, but to help Mr. Alnuaimi comply with the conditions of the CUP that was agreed upon.

The Council discussed an extension date and decided they would give Mr. Alnuaimi until June 13, 2025.

Mayor Dietz directed staff to give the Council a report at the June 16, 2025, Council meeting, and if Mr. Alnuaimi has met the requirements or not, and if not, they will proceed with the city attorney on the next steps.

11.2 2024-2025 Snow Event Recap

The staff report was presented.

Mr. Teff gave a summary of the 2024-2025 snow event season. He stated they started on Halloween of 2024 and ended on April 1, 2025, using approximately 350 tons of salt for 14 events. He continued saying they operated as a 9-route town for the trucks, 8 cul-de-sac routes, and 4 trail routes. He explained there was a lot of dry snow this winter that cleaned up fairly easily, and they had minor breakdowns and repairs, and very few complaints on the street side of things. Mr. Teff expressed that overall, our guys are great, our equipment is great, and they have great support.

The Council and staff discussed the Snow and Ice Control Policy and expressed that it works well when deciding to bring in staff for snow events.

Mr. Femrite explained that Mr. Teff and he monitor the events and work well with one another to make decisions.

11.3 Pinewood Contract for Deed Amendment Consideration

The staff report was presented.

Mayor Dietz asked the Council if they would consider allowing Ms. Abrahamson to delay her Contract for Deed payment this year and extend a year onto her contract. Mr. Portner explained that if there is a consensus, then they would draft an amended contract for deed and bring it back to the Council.

The Council unanimously agreed to let her delay her payment in 2025 and add a year to her contract for deed.

12. MOTION TO ADJOURN

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

The meeting adjourned at 8:31 p.m.

Minutes prepared by Jolene Richter.



John J. Dietz, Mayor



Tina Allard, City Clerk