



City Council

Regular Meeting & Work Session Agenda

Monday, March 18, 2024
6:00 PM or immediately following
the EDA meeting
(whichever is later)
Elk River City Hall

- Regular meeting in Council Chambers
 - Work Session meeting in Upper Town Conference Room immediately following regular meeting
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1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE

3. CONSIDER AGENDA

4. CONSENT AGENDA

Considered to be routine and noncontroversial by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember, staff member, or citizen so requests, in which case the item will be removed from the consent agenda and considered under the regular agenda.

4.1 Minutes

4.2 Check Register

4.3 Annual Approval Electing Not to Waive the Statutory Tort Limits for Liability Insurance

4.4 Pay Estimates

4.5 Lease Agreement: GLG Elk River, LLC - Spikes

4.6 2024 Equipment Replacement Fund Purchase - Cat Compact Track Loader

5. OPEN FORUM

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

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 City of Elk River Volunteer of the Month

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. The city council will only receive information during the Public Hearing and will not deliberate, discuss or answer questions until the hearing is closed. It is important to be courteous and allow each presenter to comment before adding additional testimony.

7.1 Simple Plat Of Thompson Third Addition

- 7.2 Conditional Use Permit: Amend CUP 19-14 to Allow an Additional Structure for Office Space, Auto-Body Works, Inc., 21475 Highway 169
- 7.3 Conditional Use Permit: Cargill, Agricultural Research Facility (Dairy Barn) - 10700 165th Ave NW
- 7.4 Conditional Use Permit: Allow Development of Commercial Cannabis Cultivation Facility at 10700 165th Avenue
- 7.5 Ordinance Amendment: Commercial Signage Along Highway 169

8. GENERAL BUSINESS

General action items in which the City Council receives information from city staff or consultants and after deliberation acts on the item under consideration. General Business items are not opportunities to receive or provide public input. However, the City Council may, at its sole discretion, solicit public feedback.

- 8.1 Resolution: Hazardous Property Order
- 8.2 Trott Brook Farms Park Playground

9. MOTION TO ADJOURN REGULAR MEETING

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

Work Sessions are less formal meetings of the City Council to encourage dialog between themselves, staff, consultants and invited members of the public. The Council does not typically take official action on items under discussion. At the conclusion of a discussion, a simple Council 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 Mayor, assume a seat at the discussion table and provide their full name and address for the official record.

- 10.1 225th Avenue and Highway 169 Intersection Concerns
- 10.2 Yale Street and Yale Court Accessibility
- 10.3 Proposed Missing Middle Housing Legislation
- 10.4 Parks and Recreation Commission Ordinance and Conflict of Interest in Multipurpose Facility Advisory Commission Ordinance
- 10.5 Ordinance: Park Trail Closure
- 10.6 Council/Staff Annual Retreat Discussion Topics

11. MOTION TO ADJOURN

12. INFORMATION

- 12.1 February Financial Reports

The Elk River Vision

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





**Closed Meeting of the Elk River City Council
Held at the Elk River City Hall
Monday, March 4, 2024**

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

Members Absent: None

Staff Present: City Administrator Calvin Portner, Human Resource Manager Lauren Wipper, and Sr. Admin. Assistant Jennifer Green

1. Call Meeting to Order

Pursuant to due call and notice thereof, the meeting of the Elk River City Council was called to order at 6:00 p.m. by Mayor Dietz.

2. Closed Meeting

Mayor Dietz read a statement outlining the purpose of the meeting to review and discuss a labor negotiation proposal as it relates to a Memorandum of Understanding for Injury on Duty for LELS #231 police patrol pursuant to MN Statute 13D.03.

3. Motion to Adjourn

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

Motion carried 5-0.

The meeting adjourned at 6:20 p.m.

Minutes prepared by Jennifer Green.

John J. Dietz, Mayor

Tina Allard, City Clerk



**Meeting of the Elk River City Council
Held at the Elk River City Hall
Monday, March 4, 2024**

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

Members Absent: None

Staff Present: City Administrator Calvin Portner, Community Development Director Zack Carlton, Public Works Director Justin Femrite, Street and Park Superintendent Tim Sevcik, Assistant City Administrator Joe Stremcha, Parks and Recreation Manager Michael Hecker, and Sr. Admin. Assistant Jennifer Green

1. Call Meeting to Order

Pursuant to due call and notice thereof, the meeting of the Elk River City Council was called to order at 6:30 p.m. by Mayor Dietz.

2. Pledge of Allegiance:

The Pledge of Allegiance was recited.

3. Consider Agenda

Mayor Dietz added item 4.8 to the Consent Agenda – Memorandum of Understanding, LELS #3212 Injury on Duty Pay.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to approve the agenda as presented with the addition of item 4.8 as outlined above.

Motion carried 5-0.

4. Consent Agenda

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve:

- 4.1 February 20, 2024, Regular Minutes.
- 4.2 Check register as outlined in the staff report.
- 4.3 Adopt Resolution 24-13 to support hosting a Minnesota GreenCorps Member for the 2024-25 Program Year from the Minnesota Pollution Control Agency as outlined in the staff report.
- 4.4 Hire John Hopps for the position of Police Officer effective March 11, 2024, starting at pay step 2 of the union contract as outlined in the staff report.
- 4.5 Master Service Agreement 2024-05 with Baker Tilly for Municipal Advisory Engagement as outlined in the staff report.
- 4.6 Pay Estimates as outlined in the staff report.
- 4.7 Contract with Civic Systems for ERP Financial Software as outlined in the staff report.
- 4.8 Memorandum of Understanding with LELS #231 amending Injury on Duty Pay language retroactive to the approval of the current labor agreement as outlined in the staff report.

Motion carried 5-0.

5. Open Forum

No one appeared for Open Forum.

6.1. 2024 Resource Recovery and Energy Award for the Wastewater Treatment Facility

Mr. Femrite presented the City Council with an award received by Wastewater Operators Jason Ames and Andy Kitzman. Their efforts to meet goals to save energy and equipment wear reduced energy consumption at a cost savings of up to \$30,000 a year. The council accepted the award and extended their appreciation to the wastewater division.

6.2 Advisory Board Candidate Interviews

The Council interviewed the following candidates:

Heritage Preservation Commission

Jayne Dietz

Parks and Recreation Commission

Joy Goodwin

Harold (Hal) Stewart

Jill Varty

Planning Commission

Christine Holman

Kelli Sweeney (not present)

7.1 Elk River SBC Addition for Venture Pass, LLC- PID 75-00659-0115 & 75-00849-0010

- **Land Use Amendment – Industrial and Public/Semi-Public**
- **Easement Vacation**
- **Preliminary Plat of SBC Addition**
- **Final Plat of SBC Addition**

Mr. Carlton presented the staff report.

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

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt Resolution 24-15 amending the city's Comprehensive Plan to extend the Industrial and Public/Semi-Public Classifications to Outlot A, ER Ventures Addition, as outlined in the staff report.

Motion carried 5-0.

Moved by Councilmember Grupa and seconded by Councilmember Wagner to adopt Resolution 24-14 Granting a Petition to Vacate Drainage and Utility Easements to support the platting of Elk River SBC Addition, subject to the easement vacation being recorded immediately prior to the recording of the final plat.

Motion carried 5-0.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to approve the Preliminary Plat of Elk River SBC Addition with the following conditions:

1. The City Council must approve the associated land use amendment (LU 24-01).
2. The applicant and the city shall enter into an agreement approving use of the proposed right-of-way as a driveway for lot 2 and noting that the city will not maintain the right-of-way until a city street is constructed to city standards which will be required should the parcel develop into a use other than a billboard in the future.
3. The right-of-way to be dedicated for use as a future street shall meet all city design standards.
4. The city council must approve an easement vacation to support the proposed lot configuration and right-of-way location. (EV 24-01)
5. All easements supporting the overhead electric lines shall remain in place.
6. Any development within the easements for the overhead power lines requires approval from the entity managing the infrastructure.

Motion carried 5-0.

Moved by Councilmember Grupa and seconded by Councilmember Wagner to adopt Resolution 24-16 approving the final plat of Elk River SBC Addition with the following conditions:

1. All conditions of approval for the preliminary plat must be satisfied.
2. The final plat must be updated to reflect the vacated easements.
3. The approved wetland boundaries must be included on the final plat.
4. Park dedication shall be paid at the rate applicable when the plat is released for recording.

Motion carried 5-0.

7.2 Spectrum Schools Planned Unit Development, 17796 & 17823 Industrial Circle

- **Zone Change from Business Park to PUD**
- **Conditional Use Permit to Establish the PUD**

Mr. Carlton presented the staff report.

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

Councilmember Westgaard stated he was challenged with continuing to allow the school to stay in the business park district, displacing businesses, and noted the initial use approved in 2008 was due to a downturn in the economy and those buildings sitting empty. He wondered if there would come a time

when the school would outgrow its space. He stated he would not be supporting the request by Spectrum Schools.

Councilmember Beyer agreed with Councilmember Westgaard's comments and noted there was the 1,000-student cap on the number of allowed students.

Councilmember Wagner agreed with Councilmember Westgaard's comments but indicated she supports the requests due to the fact the applicant owns the properties included in their request.

Moved by Councilmember Wagner and seconded by Councilmember Beyer to adopt Ordinance 24-07 to approve the request by Spectrum Schools for a Zone Change from Business Park to Planned Unit Development at 17796 and 17823 Industrial Circle as outlined in the staff report and with the following conditions:

1. City Council approval of the preliminary and final plat of Elk River SBC Addition.
2. The plat must be recorded prior to recording the ordinance amending the zoning to PUD.
3. A PUD agreement shall be approved by the City Council prior to recording the Zone Change.

Motion carried 4-1 with Councilmember Westgaard opposing.

Moved by Councilmember Grupa and seconded by Councilmember Beyer to approve the request by Spectrum Schools for a Conditional Use Permit establishing a PUD at 17796 and 17823 Industrial Circle as outlined in the staff report with the following conditions to satisfy the standards set forth in Section 30-654:

1. Capacity of the school, combination of all three facilities (17796 Industrial Circle, 11044 Industrial Circle, and 17823 Industrial Circle) within the industrial park, shall not exceed 1,000 students.
2. No school-related parking shall be permitted on the adjacent public street.
3. Due to the industrial nature of the neighborhood, the school recognizes that noise, odors, truck traffic, and other undesirable effects may be present.
4. The City Council shall approve a PUD agreement prior to releasing any building permits within the district.
5. The city may require parking and traffic analysis for any future improvements within the district to ensure compatibility with surrounding uses.
6. Building design, materials, and setbacks must match the requirements of the Business Park district.

Motion carried 4-1 with Councilmember Westgaard opposing.

8.1 iBackCheck, PLCC, Outstanding Lease/Penalty Appeal

Mr. Stremcha presented the staff report. He noted the contract with iBackCheck was written for 5 years, through May 2, 2027, with an option to renew for another 5 years.

Dr. Christi Jo Christian was present and gave council a public apology for the outstanding payments and penalties owing to the city. She stated it was not intentional to be late with payments, it was her



oversight and banking errors and noted how challenging it was running a small business. She asked the council to waive the penalties by suspending the late payment fees if she meets the payment schedule for the remainder of the year. She again apologized to the city and wished to continue their great relationship.

Councilmember Wagner explained she understands the role of a small business owner but as a councilmember has to think about the residents of Elk River and balancing the fairness of setting precedence for others. She wondered if by waiving her penalties, does that set up the council for future requests and issues. She stated the lease was outlined very clearly and didn't know what the right answer was.

Mayor Dietz agreed with Councilmember Wagner's comments and noted the council answers to the taxpayers. He too was struggling with the right answer. He asked Ms. Christian if she was willing to pay back the city in a repayment plan.

Councilmember Grupa stated he too was struggling with the right decision and pointed out there was one payment made on time with the rest of the payments late.

Ms. Christian indicated she understands the city's standpoint and asked if something could be negotiated.

Councilmember Beyer stated he was struggling with the right answer as well and felt there were many opportunities for her to communicate with staff to get back on track. He felt he could probably support a repayment plan to repay the \$4,000 owed.

Councilmember Westgaard agreed with all the councilmember's comments and understands there are hardships. He asked Ms. Christian if she was agreeable to working out a repayment plan.

Ms. Christian indicated she was agreeable to working out a repayment plan.

The council crafted a repayment plan to give Ms. Christian an extended time to repay the \$4,460.71 and add that to the regular payment each month. If at any time the lease payment or outstanding fees aren't paid on time, the entire amount of the outstanding lease payments and penalties would become due.

Ms. Christian was agreeable with that plan.

If for some reason Ms. Christian was unable to make timely payments as outlined in the agreement, Mr. Stremcha would report back to the city council.

Moved by Mayor Dietz and seconded by Councilmember Beyer to approve a monthly repayment plan for Chrsi Jo Christian of iBackCheck, PLCC, to pay the outstanding lease/penalties owing to the City of Elk River in the amount of \$4460.71 divided by 12 and first payment due with the monthly lease payment for April 2024.

Motion carried 5-0.

8.2 Discuss Work Session Items

Councilmember Wagner stated she and the rest of the council received a citizen email regarding the request for a discussion on unsignalized intersections on Highway 169 and specifically at 221st Avenue to determine if a safety study is warranted and to determine if further improvements or grant opportunities are available to make the unsignalized intersections safer.

Mr. Portner asked the council for dates to hold the annual retreat. After discussion, the retreat was scheduled for April 29. He will set the time and send out topics to the council.

8.3 Advisory Board Appointments

The Council made the following appointments with term expirations of February 28, 2027.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to appoint Jayne Dietz to the Heritage Preservation Commission.

Motion carried 5-0.

Moved by Mayor Dietz and seconded by Councilmember Grupa to appoint Harold (Hal) Stewart and Jill Varty to the Parks and Recreation Commission.

Motion carried 5-0.

Moved by Councilmember Westgaard and seconded by Councilmember Wagner to appoint Christine Holman to the Planning Commission.

Motion carried 5-0.

The Council directed staff to reach out to Kelli Sweeney to see if she was interested in serving on the Energy City Commission or the Beautification and Public Arts commission, and to reach out to Joy Goodwin to see if she was interested in serving on the Multipurpose Facility Advisory Commission.

9. Council Liaison Updates

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

Councilmember Westgaard wondered who to contact regarding District 10 playoffs to host in Elk River instead of Anoka.

Councilmember Wagner discussed the needs for the city to get creative with signage regarding Highways 169 and 10 road construction to help direct traffic to businesses who might be affected by rerouting of traffic.

10. Adjourn Regular Meeting

Moved by Councilmember Beyer and seconded by Councilmember Wagner to adjourn the regular meeting of the City Council.

Motion carried 5-0.

The regular meeting adjourned at 7:31 p.m. Mayor Dietz called the work session to order at 7:37 p.m.

II.1 Emerald Ash Borer Management Plan and Compost Transfer Facility Use Policy

Mr. Femrite and Mr. Sevcik presented the staff report along with a PowerPoint demonstration and exhibits showing the emerald ash borer (EAB) and the pending influx of diseased trees and the need for the city to craft a management plan. About 10% of the city's trees are ash trees, and some locations will see a drastic dying in the next 5 years. Mr. Femrite discussed the city's need for identifying tree ownership, outlining what are public trees within the public road right-of-way, which is the city's responsibility to treat and maintain. Private trees within residential properties are the responsibility of the property owner to treat and maintain. Mr. Sevcik presented some exhibits showing the challenges of determining tree ownership, and how they currently use measurements to aid in determining if a tree is the city's responsibility. He provided snapshots of streetscapes where ash trees were present and already starting to show signs of disease. Mr. Sevcik explained when the deceased trees are removed and ground, the EAB will not survive and therefore diseased trees will be handled the same way as they currently are with no need to worry about disease spreading from the compost site. He noted the locations of the trees in the right-of-way and how some properties have landscaping around the trees and removal will affect some resident's landscaping. The city will also have to consider leaving the stump versus removal the stump and reseeded any grass or repairing any landscaping and having this clearly outlined in the policy.

Mr. Femrite indicated the staff's viewpoint is the city will take responsibility for those trees located in the right-of-way. It gets trickier with trees located in drainage and utilities easements and can sometimes become expensive to remove.

Mr. Femrite mentioned the city of Ramsey's sample policy in the staff report and asked the council for direction on drafting an initial policy for discussion at a future meeting. He stated it was necessary to determine the ownership and responsibility of the tree and that it be fair for both the city and the resident. He stated the only cost to the city would be if a surveyor would need to be hired to determine if the tree is fully established in the city's right-of-way. He indicated there are numerous trees located in the drainage and utility easements, which are considered a resident's private property. Having these discussions now will allow for a draft policy to outline responsibility and provide direction for both the city and the public with a consistent approach, and the major visual and financial impact the tree removal will have on residents. Mr. Femrite stressed the importance of future public education and outreach for property owners.

The council discussed the current policy on disruption of items in the right-of-way when landscaping is displaced. Mr. Femrite indicated care is taken not to disrupt the landscaping, and seed and topsoil is applied where needed. Councilmember Westgaard commented that easements aren't always next to the right-of-way, and somethings run through resident's yards. He also noted you aren't supposed to plant trees in the drainage and utility easement. Mr. Femrite noted stumps can be more costly to remove as there are utilities also running alongside the roots. Trees located in the drainage

and utility easement would be better treated to cut at or below grade and place seed and topsoil over the stump to minimize impact on the utilities.

For a potential alternative to removal of an ash tree, Mr. Sevcik outlined the possibilities of EAB injection treatments to aid in extending the life of the tree if they aren't highly infested. Other cities have done this, and treatments are proven to be effective in slowing down the disease but are required to be done every two to three years. The potential cost of treatment depends on the diameter of the tree and can run between \$100-\$200 per tree. It would not be cost-effective for the city to take this approach, but a homeowner may find this favorable to extend the life of their affected trees.

Councilmember Wagner wondered if there was any benefit to the city to do a rebate incentive to reimburse homeowners that treat the affected trees with injections.

Mr. Sevcik stated that type of approach has been successful in cities that have contracted with a tree service and received bulk pricing to treat residential trees. It's an option the city can explore.

Councilmember Wagner asked how the city would approach removal of trees as taking them all down at once would be devastating to a neighborhood.

Mr. Femrite stated it would be most efficient for public works staff to go from neighborhood to neighborhood and remove all the diseased ash trees at once. From the management of crews and the size of the job, he felt if they could get ahead of the removal process, current public works staff could handle the job. If they start a technique of spot removal of trees, it's less efficient and would likely require contracted tree removal staff.

Mr. Sevcik stated there were very few neighborhoods that would see that distinct change other than Morton Avenue, where both sides of the streets are lined in mature ash trees. Other neighborhoods like Lafayette Woods, streets off of Irving and Jackson, and Bailey Point will also be highly affected. He indicated that because of the lack of snow this winter, public works staff was able to tree-trim almost the entire city in the right-of-way. This sets them up to focus on ash tree removal for the next five years. He noted staff will also look to ERMU for use of a bucket truck to aid in large tree removal.

Mr. Femrite asked for council feedback to begin drafting a policy. He asked if the council wants public comment just to gauge the community's understanding and offer feedback on what they would desire out of the city. He suggested once the policy is drafted, offer a public comment period to residents, such as an open house, to provide the educational piece and what residents can do which include tree removal, disposal, etc. Staff can work on the draft now but also begin to educate the community with social media posts and gauge feedback on how much the community understands the severity of EAB. Public ordinances would also have to be amended regarding diseased trees and Mr. Femrite noted code enforcement staff already struggles with compliance to the existing ordinance.

Mr. Femrite would provide a first draft to the council in late spring and begin the engagement piece now.

Mr. Femrite then discussed the impacts this city-wide tree removal will generate on the compost site and noted staff continues to work on updates to the Compost Transfer Facility Use Policy. He just received ordinance language from the city of Becker and wants to have this language reviewed by our



city attorney and police chief. The goal is to have consistency site to site. He noted county staff and all four city representatives met last week to continue discussions refining a unified process for combating and dealing with restricted material dumping.

Councilmember Wagner would like to see a tougher fine and pass suspension.

11.2 Rivers Edge Commons Park Stone Seating

Mr. Stremcha presented the staff report. He introduced **Paul Paige**, President of HKGi, who outlined what he thought happened to the stones deteriorating in the park. He stated the stones were placed as designed with drainage rock and geo fabric that separates the stone from the wet soil. But somehow the stones were not draining as designed, somehow receiving 8-10 inches of soil contact, and that was more than anticipated on the back and sides of the stones. He stated that coupled with changes made to the park's irrigation system and use of fertilizer caused some of the stones to deteriorate.

Mr. Paige outlined the three options in the staff report and the council discussed each option. Mr. Paige indicated 40% of the stones are beyond repair and the city could reuse them. He also suggested the stones that aren't damaged could be saved by treating soil contact if the council chose Option 1.

After discussion, the council felt Option 2 as outlined in the staff report would be the best option. They didn't want to continue using the same stone if future damage would occur, as Option 1 details. Option 3 was far too expensive. Councilmember Wagner felt Option 2 – concrete – will crack with the freeze/thaw cycle. Mr. Paige stated if the concrete is installed correctly, the uniform compression of the rock it sits on will not be damaged by freezing and thawing.

Mr. Paige will have the original contractor formulate a quote to get a more accurate cost. Staff will bring back the quote to the council at a future meeting.

12. Motion to Adjourn

Moved by Councilmember Beyer and seconded by Councilmember Westgaard to adjourn the meeting of the City Council at 9:10 p.m.

Motion carried 5-0.

Minutes prepared by Jennifer Green.

John J. Dietz, Mayor

Tina Allard, City Clerk



Request for Action

To
City Council

Item Number
4.2

Meeting Date
March 18, 2024

Prepared By
Amy Stangler, Accounting Clerk

Item Description
Check Register

Reviewed by:
Lori Stich
Joe Stremcha
Cal Portner

Action Requested
Approve, by motion, the check register for the period ending March 18, 2024.

Background/Discussion
Shown below is a listing of the disbursements for the various funds for the period ending March 18, 2024. The details of these disbursements are attached to this request for action.

General	\$ 275,547.24
Special Revenue, Debt Service & Capital	
Projects	185,007.82
Enterprise	
	459,326.76
Escrows	1,068.00
Total for All Fund	<u>\$ 920,949.82</u>

Financial Impact
N/A

Mission/Policy/Goal

Attachments

1. 3-18-24 Check Register 1
2. 03-08-24 Check Register 2

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
ABSOLUTE SOFTWARE, INC.	ABSOLUTE SECURE LICENSE &	GENERAL FUND	Information Technology	<u>7,285.00</u>
			TOTAL:	7,285.00
ACTION SPORTS OF MN INC	SUMMER SKATEBOARD CONTEST	GENERAL FUND	City Council	750.00
	DEPOSIT SKATEBOARD CAMP	GENERAL FUND	Recreation Programs	<u>300.00</u>
			TOTAL:	1,050.00
ACUITY GROUP	REFUND DUPL RENTAL LICENSE	GENERAL FUND	General Fund	<u>100.00</u>
			TOTAL:	100.00
AD ELECTRIC CORPORATION	ELECTRICAL SVCS	GENERAL FUND	Public safety building	1,928.51
	ELECTRICAL SVCS	LIQUOR	Westbound-Operations	<u>419.00</u>
			TOTAL:	2,347.51
AIRGAS USA LLC	OXYGEN	GENERAL FUND	Patrol	<u>215.00</u>
			TOTAL:	215.00
AMAZON CAPITAL SERVICES	SUPPLIES	GENERAL FUND	City Council	55.20
	SUPPLIES	GENERAL FUND	Communications	0.43
	SUPPLIES	GENERAL FUND	Administrative Service	1.72
	SUPPLIES	GENERAL FUND	Human Resources	0.43
	SUPPLIES	GENERAL FUND	Elections	9.99
	SUPPLIES	GENERAL FUND	Elections	57.99
	SUPPLIES	GENERAL FUND	Finance	0.43
	SUPPLIES	GENERAL FUND	Information Technology	22.72
	SUPPLIES	GENERAL FUND	Information Technology	79.00
	SUPPLIES	GENERAL FUND	Information Technology	6.99
	SUPPLIES	GENERAL FUND	Community Development	0.77
	SUPPLIES	GENERAL FUND	Planning	0.86
	SUPPLIES	GENERAL FUND	Patrol	353.03
	SUPPLIES CREDIT	GENERAL FUND	Police Support Service	42.59-
	SUPPLIES	GENERAL FUND	Police Support Service	38.69
	SUPPLIES	GENERAL FUND	Public safety building	35.49
	SUPPLIES	GENERAL FUND	Fire Operations	144.53
	SUPPLIES	GENERAL FUND	Building Safety	0.77
	SUPPLIES	GENERAL FUND	Environmental	0.77
	SUPPLIES	GENERAL FUND	Street Maintenance	25.98
	SUPPLIES	GENERAL FUND	Engineering	0.86
	SUPPLIES	GENERAL FUND	Parks & Rec Admin	1.03
	SUPPLIES	GENERAL FUND	Sr Citizen Programs	66.46
	SUPPLIES	GENERAL FUND	Economic Development	0.52
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	719.38
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	570.44
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	49.99
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	14.99
	SUPPLIES CREDIT	WASTEWATER TREATME	WWTS Plant	38.99-
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	57.96
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	619.00
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	19.99
	SUPPLIES	LIQUOR	Westbound-Operations	<u>20.79</u>
			TOTAL:	2,895.62
THE AMERICAN BOTTLING CO	POP/MISC	LIQUOR	Northbound-Cost of Sal	559.98
	POP/MISC	LIQUOR	Westbound-Cost of Sale	287.24
	POP/MISC CREDIT	LIQUOR	Westbound-Cost of Sale	<u>7.25-</u>
			TOTAL:	839.97

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
JASON AMES	REIMB SAFETY BOOTS	WASTEWATER TREATME	WWTS Plant	<u>200.00</u>
			TOTAL:	200.00
ANOKA ARENA	SPRING BREAKAWAY	MULTIPURPOSE FACIL	Hockey	<u>1,250.00</u>
			TOTAL:	1,250.00
ARTISAN BEER COMPANY	BEER	LIQUOR	Northbound-Cost of Sal	67.70
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	401.30
	BEER	LIQUOR	Westbound-Cost of Sale	244.50
	THC PRODUCTS	LIQUOR	Westbound-Cost of Sale	<u>1,419.70</u>
			TOTAL:	2,133.20
ASPEN MILLS	UNIFORMS-CHRISTIE	GENERAL FUND	Patrol	190.55
	UNIFORMS-K SANDHOEFNER	GENERAL FUND	Police Support Service	251.05
	UNIFORMS-K SANDHOEFNER	GENERAL FUND	Police Support Service	55.80
	UNIFORMS-PREHATNEY	GENERAL FUND	Police Support Service	<u>95.60</u>
			TOTAL:	593.00
AXON ENTERPRISE, INC.	AXON AIR EVIDENCE LICENSE	GENERAL FUND	Patrol	<u>624.00</u>
			TOTAL:	624.00
B & D PLBG, HTG & AIR COND.	TEST RPZ VALVES	WASTEWATER TREATME	WWTS Plant	<u>1,400.00</u>
			TOTAL:	1,400.00
BATTERIES PLUS BULBS	SUPPLIES	GENERAL FUND	Building Maintenance	31.90
	SUPPLIES	GENERAL FUND	Building Maintenance	<u>25.08</u>
			TOTAL:	56.98
BAYCOM INC	SUPPLIES	GENERAL FUND	Information Technology	<u>130.00</u>
			TOTAL:	130.00
BELLBOY CORP BAR SUPPLY	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	70.00
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	6.35
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	178.00
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	<u>6.84</u>
			TOTAL:	261.19
BELLBOY CORPORATION	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	593.04
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	13.50
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	734.65
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	<u>11.55</u>
			TOTAL:	1,352.74
BERNICK'S	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	1,147.34
	POP/MISC	LIQUOR	Northbound-Cost of Sal	200.08
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	50.00
	BEER	LIQUOR	Northbound-Cost of Sal	4,181.00
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	192.60-
	POP/MISC	LIQUOR	Northbound-Cost of Sal	33.60
	BEER	LIQUOR	Northbound-Cost of Sal	1,445.30
	POP/MISC	LIQUOR	Westbound-Cost of Sale	107.36
	BEER	LIQUOR	Westbound-Cost of Sale	3,705.10
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	60.00-
	POP/MISC	LIQUOR	Westbound-Cost of Sale	156.00
	BEER	LIQUOR	Westbound-Cost of Sale	<u>1,267.00</u>
			TOTAL:	12,040.18

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
BERRY COFFEE COMPANY	SUPPLIES	GENERAL FUND	Building Maintenance	251.21
	SUPPLIES	GENERAL FUND	Public safety building	<u>336.69</u>
			TOTAL:	587.90
BLUE TO GOLD LLC	TRAINING 3/6-B ROSCOE	GENERAL FUND	Patrol	<u>225.00</u>
			TOTAL:	225.00
BOLTON & MENK, INC	MEGA LOOP TRAIL IMPROVEMEN	PARK DEDICATION FU	Mega Loop Trail Imprv	6,457.00
	2023 STREET IMPROVEMENTS	PAVEMENT MANAGEMEN	Street Improvements	<u>1,365.50</u>
			TOTAL:	7,822.50
BREAKTHRU BEVERAGE MINNESOTA	LIQUOR	LIQUOR	Northbound-Cost of Sal	2,746.49
	WINE	LIQUOR	Northbound-Cost of Sal	72.00
	LIQUOR	LIQUOR	Northbound-Cost of Sal	722.16
	LIQUOR	LIQUOR	Westbound-Cost of Sale	1,234.59
	LIQUOR	LIQUOR	Westbound-Cost of Sale	4,657.00
	POP/MISC	LIQUOR	Westbound-Cost of Sale	<u>53.55</u>
			TOTAL:	9,485.79
C & L DISTRIBUTING CO	POP/MISC	LIQUOR	Northbound-Cost of Sal	44.00
	BEER	LIQUOR	Northbound-Cost of Sal	9,306.40
	POP/MISC/BEER	LIQUOR	Northbound-Cost of Sal	63.00
	POP/MISC/BEER	LIQUOR	Northbound-Cost of Sal	10,719.10
	LIQUOR	LIQUOR	Northbound-Cost of Sal	1,695.00
	LIQUOR	LIQUOR	Northbound-Cost of Sal	201.60
	POP/MISC/BEER	LIQUOR	Northbound-Cost of Sal	280.00
	POP/MISC/BEER	LIQUOR	Northbound-Cost of Sal	5,641.85
	BEER	LIQUOR	Northbound-Cost of Sal	4,914.50
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	19.60-
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	51.25-
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	<u>1,953.00-</u>
			TOTAL:	30,841.60
C & L DISTRIBUTING CO	LIQUOR/BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	3.00-
	LIQUOR/BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	4,722.90
	LIQUOR/BEER/POP/MISC	LIQUOR	Westbound-Cost of Sale	22.50
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	6,400.80-
	LIQUOR	LIQUOR	Westbound-Cost of Sale	67.20
	POP/MISC/BEER	LIQUOR	Westbound-Cost of Sale	280.00
	POP/MISC/BEER	LIQUOR	Westbound-Cost of Sale	4,952.30
	POP/MISC/BEER CREDIT	LIQUOR	Westbound-Cost of Sale	9.17-
	POP/MISC/BEER CREDIT	LIQUOR	Westbound-Cost of Sale	<u>494.36-</u>
			TOTAL:	3,137.57
SETH CALVIN	REIMB-TRAVEL EXP	GENERAL FUND	Information Technology	<u>596.20</u>
			TOTAL:	596.20
CENTERPOINT ENERGY	NATURAL GAS	GENERAL FUND	Fire Administration	1,320.66
	NATURAL GAS	GENERAL FUND	Street Maintenance	3,190.05
	NATURAL GAS	LIBRARY	Library	22.77
	NATURAL GAS	WASTEWATER TREATME	Lift Stations	34.89
	NATURAL GAS	WASTEWATER TREATME	Lift Stations	528.29
	NATURAL GAS	WASTEWATER TREATME	Lift Stations	<u>34.46</u>
			TOTAL:	5,131.12
CHARTER COMMUNICATIONS	PHONE LINE CHGS	GENERAL FUND	Building Maintenance	29.99

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	PHONE LINE CHGS	GENERAL FUND	Building Maintenance	73.46
	PHONE LINE CHGS	GENERAL FUND	Police Administration	76.13
	PHONE LINE CHGS	GENERAL FUND	Public safety building	59.98
	PHONE LINE CHGS	GENERAL FUND	Fire Administration	69.85
	PHONE LINE CHGS	GENERAL FUND	Emergency Management	71.30
	PHONE LINES-FIRE ALARM	GENERAL FUND	Street Maintenance	79.98
	TV SERVICE - PW	GENERAL FUND	Street Maintenance	47.13
	PHONE LINE CHGS	GENERAL FUND	Parks Dept	29.99
	PHONE LINE CHGS	GENERAL FUND	Parks Dept	<u>29.99</u>
			TOTAL:	567.80
CHARTER COMMUNICATIONS	PHONE LINE CHGS & INTERNET	GENERAL FUND	Information Technology	186.13
	PHONE LINE CHGS & INTERNET	GENERAL FUND	Building Maintenance	39.99
	PHONE LINE CHGS & INTERNET	GENERAL FUND	Police Administration	43.85
	PHONE LINE CHGS & INTERNET	GENERAL FUND	Public safety building	39.99
	PHONE LINE CHGS & INTERNET	GENERAL FUND	Fire Administration	<u>315.79</u>
			TOTAL:	625.75
CINTAS CORPORATION LOC 470	UNIFORMS RENTAL/CLEANING	WASTEWATER TREATME	WWTS Plant	145.38
	UNIFORMS RENTAL/CLEANING	WASTEWATER TREATME	WWTS Plant	158.29
	MATS, TOWELS, SCRAPERS, MO LIQUOR		Northbound-Operations	77.66
	MATS, TOWELS, SCRAPERS, MO LIQUOR		Northbound-Operations	77.66
	MATS, TOWELS, SCRAPERS, MO LIQUOR		Westbound-Operations	46.18
	MATS, TOWELS, SCRAPERS, MO LIQUOR		Westbound-Operations	<u>46.18</u>
			TOTAL:	551.35
CONNECTWISE LLC	SIEM SUBSCRIPTION-MAR	GENERAL FUND	Information Technology	217.62
	SIEM APPLIANCE MAINT-MAR	GENERAL FUND	Information Technology	<u>63.84</u>
			TOTAL:	281.46
CONTINENTAL RESEARCH CORP	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>690.00</u>
			TOTAL:	690.00
CROW RIVER FARM EQUIPMENT CO	SUPPLIES	GENERAL FUND	Parks Dept	<u>34.51</u>
			TOTAL:	34.51
CUB FOODS	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	<u>195.24</u>
			TOTAL:	195.24
CUSTOMIZED FIRE RESCUE TRNG INC	ROOF VENT PROP RENTAL	CAPITAL OUTLAY RES	Fire Academy	<u>500.00</u>
			TOTAL:	500.00
DACOTAH PAPER CO	SUPPLIES	LIBRARY	Library	119.48
	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	486.94
	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	<u>322.20</u>
			TOTAL:	928.62
NATHAN DAHLHEIMER	ROOF, SIDING, WINDOW PROJ	GOVT BUILDINGS	Recreation	<u>30,000.00</u>
			TOTAL:	30,000.00
DAHLHEIMER BEVERAGE, LLC	BEER	LIQUOR	Northbound-Cost of Sal	3,197.53
	BEER	LIQUOR	Northbound-Cost of Sal	9,194.99
	BEER	LIQUOR	Northbound-Cost of Sal	10,430.15
	THC PRODUCTS	LIQUOR	Northbound-Cost of Sal	160.00
	BEER	LIQUOR	Northbound-Cost of Sal	5,429.97
	LIQUOR/BEER	LIQUOR	Northbound-Cost of Sal	1,315.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	LIQUOR/BEER	LIQUOR	Northbound-Cost of Sal	28.25
	BEER	LIQUOR	Northbound-Cost of Sal	114.00
	BEER	LIQUOR	Northbound-Cost of Sal	7,423.71
	BEER CREDIT	LIQUOR	Northbound-Cost of Sal	<u>121.40-</u>
			TOTAL:	37,172.20
DAHLHEIMER BEVERAGE, LLC	BEER	LIQUOR	Westbound-Cost of Sale	3,348.16
	BEER	LIQUOR	Westbound-Cost of Sale	89.60
	BEER	LIQUOR	Westbound-Cost of Sale	4,607.30
	BEER	LIQUOR	Westbound-Cost of Sale	4,688.47
	THC PRODUCTS	LIQUOR	Westbound-Cost of Sale	177.00
	BEER	LIQUOR	Westbound-Cost of Sale	3,242.80
	THC PRODUCTS CREDIT	LIQUOR	Westbound-Cost of Sale	17.00-
	BEER CREDIT	LIQUOR	Westbound-Cost of Sale	2.40-
	BEER	LIQUOR	Westbound-Cost of Sale	<u>18.40</u>
			TOTAL:	16,152.33
DELL MARKETING, L P	COMPUTERS	TECHNOLOGY REPLACE	INVALID DEPARTMENT	<u>1,451.90</u>
			TOTAL:	1,451.90
E C M PUBLISHERS INC	NOTICE OF PH, PO# EV 24-01	GENERAL FUND	Planning	172.00
	ORDINANCE 24-07	GENERAL FUND	Planning	129.00
	NOTICE OF PH, PO# P 24-01	GENERAL FUND	Planning	86.00
	BUSINESS CARDS-C NEUMANN	GENERAL FUND	Fire Administration	37.00
	EMPLOYMENT ADV-SEASONAL PW	GENERAL FUND	Parks Dept	<u>61.40</u>
			TOTAL:	485.40
ECKBERG LAMMERS, P.C.	CERTIFICATION COURSE 4/29-	GENERAL FUND	Patrol	649.00
	CERTIFICATION COURSE 4/29-	GENERAL FUND	Patrol	<u>649.00</u>
			TOTAL:	1,298.00
ELECTRONIC DESIGN COMPANY	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	<u>495.51</u>
			TOTAL:	495.51
ELK RIVER MUNICIPAL UTILITIES	WATER/ELECTRIC	GENERAL FUND	Public safety building	64.25
	WATER/ELECTRIC	GENERAL FUND	Fire Administration	1,262.43
	WATER/ELECTRIC	GENERAL FUND	Emergency Management	171.56
	WATER/ELECTRIC	GENERAL FUND	Emergency Management	135.27
	WATER/ELECTRIC	GENERAL FUND	Parks Dept	594.91
	WATER/ELECTRIC	GENERAL FUND	Parks Dept	746.03
	WATER/ELECTRIC	GENERAL FUND	Parks Dept	32.38
	BILLING SVCS - FEB	WASTEWATER TREATME	WWTS Administration	581.61
	WATER/ELECTRIC	WASTEWATER TREATME	Lift Stations	659.30
	WATER/ELECTRIC	WASTEWATER TREATME	Lift Stations	1,636.78
	WATER/ELECTRIC	LIQUOR	Northbound-Operations	2,169.43
	BILLING SVCS - FEB	GARBAGE	Garbage	1,778.31
	BILLING SVCS - FEB	STORM WATER	Storm Water	<u>858.99</u>
			TOTAL:	10,691.25
ELK RIVER WINLECTRIC	SUPPLIES	GENERAL FUND	Building Maintenance	<u>142.98</u>
			TOTAL:	142.98
DANIELLE FAULHABER	TRANSCRIPTION SVCS	GENERAL FUND	Police Support Service	<u>418.08</u>
			TOTAL:	418.08
FERGUSON WATERWORKS #2516	SUPPLIES	WASTEWATER TREATME	WWTS Plant	300.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	300.00
FES, INC.	LION SMOKE FLUID	GENERAL FUND	Fire Operations	<u>1,441.64</u>
			TOTAL:	1,441.64
FIRE SAFETY USA, INC.	SUPPLIES	GENERAL FUND	Fire Operations	<u>205.00</u>
			TOTAL:	205.00
FLEETPRIDE	SUPPLIES	GENERAL FUND	Equipment Services	33.92
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>230.51</u>
			TOTAL:	264.43
TWIN CITY GARAGE DOOR-GARAGE DR STORE	DOOR REPAIRS	GENERAL FUND	Fire Administration	2,336.00
	DOOR REPAIRS	GENERAL FUND	Street Maintenance	<u>2,235.00</u>
			TOTAL:	4,571.00
GEARED UP APPAREL	BEANIES	GENERAL FUND	Patrol	175.00
	UNIFORMS-LIQUOR	LIQUOR	Northbound-Operations	<u>74.10</u>
			TOTAL:	249.10
GERTENS	SALT PELLETS	MULTIPURPOSE FACIL	Multipurpose Facility	<u>616.35</u>
			TOTAL:	616.35
GESTALT ENGINEERING LLC	LANDFILL ASSIST - FEB	LANDFILL	General	<u>385.00</u>
			TOTAL:	385.00
GOODIN COMPANY	SUPPLIES	GENERAL FUND	Building Maintenance	495.07
	SUPPLIES	GENERAL FUND	Building Maintenance	11.60
	SUPPLIES	GENERAL FUND	Building Maintenance	28.78
	SUPPLIES	GENERAL FUND	Public safety building	266.28
	SUPPLIES	GENERAL FUND	Public safety building	11.60
	SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	<u>206.63</u>
			TOTAL:	1,019.96
GOPHER STATE ONE-CALL INC	LOCATION CALLS	WASTEWATER TREATME	WWTS Plant	<u>116.10</u>
			TOTAL:	116.10
GRAINGER	SUPPLIES	GENERAL FUND	Building Maintenance	111.00
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>109.56</u>
			TOTAL:	220.56
GRANITE CITY JOBBING CO	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	743.30
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	298.00
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	5.00
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	946.39
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	180.00
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Northbound-Cost of Sal	5.00
	POP/MISC/THC PROD/SPLS/FGH	LIQUOR	Northbound-Cost of Sal	846.85
	POP/MISC/THC PROD/SPLS/FGH	LIQUOR	Northbound-Cost of Sal	156.00
	POP/MISC/THC PROD/SPLS/FGH	LIQUOR	Northbound-Cost of Sal	5.00
	POP/MISC/THC PROD/SPLS/FGH	LIQUOR	Northbound-Operations	37.09
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Westbound-Cost of Sale	603.95
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Westbound-Cost of Sale	36.00
	POP/MISC/THC PROD/FREIGHT	LIQUOR	Westbound-Cost of Sale	5.00
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	620.14
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Cost of Sale	5.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	POP/MISC/SUPPLIES/FREIGHT	LIQUOR	Westbound-Operations	<u>87.49</u>
			TOTAL:	4,580.21
DOUGLAS GREEN	TABLES AND CHAIRS RENTAL	MULTIPURPOSE FACIL	Multipurpose Facility	<u>1,111.15</u>
			TOTAL:	1,111.15
MULTI SERVICE TECHNOLOGY SOLUTIONS INC	SUPPLIES	WASTEWATER TREATME	WWTS Plant	235.84
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	71.98
	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>5.00</u>
			TOTAL:	312.82
HUMERATECH	REPAIR UNIT 2 AIR DAMPER	LIBRARY	Library	<u>1,609.02</u>
			TOTAL:	1,609.02
IDENTISYS	ID BADGE HOLDERS	GENERAL FUND	Human Resources	<u>114.24</u>
			TOTAL:	114.24
JOHNSON BROS LIQUOR	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	6,532.10
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	139.33
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,714.78
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	70.52
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	9,130.36
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	99.78
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	5,571.40
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	55.04
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	7,149.00
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	135.03
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	648.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	17.62
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	474.95
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	22.36
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	1.00-
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	10.90-
	WINE CREDIT	LIQUOR	Northbound-Cost of Sal	17.33-
	WINE CREDIT	LIQUOR	Northbound-Cost of Sal	13.31-
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	645.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	8.60
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,060.00
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	20.64
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	818.53
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	30.96
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	40.00
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	1.72
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	5,791.38
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	67.08
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	5,695.50
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	75.68
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,861.50
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	25.23
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,427.65
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	33.10
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	80.00
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	3.44
	WINE CREDIT	LIQUOR	Westbound-Cost of Sale	9.33-
	WINE CREDIT	LIQUOR	Westbound-Cost of Sale	12.00-
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	13.26-

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
			TOTAL:	50,369.15
KRISS PREMIUM PRODUCTS, INC	WATER TREATMENT CHEMICALS	MULTIPURPOSE FACIL	Multipurpose Facility	268.00
			TOTAL:	268.00
LAKE STATE RECYCLING INC	CARDBOARD RECYCLING	LIQUOR	Westbound-Operations	150.00
			TOTAL:	150.00
LANGUAGE LINE SERVICES	INTERPRETATION SVCS	GENERAL FUND	Police Administration	74.40
			TOTAL:	74.40
LEAGUE OF MN CITIES INS TRUST	WC INS APR-JUN 2024	GENERAL FUND	City Council	15.00
	INSURANCE ALLOCATION	GENERAL FUND	City Council	17,665.00
	WC INS APR-JUN 2024	GENERAL FUND	Communications	296.00
	WC INS APR-JUN 2024	GENERAL FUND	Administrative Service	637.00
	INSURANCE ALLOCATION	GENERAL FUND	Administrative Service	29.00
	WC INS APR-JUN 2024	GENERAL FUND	Human Resources	293.00
	WC INS APR-JUN 2024	GENERAL FUND	Finance	601.00
	WC INS APR-JUN 2024	GENERAL FUND	Information Technology	366.00
	INSURANCE ALLOCATION	GENERAL FUND	Information Technology	33.00
	WC INS APR-JUN 2024	GENERAL FUND	Planning	428.00
	INSURANCE ALLOCATION	GENERAL FUND	Planning	29.00
	WC INS APR-JUN 2024	GENERAL FUND	Building Maintenance	7,706.00
	INSURANCE ALLOCATION	GENERAL FUND	Building Maintenance	2,338.00
	WC INS APR-JUN 2024	GENERAL FUND	Police Administration	63,323.00
	INSURANCE ALLOCATION	GENERAL FUND	Police Administration	17,974.00
	INSURANCE ALLOCATION	GENERAL FUND	Public safety building	4,727.00
	WC INS APR-JUN 2024	GENERAL FUND	Fire Administration	7,597.00
	INSURANCE ALLOCATION	GENERAL FUND	Fire Administration	3,307.00
	WC INS APR-JUN 2024	GENERAL FUND	Fire Operations	11,907.00
	WC INS APR-JUN 2024	GENERAL FUND	Building Safety	604.00
	INSURANCE ALLOCATION	GENERAL FUND	Building Safety	94.00
	WC INS APR-JUN 2024	GENERAL FUND	Code Enforcement	117.00
	INSURANCE ALLOCATION	GENERAL FUND	Code Enforcement	33.00
	WC INS APR-JUN 2024	GENERAL FUND	Environmental	223.00
	WC INS APR-JUN 2024	GENERAL FUND	Street Maintenance	8,366.00
	INSURANCE ALLOCATION	GENERAL FUND	Street Maintenance	4,693.00
	WC INS APR-JUN 2024	GENERAL FUND	Snow Removal	2,375.00
	WC INS APR-JUN 2024	GENERAL FUND	Equipment Services	1,720.00
	WC INS APR-JUN 2024	GENERAL FUND	Engineering	537.00
	INSURANCE ALLOCATION	GENERAL FUND	Engineering	33.00
	WC INS APR-JUN 2024	GENERAL FUND	Parks Dept	9,449.00
	INSURANCE ALLOCATION	GENERAL FUND	Parks Dept	7,055.00
	WC INS APR-JUN 2024	GENERAL FUND	Parks & Rec Admin	1,434.00
	INSURANCE ALLOCATION	GENERAL FUND	Parks & Rec Admin	1,144.00
	WC INS APR-JUN 2024	GENERAL FUND	Sr Citizen Programs	136.00
	WC INS APR-JUN 2024	GENERAL FUND	Economic Development	98.00
	WC INS APR-JUN 2024	GENERAL FUND	Economic Development	147.00
	INSURANCE ALLOCATION	GENERAL FUND	Economic Development	25.00
	INSURANCE ALLOCATION	LIBRARY	Library	1,558.00
	WC INS APR-JUN 2024	MULTIPURPOSE FACIL	Multipurpose Facility	3,058.00
	INSURANCE ALLOCATION	MULTIPURPOSE FACIL	Multipurpose Facility	7,091.00
	WORKMAN COMP CLAIMS	INSURANCE RESERVE	General	525.82
	INSURANCE ALLOCATION	INSURANCE RESERVE	General	849.00
	INSURANCE ALLOCATION	INSURANCE RESERVE	General	93.00
	INSURANCE ALLOCATION	INSURANCE RESERVE	General	2,998.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	WC INS APR-JUN 2024	WASTEWATER TREATME	WWTS Administration	4,631.00
	INSURANCE ALLOCATION	WASTEWATER TREATME	WWTS Plant	8,872.00
	WC INS APR-JUN 2024	LIQUOR	Northbound-Operations	2,985.00
	INSURANCE ALLOCATION	LIQUOR	Northbound-Operations	770.00
	WC INS APR-JUN 2024	LIQUOR	Westbound-Operations	2,419.00
	INSURANCE ALLOCATION	LIQUOR	Westbound-Operations	<u>753.00</u>
			TOTAL:	214,156.82
M A C I A	MEMBERSHIP RENEWAL-D POSER	GENERAL FUND	Investigations	<u>75.00</u>
			TOTAL:	75.00
M A S S / M R P A	MASS CONFERENCE-N ANDERSON	GENERAL FUND	Sr Citizen Programs	<u>159.00</u>
			TOTAL:	159.00
M M B A	MMBA CONF-ALL INCLUSIVE-JO	LIQUOR	Northbound-Operations	759.00
	MMBA CONF-LUNCHESES-JOE S	LIQUOR	Northbound-Operations	126.50
	MMBA CONF-ALL INCLUSIVE-BR	LIQUOR	Westbound-Operations	759.00
	MMBA CONF-LUNCHESES-JOE S	LIQUOR	Westbound-Operations	<u>126.50</u>
			TOTAL:	1,771.00
M R P A	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks Dept	180.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks Dept	180.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks & Rec Admin	525.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks & Rec Admin	55.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks & Rec Admin	180.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks & Rec Admin	180.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Parks & Rec Admin	180.00
	2024 MEMBERSHIP DUES & AGE	GENERAL FUND	Sr Citizen Programs	180.00
	2024 MEMBERSHIP DUES & AGE	MULTIPURPOSE FACIL	Multipurpose Facility	180.00
	2024 MEMBERSHIP DUES & AGE	MULTIPURPOSE FACIL	Multipurpose Facility	<u>180.00</u>
			TOTAL:	2,020.00
MARCO HOLDINGS LLC	MICROSOFT 365, AZURE, EXCH	GENERAL FUND	Information Technology	4,431.50
	PROGRAM CAMERAS	MULTIPURPOSE FACIL	Multipurpose Facility	78.50
	CAMERAS & INSTALLATION	MULTIPURPOSE FACIL	Multipurpose Facility	<u>1,044.82</u>
			TOTAL:	5,554.82
JOHN SKOGMAN	SOCKET SET	GENERAL FUND	Equipment Services	<u>1,195.00</u>
			TOTAL:	1,195.00
MENARDS - ELK RIVER	PARTS/SUPPLIES	GENERAL FUND	Building Maintenance	54.66
	PARTS/SUPPLIES	GENERAL FUND	Fire Administration	43.79
	PARTS/SUPPLIES	GENERAL FUND	Fire Operations	133.43
	PARTS/SUPPLIES	GENERAL FUND	Street Maintenance	41.63
	PARTS/SUPPLIES	GENERAL FUND	Parks Dept	767.59
	PARTS/SUPPLIES	GENERAL FUND	Parks Dept	5.29
	PARTS/SUPPLIES	LIBRARY	Library	50.56
	PARTS/SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	13.27
	PARTS/SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	58.89
	PARTS/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	115.37
	PARTS/SUPPLIES	WASTEWATER TREATME	WWTS Plant	628.95
	PARTS/SUPPLIES	LIQUOR	Northbound-Operations	<u>8.99</u>
			TOTAL:	1,922.42
METRO PRODUCTS INC.	SUPPLIES	GENERAL FUND	Street Maintenance	25.58
	SUPPLIES	GENERAL FUND	Equipment Services	25.58

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	SUPPLIES	GENERAL FUND	Parks Dept	<u>25.59</u>
			TOTAL:	76.75
MIDWAY FORD	PARTS	GENERAL FUND	Patrol	529.77
	PARTS	GENERAL FUND	Patrol	80.41
	PARTS CREDIT	GENERAL FUND	Street Maintenance	37.07-
	SUPPLIES CREDIT	GENERAL FUND	Equipment Services	<u>11.52-</u>
			TOTAL:	561.59
MINNESOTA EQUIPMENT	PARTS	GENERAL FUND	Parks Dept	<u>48.00</u>
			TOTAL:	48.00
MN DEPT OF LABOR & INDUSTRY	BP SURCHARGE - FEB	GENERAL FUND	General Fund	1,647.96
	BOILER/PRESSURE VESSEL INS	GENERAL FUND	Street Maintenance	<u>30.00</u>
			TOTAL:	1,677.96
MN POLLUTION CONTROL AGENCY	CERTIFICATION RENEW-M STEV WASTEWATER TREATME		WWTS Plant	<u>23.00</u>
			TOTAL:	23.00
MONTICELLO ARENA	SPRING BREAKAWAY	MULTIPURPOSE FACIL	Hockey	<u>5,500.00</u>
			TOTAL:	5,500.00
MR CUTTING EDGE	BLADE SHARPEN & CHIP REMOV	MULTIPURPOSE FACIL	Multipurpose Facility	<u>101.00</u>
			TOTAL:	101.00
MN VALLEY TESTING LAB INC	WATER TESTING	WASTEWATER TREATME	WWTS Plant	<u>457.00</u>
			TOTAL:	457.00
OFFICE OF MNIT SERVICES	INTERNET (WAN) SVCS	GENERAL FUND	Information Technology	<u>191.00</u>
			TOTAL:	191.00
O'REILLY AUTOMOTIVE, INC	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Patrol	293.17
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Fire Operations	68.00
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Street Maintenance	47.50
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Equipment Services	46.98
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Equipment Services	36.79
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Equipment Services	285.00
	PARTS/SUPPLIES/TRAINING	GENERAL FUND	Parks Dept	45.02
	PARTS/SUPPLIES/TRAINING	WASTEWATER TREATME	WWTS Plant	<u>99.15</u>
			TOTAL:	921.61
OXYGEN SERVICE CO, INC	CYLINDER RENTAL	GENERAL FUND	Equipment Services	<u>157.87</u>
			TOTAL:	157.87
PAUSTIS WINE COMPANY	WINE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	78.03-
	WINE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	1.50-
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,363.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	<u>25.50</u>
			TOTAL:	1,308.97
PHILLIPS WINE & SPIRITS CO	WINE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	24.00-
	WINE/FREIGHT CREDIT	LIQUOR	Northbound-Cost of Sal	2.25-
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	38.99-
	LIQUOR CREDIT	LIQUOR	Northbound-Cost of Sal	5.48-
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,950.41
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	42.14

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,719.77
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	123.84
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	236.83
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	6.88
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	3,304.74
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	67.08
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,414.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	54.18
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	314.50
	POP/MISC/FREIGHT	LIQUOR	Northbound-Cost of Sal	6.88
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	777.84
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	12.04
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	474.36
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	8.60
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	2,435.80
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	115.25
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,855.48
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	48.16
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	41.28
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1.72
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	28.05
	POP/MISC/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>1.72</u>
			TOTAL:	17,970.83
PLAISTED COMPANIES INC	SUPPLIES	GENERAL FUND	Parks Dept	403.48
	SUPPLIES	GENERAL FUND	Parks Dept	132.96
	SUPPLIES	GENERAL FUND	Parks Dept	184.74
	SUPPLIES	GENERAL FUND	Parks Dept	<u>101.25</u>
			TOTAL:	822.43
FERGUSON US HOLDINGS INC	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>2,775.00</u>
			TOTAL:	2,775.00
PRECISE MRM LLC	5MB FLAT DATA PLAN	GENERAL FUND	Snow Removal	<u>475.00</u>
			TOTAL:	475.00
PRINCETON ICE ARENA	SPRING BREAKAWAY	MULTIPURPOSE FACIL	Hockey	<u>2,750.00</u>
			TOTAL:	2,750.00
PRINCETON RENTAL INC	SUPPLIES	GENERAL FUND	Parks Dept	<u>58.72</u>
			TOTAL:	58.72
CHENOSA SYSTEMS CORP	ANNUAL MAINT & SUPPORT	GENERAL FUND	Fire Administration	<u>722.73</u>
			TOTAL:	722.73
PVS TECHNOLOGIES INC	FERRIC CHLORIDE SOLUTION	WASTEWATER TREATME	WWTS Plant	<u>10,148.13</u>
			TOTAL:	10,148.13
R & R SPECIALTIES OF WISC. INC	SUPPLIES	MULTIPURPOSE FACIL	Multipurpose Facility	<u>158.50</u>
			TOTAL:	158.50
ERDO EQUIPMENT CO	PARTS	GENERAL FUND	Street Maintenance	<u>92.16</u>
			TOTAL:	92.16
RED BULL DISTRIBUTION COMPANY	RED BULL	LIQUOR	Northbound-Cost of Sal	<u>247.34</u>
			TOTAL:	247.34

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
REGION 5AA	TICKETS - SEMI FINAL 5AA 5 MULTIPURPOSE FACIL	Multipurpose Facility		8,335.00
	TICKETS - SEMI FINAL 5AA 1 MULTIPURPOSE FACIL	Multipurpose Facility		5,910.00
	TICKETS - FINAL 5AA 7 MULTIPURPOSE FACIL	Multipurpose Facility		<u>18,965.00</u>
	TOTAL:			33,210.00
REGION 8AA	TICKETS - QTR FINAL 8AA MULTIPURPOSE FACIL	Multipurpose Facility		5,125.00
	TICKETS - FINAL 5A MULTIPURPOSE FACIL	Multipurpose Facility		<u>12,465.00</u>
	TOTAL:			17,590.00
RMB ENVIRONMENTAL LAB INC	TOXICITY TESTING	WASTEWATER TREATME	WWTS Plant	<u>1,375.00</u>
	TOTAL:			1,375.00
ROGERS ACTIVITY CENTER	SPRING BREAKAWAY	MULTIPURPOSE FACIL	Hockey	<u>5,750.00</u>
	TOTAL:			5,750.00
S R F CONSULTING GROUP INC	PROF SVCS - SS4A GRANT	CAPITAL OUTLAY RES	Emergency Management	<u>11,189.45</u>
	TOTAL:			11,189.45
GRAHAM SCHULTZ	REIMB SAFETY BOOTS	GENERAL FUND	Code Enforcement	<u>144.99</u>
	TOTAL:			144.99
SHAMROCK GROUP INC	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	179.60
	ICE/FREIGHT	LIQUOR	Northbound-Cost of Sal	4.00
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	113.20
	ICE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>4.00</u>
	TOTAL:			300.80
SHERWIN-WILLIAMS	SUPPLIES	GENERAL FUND	Building Maintenance	<u>10.48</u>
	TOTAL:			10.48
SMALL LOT MN	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,037.88
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	111.96
	LIQUOR/WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>6.00</u>
	TOTAL:			1,155.84
SOUTHERN GLAZER'S WINE & SPIRITS-MN	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	11,169.70
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	105.93
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,886.52
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	34.37
	FREIGHT	LIQUOR	Northbound-Cost of Sal	3.75
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	7,261.15
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	64.06
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,583.24
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	52.50
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	520.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	7.50
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	5,954.03
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	62.93
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	579.96
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	10.88
	FREIGHT	LIQUOR	Westbound-Cost of Sale	1.28
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	115.41
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	2.56
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,382.27
	LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	14.08
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	1,515.42

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	34.56
	LIQUOR CREDIT	LIQUOR	Westbound-Cost of Sale	<u>53.00-</u>
			TOTAL:	33,309.10
STAN MORGAN & ASSOCIATES, INC.	SHELVING	LIQUOR	Northbound-Operations	1,814.64
	SHELVING	LIQUOR	Westbound-Operations	<u>5,224.87</u>
			TOTAL:	7,039.51
STAPLES BUSINESS ADVANTAGE	SUPPLIES	GENERAL FUND	Communications	34.08
	SUPPLIES	GENERAL FUND	Administrative Service	106.94
	SUPPLIES	GENERAL FUND	Human Resources	53.47
	SUPPLIES	GENERAL FUND	Elections	113.60-
	SUPPLIES	GENERAL FUND	Finance	53.47
	SUPPLIES	GENERAL FUND	Community Development	16.04
	SUPPLIES	GENERAL FUND	Planning	117.34
	SUPPLIES	GENERAL FUND	Building Safety	80.21
	SUPPLIES	GENERAL FUND	Environmental	10.69
	SUPPLIES	GENERAL FUND	Engineering	26.74
	SUPPLIES	GENERAL FUND	Parks & Rec Admin	53.46
	SUPPLIES	GENERAL FUND	Economic Development	<u>26.74</u>
			TOTAL:	465.58
STEP SAVER INC	BULK SALT	GENERAL FUND	Public safety building	<u>124.50</u>
			TOTAL:	124.50
MATT STEVENS	REIMB PARKING 3/5-3/7	WASTEWATER TREATME	WWTS Administration	<u>19.50</u>
			TOTAL:	19.50
STEPHEN NEURURER	BACKGROUND INVESTIGATION	GENERAL FUND	Information Technology	<u>1,208.80</u>
			TOTAL:	1,208.80
SYSCO MINNESOTA INC	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	1,221.69
	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	222.24
	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	52.77
	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	798.87
	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	52.34
	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	328.40
	POP/MISC/SUPPLIES	MULTIPURPOSE FACIL	Arena concessions	<u>181.49</u>
			TOTAL:	2,857.80
TEAM LABORATORY CHEMICAL LLC	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>107.25</u>
			TOTAL:	107.25
TERRACON CONSULTANTS, INC.	CONSULTING SVCS-ATHLETIC F PARK IMPROVEMENT F Parks			<u>11,700.00</u>
			TOTAL:	11,700.00
TRANSUNION RISK & ALTERNATIVE	ONLINE INVESTIGATIVE SVCS	GENERAL FUND	Investigations	<u>110.00</u>
			TOTAL:	110.00
VIKING COCA-COLA CO	POP/MISC	LIQUOR	Northbound-Cost of Sal	581.85
	POP/MISC	LIQUOR	Westbound-Cost of Sale	<u>811.90</u>
			TOTAL:	1,393.75
VINOCOPIA	WINE	LIQUOR	Northbound-Cost of Sal	120.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	171.00
	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,368.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	LIQUOR/WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	21.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	144.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>2.50</u>
			TOTAL:	1,826.50
VISUAL COMPUTER SOLUTIONS INC	ANNUAL SUPPORT/UPGRADE	GENERAL FUND	Finance	1,293.99
	ANNUAL SUPPORT/UPGRADE	GENERAL FUND	Information Technology	<u>1,027.42</u>
			TOTAL:	2,321.41
WAL-MART COMMUNITY CARD	SUPPLIES	GENERAL FUND	Elections	56.40
	SUPPLIES	GENERAL FUND	Sr Citizen Programs	<u>184.36</u>
			TOTAL:	240.76
WASTE MANAGEMENT	BIO SOLIDS HAULING	WASTEWATER TREATME	WWTS Plant	19,342.46
	FEB GARBAGE TIPPING FEES	GARBAGE	Garbage	<u>17,650.44</u>
			TOTAL:	36,992.90
WEBB & GERRITSEN MN LLC	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	271.60
	POP/MISC	MULTIPURPOSE FACIL	Arena concessions	<u>421.78</u>
			TOTAL:	693.38
WELLINGTON SECURITY SYSTEMS	BURGLARY MONITORING	LIQUOR	Northbound-Operations	<u>220.66</u>
			TOTAL:	220.66
WILKINS AUDREY	REFUND MAKERS MKT BOOTH	MULTIPURPOSE FACIL	Multipurpose Facility	<u>60.00</u>
			TOTAL:	60.00
WINDSTREAM	PHONE LINE CHGS	GENERAL FUND	Fire Administration	129.95
	PHONE LINE CHGS	GENERAL FUND	Fire Operations	<u>51.39</u>
			TOTAL:	181.34
THE WINE COMPANY	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	628.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	15.00
	WINE/LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	432.00
	WINE/LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	156.00
	WINE/LIQUOR/FREIGHT	LIQUOR	Westbound-Cost of Sale	<u>18.00</u>
			TOTAL:	1,249.00
WINE MERCHANTS	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,967.90
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	30.96
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	1,277.00
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	13.19
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	182.07
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	2.01
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	365.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	6.03
	WINE/FREIGHT CREDIT	LIQUOR	Westbound-Cost of Sale	107.50-
	WINE/FREIGHT CREDIT	LIQUOR	Westbound-Cost of Sale	<u>6.88-</u>
			TOTAL:	3,729.78
WINEBOW	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	2,400.00
	WINE/FREIGHT	LIQUOR	Westbound-Cost of Sale	24.50
	WINE CREDIT	LIQUOR	Westbound-Cost of Sale	<u>160.00-</u>
			TOTAL:	2,264.50
WSB & ASSOCIATES INC	2024 WCA SERVICES	GENERAL FUND	Environmental	<u>2,810.00</u>
			TOTAL:	2,810.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
===== FUND TOTALS =====				
101	GENERAL FUND	232,610.13		
211	LIBRARY	3,359.83		
221	MULTIPURPOSE FACILITY	87,879.71		
225	PARK DEDICATION FUND	6,457.00		
228	LANDFILL	385.00		
290	CAPITAL OUTLAY RESERVE	11,689.45		
291	INSURANCE RESERVE	4,465.82		
292	GOVT BUILDINGS	30,000.00		
401	PAVEMENT MANAGEMENT	1,365.50		
411	TECHNOLOGY REPLACEMENT	1,451.90		
440	PARK IMPROVEMENT FUND	11,700.00		
602	WASTEWATER TREATMENT SYS	56,339.37		
603	LIQUOR	251,023.36		
605	GARBAGE	19,428.75		
607	STORM WATER	858.99		

	GRAND TOTAL:	719,014.81		

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VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
A T & T MOBILITY	WIRELESS SVCS	GENERAL FUND	City Council	37.98
	FIRSTNET WIRELESS SVCS	GENERAL FUND	Administrative Service	38.23
	FIRSTNET WIRELESS SVCS	GENERAL FUND	Information Technology	99.56
	FIRSTNET WIRELESS SVCS	GENERAL FUND	Building Maintenance	127.73
	FIRSTNET WIRELESS SVCS	GENERAL FUND	Police Administration	2,804.56
	WIRELESS SVCS	GENERAL FUND	Investigations	22.97
	WIRELESS SVCS	GENERAL FUND	Investigations	22.97
	FIRSTNET WIRELESS SVCS	GENERAL FUND	Fire Administration	555.02
	FIRSTNET WIRELESS SVCS	WASTEWATER TREATME	WWTS Administration	<u>44.75</u>
	TOTAL:			3,753.77
ADAM SMIGLEWSKI	BREAKAWAY REFS-SPRING	MULTIPURPOSE FACIL	Hockey	<u>3,900.00</u>
	TOTAL:			3,900.00
CAMPBELL KNUTSON P.A.	JAN LEGAL SVCS	GENERAL FUND	Legal	6,735.29
	JAN LEGAL SVCS	DEVELOPER ESCROW	NON-DEPARTMENTAL	960.00
	JAN LEGAL SVCS	DEVELOPER ESCROW	NON-DEPARTMENTAL	<u>108.00</u>
	TOTAL:			7,803.29
CENTERPOINT ENERGY	NATURAL GAS	GENERAL FUND	Building Maintenance	3,114.47
	NATURAL GAS	GENERAL FUND	Public safety building	3,303.14
	NATURAL GAS	GENERAL FUND	Fire Administration	1,554.84
	NATURAL GAS	MULTIPURPOSE FACIL	Multipurpose Facility	7,922.07
	NATURAL GAS	WASTEWATER TREATME	WWTS Plant	503.46
	NATURAL GAS	LIQUOR	Northbound-Operations	1,060.44
	NATURAL GAS	LIQUOR	Westbound-Operations	<u>751.59</u>
	TOTAL:			18,210.01
CULLIGAN	DEIONIZATION RENTAL SVC-LA	WASTEWATER TREATME	WWTS Plant	40.15
	DEIONIZATION RENTAL SVC-WA	WASTEWATER TREATME	WWTS Plant	<u>19.50</u>
	TOTAL:			59.65
CULLIGAN BOTTLED WATER	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>62.50</u>
	TOTAL:			62.50
DELL MARKETING, L P	COMPUTER-WW	TECHNOLOGY REPLACE	INVALID DEPARTMENT	1,189.31
	COMPUTERS	TECHNOLOGY REPLACE	INVALID DEPARTMENT	<u>4,118.21</u>
	TOTAL:			5,307.52
SUPERIOR CAPITAL HOLDINGS DBA DSC COMM	PAGERS	GENERAL FUND	Fire Operations	<u>2,295.00</u>
	TOTAL:			2,295.00
JOHNSON BROS LIQUOR	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	2,262.00
	LIQUOR/FREIGHT	LIQUOR	Northbound-Cost of Sal	<u>43.00</u>
	TOTAL:			2,305.00
MN STATE COMMUNITY & TECH COLLEGE	FIRE SCHOOL-C NEUMANN 2/17	GENERAL FUND	Fire Administration	<u>150.00</u>
	TOTAL:			150.00
RAD ACQUISITION HOLDINGS LLC	UNIC7472 & FILTER FRESH	GENERAL FUND	Parks Dept	<u>1,611.60</u>
	TOTAL:			1,611.60
CAPITAL ONE TRADE CREDIT	SUPPLIES	WASTEWATER TREATME	WWTS Plant	<u>87.00</u>
	TOTAL:			87.00
PAUSTIS WINE COMPANY	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	3,196.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	WINE/FREIGHT	LIQUOR	Northbound-Cost of Sal	<u>46.50</u>
			TOTAL:	3,242.50
PERFECTION PLUS, INC.	EXTRA CLEANING-TROTT BARN	GENERAL FUND	Parks & Rec Admin	<u>240.00</u>
			TOTAL:	240.00
POSTMASTER	NEWSLETTER POSTAGE	GENERAL FUND	Sr Citizen Programs	<u>1,000.00</u>
			TOTAL:	1,000.00
QUALITY FLOW SYSTEMS INC	PUMP REPAIRS-TWIN LAKES	WASTEWATER TREATME	WWTS Plant	3,956.00
	STATION REPAIRS-HWY 10 LS	WASTEWATER TREATME	Lift Stations	3,740.00
	STATION REPAIRS-MEADOWVALE	WASTEWATER TREATME	Lift Stations	4,005.00
	STATION REPAIRS-TROTT BROO	WASTEWATER TREATME	Lift Stations	8,592.00
	STATION REPAIRS-TWIN LAKES	WASTEWATER TREATME	Lift Stations	1,120.50
	STATION REPAIRS-LS PUMP 2	WASTEWATER TREATME	Lift Stations	<u>6,099.00</u>
			TOTAL:	27,512.50
REPUBLIC SERVICES #899	FEB COMM GARBAGE SVC	GENERAL FUND	Building Maintenance	137.55
	FEB COMM GARBAGE SVC	GENERAL FUND	Public safety building	137.55
	FEB COMM GARBAGE SVC	GENERAL FUND	Fire Administration	98.72
	FEB COMM GARBAGE SVC	GENERAL FUND	Fire Administration	98.72
	FEB COMM GARBAGE SVC	GENERAL FUND	Street Maintenance	818.61
	FEB COMM GARBAGE SVC	GENERAL FUND	Parks Dept	490.06
	GARBAGE SVC - RIVERS EDGE	GENERAL FUND	Parks Dept	485.61
	FEB COMM GARBAGE SVC	LIBRARY	Library	64.46
	FEB COMM GARBAGE SVC	MULTIPURPOSE FACIL	Multipurpose Facility	1,081.86
	FEB COMM GARBAGE SVC	LANDFILL	General	500.25
	FEB COMM GARBAGE SVC	WASTEWATER TREATME	WWTS Plant	238.66
	FEB COMM GARBAGE SVC	WASTEWATER TREATME	WWTS Plant	155.62
	FEB COMM GARBAGE SVC	LIQUOR	Northbound-Operations	132.12
	FEB COMM GARBAGE SVC	LIQUOR	Westbound-Operations	89.06
	RESIDENTIAL GARBAGE SVC	GARBAGE	Garbage	94,658.78
	FEB COMM GARBAGE SVC	GARBAGE	Organics	<u>691.00</u>
			TOTAL:	99,878.63
RITE ENTERPRISES, INC	CARD DEFENDER RE-INSTALL	MULTIPURPOSE FACIL	Arena concessions	240.00
	ANNUAL FEES	MULTIPURPOSE FACIL	Arena concessions	<u>1,200.00</u>
			TOTAL:	1,440.00
RUM RIVER ART CENTER INC	INSTRUCTOR FEE-VIT ARTS 2/	GENERAL FUND	Sr Citizen Programs	<u>375.00</u>
			TOTAL:	375.00
STEP SAVER INC	BULK SALT	GENERAL FUND	Public safety building	<u>120.00</u>
			TOTAL:	120.00
THE BANCORP BANK NA	INFORMATION REQUEST 240008	GENERAL FUND	Investigations	<u>80.00</u>
			TOTAL:	80.00
US BANK	CITY CC PAYMENT	GENERAL FUND	Communications	53.96
	CITY CC PAYMENT	GENERAL FUND	Communications	149.90
	CITY CC PAYMENT	GENERAL FUND	Human Resources	94.70
	CITY CC PAYMENT	GENERAL FUND	Human Resources	58.02
	CITY CC PAYMENT	GENERAL FUND	Elections	76.68
	CITY CC PAYMENT	GENERAL FUND	Finance	365.00
	CITY CC PAYMENT	GENERAL FUND	Finance	399.46
	CITY CC PAYMENT	GENERAL FUND	Finance	140.00

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CITY CC PAYMENT	GENERAL FUND	Finance	70.00
	CITY CC PAYMENT	GENERAL FUND	Finance	70.00
	CITY CC PAYMENT	GENERAL FUND	Information Technology	1,780.00
	CITY CC PAYMENT	GENERAL FUND	Information Technology	840.00
	CITY CC PAYMENT	GENERAL FUND	Information Technology	400.00
	CITY CC PAYMENT	GENERAL FUND	Planning	724.00
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	343.43
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	410.00
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	343.43
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	300.00
	CITY CC PAYMENT	GENERAL FUND	Building Maintenance	300.00
	CITY CC PAYMENT	GENERAL FUND	Police Administration	50.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	29.12
	CITY CC PAYMENT	GENERAL FUND	Patrol	50.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	75.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	795.00
	CITY CC PAYMENT	GENERAL FUND	Patrol	1,000.00
	CITY CC PAYMENT	GENERAL FUND	Investigations	216.00
	CITY CC PAYMENT	GENERAL FUND	Investigations	35.00
	CITY CC PAYMENT	GENERAL FUND	Investigations	900.00
	CITY CC PAYMENT	GENERAL FUND	Investigations	900.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	154.09
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	300.00
	CITY CC PAYMENT	GENERAL FUND	Police Support Service	250.00
	CITY CC PAYMENT	GENERAL FUND	Public safety building	25.30
	CITY CC PAYMENT	GENERAL FUND	Fire Administration	201.38
	CITY CC PAYMENT	GENERAL FUND	Fire Administration	281.84
	CITY CC PAYMENT	GENERAL FUND	Fire Administration	237.59
	CITY CC PAYMENT	GENERAL FUND	Fire Operations	70.52
	CITY CC PAYMENT	GENERAL FUND	Building Safety	420.00
	CITY CC PAYMENT	GENERAL FUND	Building Safety	93.85
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	52.68
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	33.51
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	35.43
	CITY CC PAYMENT	GENERAL FUND	Street Maintenance	249.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	1,150.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	460.00
	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	25.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	120.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	110.05
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	220.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	160.00
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	416.31
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	226.06
	CITY CC PAYMENT	GENERAL FUND	Parks Dept	20.62
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Multipurpose Facility	111.90
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Multipurpose Facility	1.32
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Multipurpose Facility	624.00
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Multipurpose Facility	1,375.24
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Multipurpose Facility	32.74
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Skating	555.00
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Skating	330.00
	CITY CC PAYMENT	MULTIPURPOSE FACIL	Arena concessions	19.75
	CITY CC PAYMENT	WASTEWATER TREATME	WWTS Plant	52.86

VENDOR SORT KEY	DESCRIPTION	FUND	DEPARTMENT	AMOUNT
	CITY CC PAYMENT	WASTEWATER TREATME	WWTS Plant	<u>28.80</u>
			TOTAL:	19,463.54
VERIZON WIRELESS-VSAT	SMS CONTENT #24003063	GENERAL FUND	Investigations	<u>50.00</u>
			TOTAL:	50.00
WORLD CLASS AUTO BODY INC	REPAIR FENDER DAMAGE #124	INSURANCE RESERVE	General	<u>2,987.50</u>
			TOTAL:	2,987.50

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

101	GENERAL FUND	42,937.11
211	LIBRARY	64.46
221	MULTIPURPOSE FACILITY	17,393.88
228	LANDFILL	500.25
291	INSURANCE RESERVE	2,987.50
411	TECHNOLOGY REPLACEMENT	5,307.52
602	WASTEWATER TREATMENT SYS	28,745.80
603	LIQUOR	7,580.71
605	GARBAGE	95,349.78
821	DEVELOPER ESCROW	1,068.00

GRAND TOTAL: 201,935.01



Request for Action

To
City Council

Item Number
4.3

Meeting Date
March 18, 2024

Prepared By
Lori Stich, Finance Manager

Item Description
Annual Approval Electing Not to Waive the
Statutory Tort Limits for Liability Insurance

Reviewed by:
Lori Stich
Joe Stremcha
Cal Portner
Tina Allard

Action Requested

Elect, by motion, not to waive the statutory tort limits for liability insurance.

Background/Discussion

The City of Elk River secures its liability, property, casualty, automobile, and workers compensation insurance coverage through the League of Minnesota Cities Insurance Trust (LMCIT). As a condition of renewal, the city must annually execute a "LMCIT Liability Coverage Waiver Form" and:

1. Determine whether to waive the statutory liability limits; and
2. Determine whether to acquire excess liability insurance coverage.

As established by Minnesota Statute 466.04, the statutory liability limits for claims that occur after July 1, 2009, are \$500,000 per claimant and \$1,500,000 per occurrence.

Annually, the City Council must review and make an election of one of the following three options (claims to which the statutory municipal tort limits do not apply are not affected by this decision):

1. Not to waive the statutory tort limits - **staff recommendation**
 - If the city does not waive the statutory tort limits, an individual claimant would be able to recover no more than \$500,000 on any claims and the total for a single occurrence would be limited to \$1,500,000 to which the statutory tort limits apply.
2. Waive the limits and not purchase excess liability coverage
 - If the city waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could potentially recover up to \$2,000,000 on a single occurrence.
3. Waive the limits and purchase excess liability coverage
 - If the city waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased.

On June 3, 2013, the Council approved Resolution 13-34 electing not to waive the statutory tort limits for

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liability insurance. This resolution allows the statutory limits to remain in place until the Council changes this election.

Financial Impact

N/A

Mission/Policy/Goal

Attachments

- I. Resolution Elect Not to Waive Statutory Tort Limits 06-2013

RESOLUTION 13- 34 .

A RESOLUTION OF THE CITY OF ELK RIVER

**A RESOLUTION ELECTING NOT TO WAIVE THE
STATUTORY TORT LIMITS FOR LIABILITY INSURANCE**

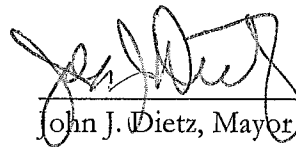
WHEREAS, The City of Elk River participates in the League of Minnesota Cities Insurance Trust (LMCIT) insurance program; and

WHEREAS, The LMCIT requires annual approval of the city's intent to waive or not waive the statutory limits on tort liability as set forth in Minnesota Statutes; and

WHEREAS, The City Council has evaluated whether to waive the limit of tort liability and whether to purchase excess liability coverage from the LMCIT.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk River elects not to waive the statutory tort liability limit established by Minnesota Statute 466.04.

Passed and adopted this 3rd day of June 2013.


John J. Dietz, Mayor

ATTEST:


Tina Allard, City Clerk



Request for Action

To
City Council

Item Number
4.4

Meeting Date
March 18, 2024

Prepared By
Ryan Sandhoefner, Engineer I

Item Description
Pay Estimates

Reviewed by:
Justin Femrite
Lori Stich
Joe Stremcha
Cal Portner
Tina Allard

Action Requested
Approve, by motion, the pay estimates detailed below.

Background/Discussion
The following pay estimates have been reviewed and found to be accurate and in accordance with approved contracts.

Financial Impact

Project	Pay Estimate #	Contractor	Amount
Trott Brook Barn Rehab	I	Dahlheimer Construction Inc.	\$30,000

Mission/Policy/Goal

Attachments
I. Pay Estimate I - Dahlheimer Construction Inc.

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Dahlheimer Construction Inc.
21309 150th St
Elk River, MN 55330 US
763-442-7699
dcinc77@yahoo.com

Invoice 1902



BILL TO
MSPM Brandon Wisner
City of Elk River

DATE
03/04/2024

PLEASE PAY
\$30,000.00

DUE DATE
04/03/2024

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	Construction	Partial payment for Roof,Siding,Window replacement at 18300 Trott Brook NW Elk River,MN.	1	30,000.00	30,000.00

TOTAL DUE

\$30,000.00

THANK YOU.

292-4-5210-4520
BWW



Request for Action

To
City Council

Item Number
4.5

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Lease Agreement: GLG Elk River, LLC - Spikes

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the parking lot lease agreement with GLG Elk River, LLC - Spikes and Houles.

Background/Discussion

On February 5, 2024, the City Council reviewed a proposal from GLG Elk River, LLC (Spikes and Houles) to lease a portion of the city-owned parking lot between Highway 10 and the railroad. Spikes proposes using a portion of the parking lot for seasonal greenhouse, storage, and display of their products.

The City Council directed staff to work with the applicant and prepare a three-year agreement allowing Spikes to use a portion of the city-owned lot in support of their business operations. City staff and our city attorney drafted the attached agreement, which Spikes has reviewed and approved. GLG Elk River, LLC is prepared to sign the agreement upon approval from the City Council.

Financial Impact

GLG Elk River, LLC will pay the city \$6,000 per year for the three years of the lease agreement.

Mission/Policy/Goal

Attachments

- I. Parking Lot Lease Agreement

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PARKING LOT LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement") is made on the ____ day of _____, 2024, ("Effective Date") by and between the **CITY OF ELK RIVER**, a Minnesota municipal corporation, 13065 Orono Parkway, Elk River, MN 55330 ("City"), and **GLG Elk River, LLC**, a Minnesota limited liability company, 5715 Blaine Avenue East, Inver Grove Heights, MN 55076 ("Lessee").

WHEREAS, the City is the owner of real property in the City of Elk River, Sherburne County, Minnesota, Parcel ID No. 75-00596-0020, which is currently a public parking lot ("Lot");

WHEREAS, Lessee is owner of property at 906 Highway 10, Elk River, MN 55330, Parcel ID No. 75-00407-0030 ("Lessee Property") from which it operates Spikes & Houles Feed, Seed and Pet Supply store;

WHEREAS, Lessee seeks additional space for a temporary green house, product display, and additional customer parking ("Commercial Purposes") contemplated adjacent to the Lessee Property; and

WHEREAS, the Lessee desires to rent approximately 10,500 SF of the Lot from the City, as identified on **Exhibit A** ("Premises"), and the City desires to lease the Premises to the Lessee for Commercial Purposes.

NOW, THEREFORE, the City and Lessee agree as follows:

1. LEASE OF PROPERTY. The City, in consideration of the rent, terms, and conditions of this Agreement, does hereby exclusively lease unto Lessee, and Lessee does hereby rent, lease, hire, and take from the City, subject to the terms and conditions of this Agreement, the Premises. Lessee takes and rents the Premises from the City "as is" and "where is" without any liability or obligation on the part of the City to make any alterations, improvements, or repairs of any kind or nature, on or about said Premises.

2. TERM. The initial term of this Agreement ("Initial Term") shall be for a period of **3** years, commencing on April 1, 2024, and ending on March 31, 2027.

3. RENT. Lessee hereby agrees to pay rent in the sum of Six Thousand and 0/100 Dollars (\$6,000.00) per year for the Premises, payable on the first day of the month in monthly installments of \$500.00.

4. INSURANCE.

A. Lessee agrees to obtain and maintain during the term of this Lease the following insurance coverage:

1. Worker's Compensation. The Lessee must maintain Workers' Compensation insurance in compliance with all applicable statutes, rules, and regulations. The policy shall also provide Employer's Liability coverage with limits of not less than

\$500,000 Bodily Injury each accident, \$500,000 Bodily Injury by disease, policy limit, and \$500,000 Bodily Injury by disease, each employee.

2. General Liability. The Lessee must maintain an occurrence form comprehensive general liability coverage. Such coverage shall include, but not be limited to, bodily injury, property damage -- broad form, and personal injury, for the hazards of Premises/Operation, broad form contractual liability, independent contractors, and products/completed operations.

The Lessee must maintain aforementioned comprehensive general liability coverage with limits of liability not less than \$1,000,000 each occurrence; \$1,000,000 personal and advertising injury; \$2,000,000 general aggregate, and \$2,000,000 products and completed operations aggregate. These limits may be satisfied by the comprehensive general liability coverage or in combination with an umbrella or excess liability policy, provided coverage afforded by the umbrella or excess policy are no less than the underlying comprehensive general liability coverages.

3. Automobile Liability. The Lessee must carry Automobile Liability coverage. Coverage shall afford total liability limits for Bodily Injury Liability and Property Damage Liability in the amount of \$1,000,000 per accident. The liability limits may be afforded under the Commercial Policy, or in combination with an Umbrella or Excess Liability Policy provided coverage of rides afforded by the Umbrella Excess Policy are no less than the underlying Commercial Auto Liability coverage. Coverage shall be provided by Bodily Injury and Property Damage for the ownership, use, maintenance or operation of all owned, non-owned and hired automobiles. The Commercial Automobile Policy shall include at least statutory personal injury protection, uninsured motorists and underinsured motorists coverages.

4. Lessee Property Insurance. The Lessee must keep in force for the duration of the Lease a policy covering damages to its property at the Premises. The amount of coverage shall be for the full insurable value and be sufficient to replace the damaged property, loss of use and comply with any ordinance or law requirements.

5. Hazardous Materials Coverage. Lessee must carry sufficient coverage, to the reasonable satisfaction of City, for damage caused by Hazardous Materials.

6. Excess Liability. Lessee shall also maintain an umbrella or excess liability insurance policy with a combined single limit of \$2,000,000.00 which provides coverage in excess of all other coverages (except Workers' Compensation) required to be maintained by Lessee under this Lease.

B. Additional Insured - Certificate of Insurance. The Lessee shall provide evidence of the required insurance in the form of a Certificate of Insurance issued by a company (rated A or better), licensed to do business in the State of Minnesota, which includes all coverages required in this Paragraph. Lessee will name the City as an Additional Insured on the General Liability and Commercial Automobile Liability Policies. The Certificate(s) shall also provide the coverage may not be cancelled, non-renewed, or reduced without thirty (30) days prior written notice to the City.

5. INDEMNIFICATION.

A. Lessee shall indemnify and save harmless the City against all liabilities, damages, claims, fines, penalties, costs and other expenses, including all attorneys' fees, which may be imposed upon, incurred by or asserted against the City by reason of the following, except for any of the following that result from the grossly negligent or intentionally malicious act or omission of the City or its agents:

1. any use or condition of the Premises or any part thereof;
2. any personal injury or property damage occurring on the Premises;
3. any negligence on the part of Lessee, Lessee's agents, contractors, licensees or invitees;
4. any failure by Lessee, any agent or invitee of Lessee to comply with any requirement of any governmental authority;
5. any prosecution or defense of any suit or other proceeding in discharging the Premises or any part thereof from any liens, judgments or encumbrances created upon or against the same by Lessee, any agent or invitee of Lessee or against Lessee's interest in the Premises;
6. any proceedings in obtaining possession of the Premises after the termination of this Lease by forfeiture or otherwise;
7. any litigation commenced by or against Lessee to which the City is made a party without any fault on the part of the City;
8. any response costs, other damages and expenses (including attorneys' fees) which may be imposed upon, incurred by or asserted against the City by reason of the use, release, threatened release or disposal of Hazardous Wastes at the Premises by Lessee, any agent or invitee of Lessee; and
9. any failure on the part of Lessee to perform or comply with any covenant or agreement required to be performed or complied with by Lessee hereunder.

B. This indemnity does not cover matters arising out of the gross negligence or willful misconduct of City. It is expressly understood that Lessee's obligations under this Section shall survive the expiration or termination of this Agreement for any reason.

C. In case any action or proceeding is brought against City or its officials, agents, employees, guests or invitees by reason of any such claim, Lessee, upon notice, will defend such action or proceeding by responsible counsel selected by Lessee and reasonably acceptable to City.

6. ASSUMPTION OF RISK. The Lessee takes possession of the Premises under this Lease subject to the usual hazards of storing personal property and equipment on a vacant lot, and agrees to assume all risk of accidents to Lessee, and Lessee's guests, invitees, employees, and/or agents in furtherance of the use of the Premises.

7. USE.

A. Lessee shall use the Premises solely for Commercial Purposes in connection with its retail use of the Lessee Property.

B. Lessee shall not store any flammable, explosive, toxic, hazardous (except for sanitation chemicals), or dangerous materials on the Premises.

C. Lessee shall at all times keep and maintain the Premises in a neat, clean, and sanitary condition, free from waste or debris, and shall remove, at Lessee's expense, all garbage and refuse of any kind and shall neither permit nor commit any waste or nuisance thereon.

D. The Lessee shall not allow any activity that violates local, state, or federal law including the unlawful presence, possession, or sale of controlled substances or firearms.

8. ASSIGNMENT AND SUBLEASE. Lessee will neither assign this Lease in whole or in part nor sublease all or part of the Premises, without the consent of the City in its sole discretion. Which approval will not be unreasonably withheld.

9. SIGNS. Lessee may install temporary (not permanently affixed to the ground) signs on the Premises in accordance with all federal, state and local statutes, laws, ordinances, and codes.

10. REPAIRS, MAINTENANCE, AND ALTERATIONS.

A. Lessee will, at its sole cost and expense, maintain the Premises and which shall include all repair, sweeping, striping, snow removal and all necessary improvements to the Premises. Snow must be completely cleared from the Premises within 48 hours of a snowfall.

B. Lessee shall promptly notify the City of any conditions that might cause damage to the Premises. The notice may be oral or in writing.

C. Lessee shall have the right to make alterations, additions, or improvements (the "Alterations") to the Premises upon receiving written permission from the City.

D. Lessee will not allow any liens to be placed against the Property as a result of its work on the Property.

11. END OF TERM. At the end of this Lease, Lessee will surrender the Premises in good order and condition, ordinary wear and tear excepted. If Lessee is not then in default, Lessee may remove from the Premises. This Lease shall terminate immediately if one of the following occurs:

A. Lessee ceases to own Lessee Property. Unless assigned or sold and the use of the Premises remains the same or similar, and the Lessee and or assigns outlined in Sec. 8 of this agreement is in good standing and meeting the terms and conditions of this Lease.

B. Lessee Property is no longer used for Commercial Purposes.

12. CITY'S ACCESS. City, its agents, employees, and contractors may enter the Premises without notice to Lessee.

13. EVENTS OF DEFAULT. The following occurrences are "Events of Default":

A. Lessee fails to pay rent within five (5) days after notice or demand from City;

B. Lessee vacates or abandons the Premises; or

C. Lessee breaches any of the other agreements, terms, covenants, or conditions which this Lease requires Lessee to perform, if such breach continues for a period of thirty (30) days after notice by City to Lessee or if such breach cannot reasonably be cured within thirty (30) days, then, if Lessee commences to cure within said thirty (30) days and thereafter diligently prosecutes the cure, Lessee shall have a reasonable time period to affect its cure.

14. REMEDIES. If any one or more Event of Default shall have happened and be continuing, the City may:

A. Without terminating this Lease, re-enter and take possession of the Premises and exclude Lessee from using the Premises until the Event of Default is cured with not less than five (5) days' written notice to the Lessee;

B. Terminate the Term of this Lease and exclude Lessee from possession of the Premises with not less than five (5) days' written notice to the Lessee; or

C. Take any action at law or in equity which may appear necessary or desirable to enforce performance and observance of any obligation, agreement, or covenant contained herein.

15. MISCELLANEOUS.

A. Holding Over. Lessee must vacate the Premises no later than 11:59 p.m. on the last day of the Lease. If Lessee remains in possession of the Premises after the end of this Lease with permission from the City, Lessee will occupy the Premises as a Lessee from month-to-month, subject to all conditions, provisions, and obligations of this Lease in effect on the last day of the Term.

B. Binding Effect. This Lease will inure to the benefit of, the City of Elk River and will be binding upon, City's successors and assigns. This Lease will inure to the benefit of, GLG Properties, LLC and will be binding upon, the Lessee's successors and assigns so long as the succession or assignment is permitted under this Agreement.

C. Taxes. Lessee shall pay all personal and real estate taxes on the Premises if this Agreement causes the Property to be taxed. The City shall invoice Lessee for any such amounts and Lessee shall have thirty (30) days to pay the same.

D. Entire Agreement; Modification. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement and no waiver of any of its terms will be effective unless in a writing executed by the parties. The City and Lessee may only amend the terms of this Lease in writing signed by both parties.

E. Governing Law. This Agreement has been entered into in the State of Minnesota and shall be governed by and construed in accordance with the laws of the State of Minnesota. Any litigation or mediation regarding this matter shall be venued in Sherburne County, Minnesota.

F. Notices. All notices required herein shall be in writing and delivered personally or mailed to the addresses provided below and if mailed, are effective as of the date of mailing:

TO City: **City of ELK River**
Attn: City Administrator
13065 Orono Parkway
Elk River, MN 55330

with copy to: **Campbell Knutson, P.A.**
Attn: Elk River City Attorney
Grand Oak Office Center I
860 Blue Gentian Road, Suite 290
Eagan, MN 55121

TO Lessee: **GLG Elk River, LLC**
5715 Blaine Avenue East
Inver Grove Heights, MN 55076

G. Recording of Agreement. This Agreement may not be recorded against the Property or any other property held by the City.

H. Counterparts. This Agreement may be executed in one or more counterparts each of which when so executed and delivered shall be an original, but together shall constitute one and the same instrument.

(SIGNATURES ARE ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, Lessee has executed this Agreement the ____ day of _____, 2024.

_____ [print name]

Its _____

IN WITNESS WHEREOF, City has executed this Agreement the ____ day of _____, 2024.

CITY OF ELK RIVER

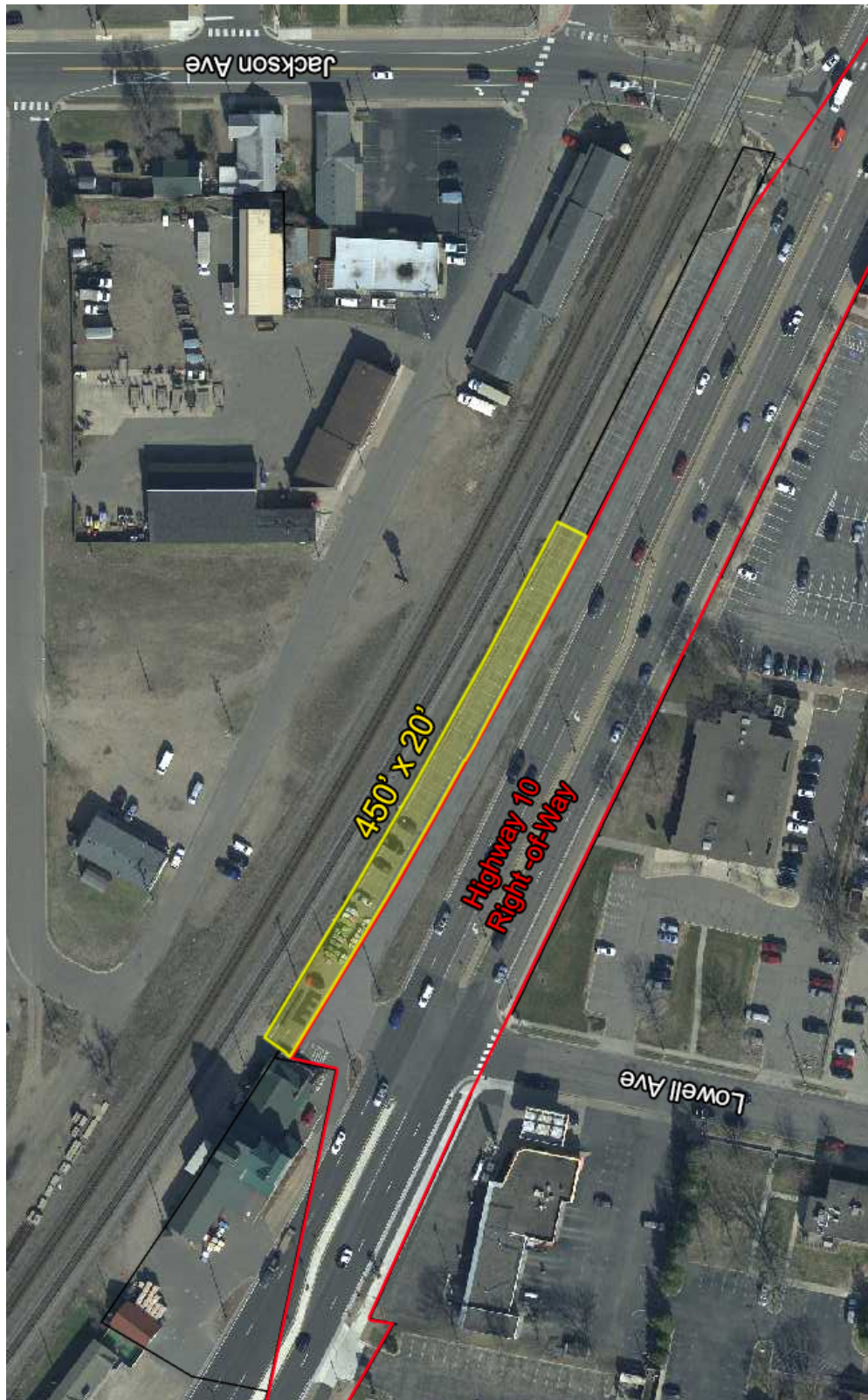
By _____

John J. Dietz, Mayor

And _____

Tina Allard, City Clerk

EXHIBIT "A"
TO
LEASE AGREEMENT





Request for Action

To
City Council

Item Number
4.6

Meeting Date
March 18, 2024

Prepared By
Tim Sevcik, Street and Park Superintendent

Item Description
2024 Equipment Replacement Fund Purchase - Cat
Compact Track Loader

Reviewed by:
Justin Femrite
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the 2024 Street Maintenance Division equipment replacement purchase as scheduled in the Capital Improvement Plan

Background/Discussion

The Street Maintenance Division requests authorization to proceed with the purchase of a Caterpillar model 255 compact track loader with a HM316 forestry mulching attachment. The compact track loader replaces the division's existing compact track loader and is vital in performing various tasks including material loading, stump grinding, compost site maintenance, asphalt milling, etc. In addition, the forestry mulching attachment will be utilized for the maintenance of our storm water basins and forest invasive species management.

These purchases were planned in the 2024-2028 Capital Improvement Plan and budgeted in the 2024 Equipment Replacement Fund for the replacement of existing equipment. The existing compact track loader will be traded with revenue going back into the Equipment Replacement Fund.

Financial Impact

\$90,370.00 from the 2024 Equipment Replacement Fund utilizing MnDOT contract #242476 release T-631(5).

Mission/Policy/Goal

Attachments

- I. Ziegler Cat 255 Quote

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Ziegler Inc.



212026-02

Mar 07, 2024

CITY OF ELK RIVER PUBLIC WORKS
13065 ORONO PKWY NW
ELK RIVER, MN 55330-5600
ATTN: TIM SEVCIK & CHRIS TEFF

Dear Tim & Chris,

We would like to thank you for your interest in our company and our products, and are pleased to quote the following for your consideration.

New Caterpillar Model: 255 Compact Track Loader

Pricing per MNDOT Contract #242476 Release T-631(5)

We wish to thank you for the opportunity of quoting on your equipment needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Tom Rossez
Territory Manager

New Caterpillar Model: 255 Compact Track Loader

Standard Equipment

POWERTRAIN

Cat C2.8T turbocharged diesel engine
-Gross horsepower per ISO 14396
74.2 hp (55.3 kW)
-Electric fuel priming pump
-Glow plugs starting aid
-Liquid cooled, direct injection
Air cleaner, dual element, radial seal
S-O-S sampling valve, hydraulic oil
Ecology drain - coolant
Filter, hydraulic supply, cartridge type
Filter, hydraulic return, cartridge type

UNDERCARRIAGE

Torsion Suspension (4 independent torsion axles)
Two speed travel

HYDRAULICS

Selectable control pattern - ISO or H
Electro/hydraulic implement control
Electro/hydraulic hydrostatic transmission control

ELECTRICAL

Work Tool Electrical Harness
Heavy duty battery
-includes battery disconnect with lockout feature
12 volt electrical system
85 ampere alternator
LED work lights
Auto reverse lights

OPERATOR ENVIRONMENT

Operator warning system indicators:
-Air filter restriction
-Alternator output
-Armrest raised / operator out of seat
-Engine coolant temperature
-Engine oil pressure
-Glow plug activation
-Hydraulic supply filter restriction
-Hydraulic oil temperature
-Park brake engages
-Engine emission system (where applicable)
Control interlock system, when operator leaves seat or armrest raised:
-Hydraulic system disables
-Hydrostatic transmission disables
-Parking brake engages
ROPS cab, tilt up
FOPS, Level I

Filter, canister type, engine oil
Filter, canister type, fuel and water separator
Radiator / hydraulic oil cooler (side-by-side)
Spring applied, hydraulically released, parking brakes
Hydrostatic transmission
Lockable fuel cap
Auto engine idle

Integrated tie downs on track frame (4)

Speed sensor guarding
Heavy duty flat faced quick disconnects with integrated pressure release lever

Switch backlighting
Interior LED dome light
Backup alarm
Electrical outlet, beacon
Courtesy lighting, exterior
Automatic Work light notification flash when parking brake is released

-Date, Time, Units, and brightness settings
-Multi-operator Anti-theft Security System & Monitoring
-Maintenance schedule and reminders
-Event and Diagnostic Code monitoring
-Smart Technology, enables use of Smart Attachments
Gauges: fuel level, hour meter, hydraulic temperature, battery voltage, tachometer.
Cell Phone Storage Pocket
Cup Holder
Ergonomic contoured armrest
Independently adjustable, seat mounted joystick controls.
Top and rear windows
Floormat
Headliner

Color LCD monitor:

- Creep speed control
- Drive response adjustment
- Implement response adjustment
- Drive Power Priority adjustment
- Language selection (x32)

FRAMES

- Lift linkage, vertical path
- Chassis, one piece welded
- Machine tie down points (9)
- Removable panels for machine

OTHER STANDARD EQUIPMENT

- Steel engine door with replaceable louvers
- Engine door - lockable
- Extended life antifreeze (-37C, -34F)
- Work tool attachment coupler

Interior rear view mirror

- Horn
- Hand (dial) throttle, electronic
- 12 volt power port
- Rear window breaker hammer

- frame cleanout
- Support, lift arm
- Steel rear and front bumpers, welded
- Fuel fill, machine right hand side

- Hydraulic oil level sight gauge
- Radiator coolant level sight gauge
- Radiator expansion bottle
- Cat ToughGuard TM hose
- Hydraulic demand cooling fan

MACHINE SPECIFICATIONS

REF #	DESCRIPTION	LIST PRICE
586-0258	255 COMPACT TRACK LOADER	\$87,140.00
	Available for Europe, AM-N, Puerto Rico, Turkey, Israel, South Korea, Columbia and Chile.	
	LANE 3 - AVAILABLE FROM SANFORD FACTORY	
	LANE 3 - AVAILABLE FROM SANFORD FACTORY.	
	Meets EU Stage V and U.S. EPA Tier 4 Final emission standards.	
594-1466	TRACK,RUBBER,400MM(15.7 IN)BAR	\$945.00
586-0092	GUARDING / SEALING PKG, (HD1)	\$670.00
590-1211	FUEL, ELECTRIC PRIMING	\$625.00
642-3004	IDLER WHEELS, TRIPLE FLANGE	\$1,345.00
592-6357	RIDE CONTROL, NONE	\$0.00
579-2312	REAR LIGHTS	\$0.00
613-1924	SEAT BELT, 2"	\$0.00
579-2324	PRODUCT LINK, CELLULAR PLE643	\$0.00
643-7208	CERTIFICATION ARR, P65	\$0.00
585-9582	INSTRUCTIONS, ANSI, USA	\$0.00
594-2212	HEATER, ENGINE COOLANT, 120V	\$257.00
644-6321	CAB PACKAGE, ULTRA	\$15,570.00
593-7244	DOOR, CAB, POLYCARBONATE	\$281.00
586-0028	RIDE CONTROL	\$965.00
585-9665	FAN,COOLING, DEMAND, REVERSING	\$825.00
638-6745	BEACON, AMBER LED	\$283.00
585-9676	COUNTERWEIGHT,MACHINE,EXTERNAL	\$1,350.00
640-5405	HOSE GUIDE, ATTACHMENT	\$95.00
	TOTAL LIST PRICE	\$110,351.00
	TOTAL CORPORATE DISCOUNT (28.3% OF LIST)	(\$31,229.00)

REF #	DESCRIPTION	LIST PRICE
	TOTAL CONFIGURED PRICE	\$79,122.00
421-8926	SERIALIZED TECHNICAL MEDIA KIT	\$0.00
0P-0210	PACK, DOMESTIC TRUCK	\$0.00
643-1300	SHIPPING/STORAGE PROTECTION	\$271.00
0P-9003	LANE 3 ORDER	\$0.00
	TOTAL NET ITEMS	\$271.00
	255-60 MO/1500 HR PREMIER	\$3,290.00
	PARTS KIT ONLY CVA - 1000 HR / 500 HOUR INTERVALS	\$731.00
279-5373	BUCKET-GP, 74", BOCE	\$1,676.00
475-2780	MULCHER, HM316, HF XPS	\$33,280.00
	TOTAL POST FACTORY ITEMS	\$38,977.00
	TOTAL MACHINE SELL PRICE	\$118,370.00

SELL PRICE	\$118,370.00
EXT WARRANTY	Included
CVA	Included
LESS GROSS TRADE ALLOWANCE	(\$28,000.00)
NET BALANCE DUE	\$90,370.00
BALANCE	\$90,370.00

TRADE-INS

Model	Make	Serial Number	Year	Trade Allowance
257DW	Caterpillar (AA)	EZW00312	2014	\$28,000.00

WARRANTY

Standard Warranty:	2 Year / 2,000 Hour Standard Warranty
Extended Warranty:	255-60 MO/1500 HR PREMIER
CSA	Parts Kit Only CVA - 1000 hr / 500 hour intervals

F.O.B/TERMS: MINNEAPOLIS**PAYMENT TERMS: NET CASH DUE 10 DAYS FROM RECEIPT OF INVOICE**



Request for Action

To
City Council

Item Number
6.1

Meeting Date
March 18, 2024

Prepared By
Jolene Richter, Deputy Clerk

Item Description
City of Elk River Volunteer of the Month

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Mayor Dietz will recognize and present a plaque to the March Volunteer of the Month Award recipient.

Background/Discussion

The City of Elk River Volunteer of the Month Award program was established by Mayor Dietz as an opportunity to recognize Elk River residents for their volunteer contributions and commitments to community service.

Financial Impact
N/A

Mission/Policy/Goal

Attachments
None

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Request for Action

To
City Council

Item Number
7.1

Meeting Date
March 18, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Simple Plat Of Thompson Third Addition

Reviewed by:
Zack Carlton
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, a resolution approving the final plat of Thompson Third Addition with the following conditions:

1. Park Dedication Fees shall be paid for one dwelling unit at the rate applicable when the subdivision is released for recording
2. A trail easement of 30-feet along 221st Avenue for a future trail shall be drafted by the city attorney and recorded against the property.

Background/Discussion

The subject site is a 49.61-acre parcel located north of 221st Ave and west of County Road 1 in a Single Family Residential (R1a) zoning district. The proposed plat creates two buildable lots, one of which is eligible for Park Dedication Fees, and right-of-way dedication for 221st Ave. Lot 1 will be 43.78 acres in size and Lot 2 will be 4.46 acres.

Parks and Recreation Commission

During their March 13, 2024, meeting, the Park and Recreation Commission recommended Park Dedication Fees for one dwelling unit and a 30-foot trail easement along 221st Avenue.

Applicable Regulations

City ordinance section 30-375 outlines the required findings for approval of a plat.

1. *The proposed subdivision is consistent with the zoning regulations (article VI of this chapter) and conforms in all respects with all requirements of this Code, including the zoning regulations and this article.*
The proposed subdivision is consistent with all zoning regulations. The lot size and lot width meet the ordinance requirements.
2. *The proposed subdivision is consistent with all applicable general and specialized city, county, and regional plans, including, but not limited to, the city's comprehensive development plan.*

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The subdivision is consistent with all applicable plans.

3. *The physical characteristics of the site, including but not limited to topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and drainage are suitable for the type and density of development and uses contemplated.*

The physical characteristics of the site are suitable for the type and density of development and uses contemplated.

4. *The proposed subdivision makes adequate provision for water supply, storm drainage, sewage transportation, erosion control and all other services, facilities, and improvements otherwise required in this article.*

The subdivision includes infrastructure to meet city requirements.

5. *The proposed subdivision will not cause substantial environmental damage.*

Although trees may be removed, the subdivision will not cause substantial environmental damage.

6. *The proposed subdivision will not conflict with easements of record or with easements established by the judgment of a court.*

The proposed subdivision will not conflict with easements of record or with easements established by the judgment of a court.

7. *The proposed subdivision will not have an undue and adverse impact on the reasonable development of neighboring land.*

The surrounding properties are both developed and undeveloped. The proposed subdivision will not impact the reasonable development of neighboring land.

8. *The proposed subdivision is not premature. A subdivision is premature if any of the following exists:*

- a. Lack of adequate stormwater drainage.*
- b. Lack of adequate roads.*
- c. Lack of adequate sanitary sewer systems.*
- d. Lack of adequate off-site public improvements or support systems.*

The subdivision is not premature as the above conditions have been provided for.

Financial Impact

None

Mission/Policy/Goal

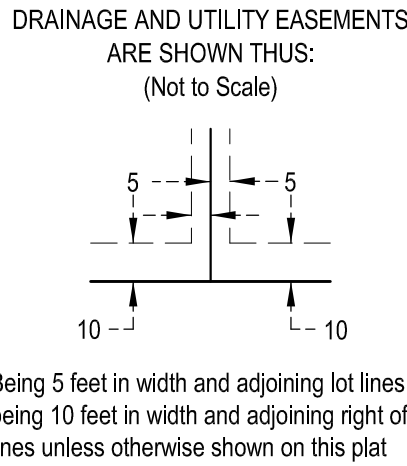
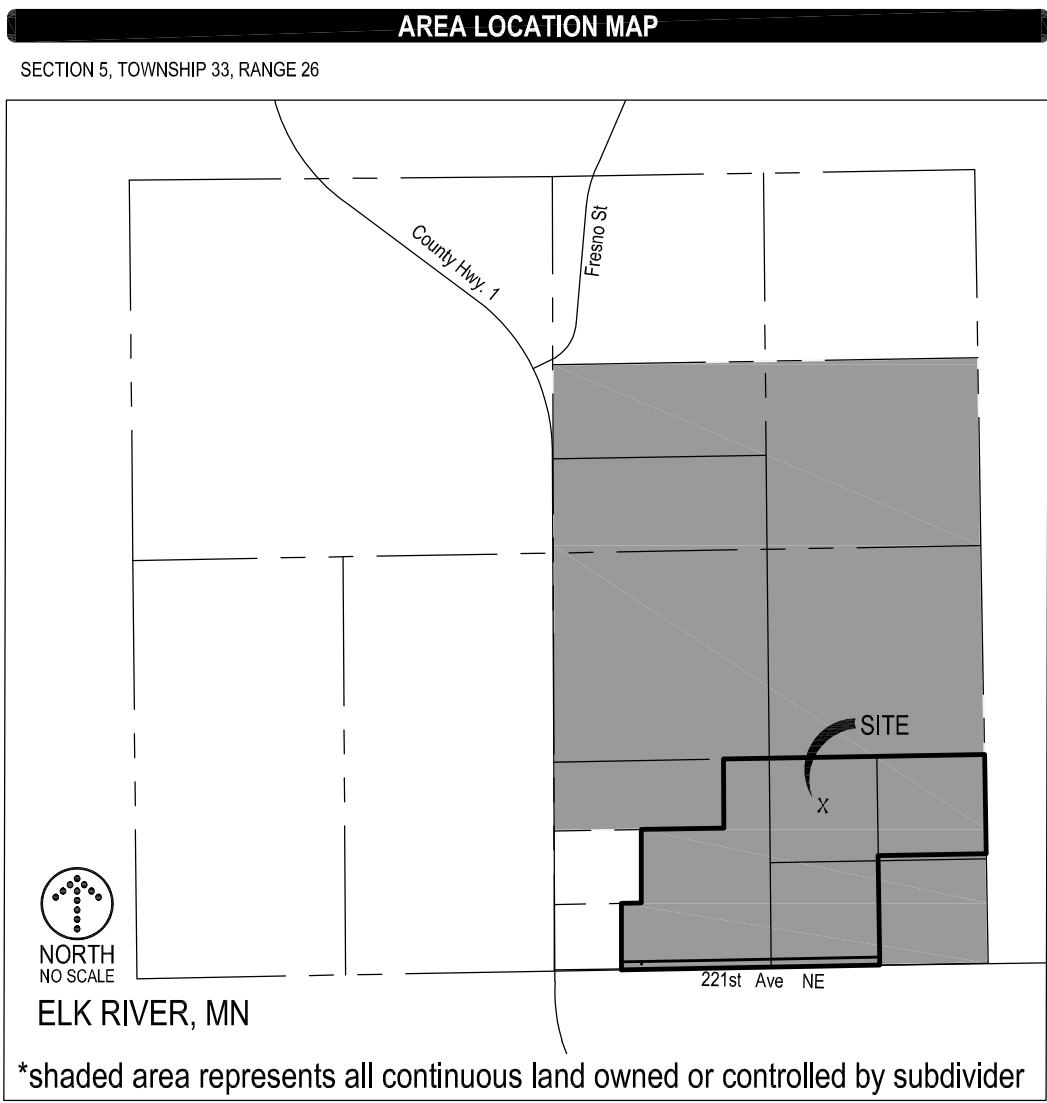
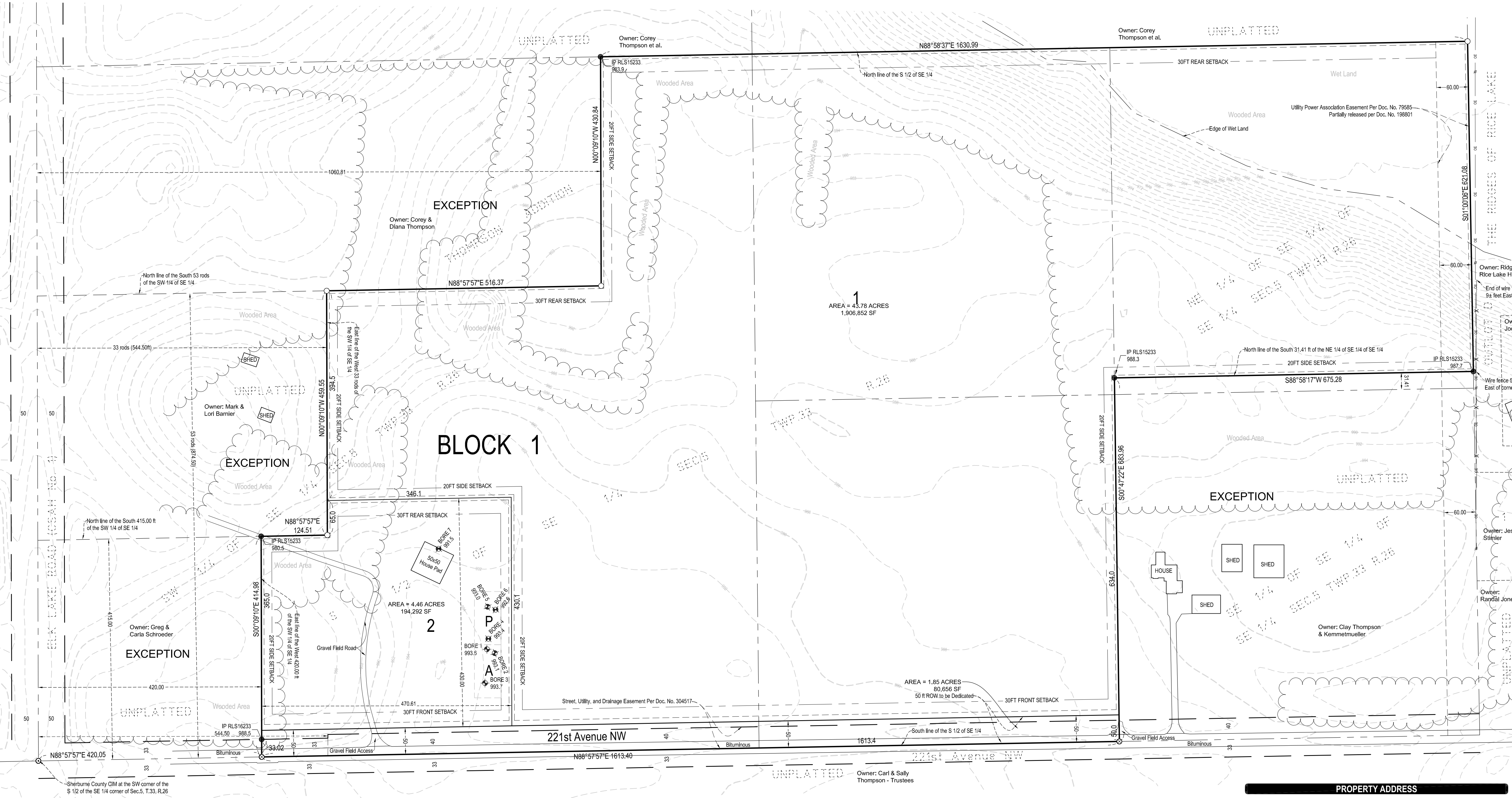
Attachments

1. Location Map
2. Plat
3. Resolution



Thompson
Simple Plat

Case No: P 24-01



- SURVEY NOTES**
- Background information shown per boundary survey performed by Landform on 2024-02-13 expressly for this project.
 - For the purposes of this survey the bearing system is based on the Sherburne County coordinate system.
 - The surveyor does not guarantee, in writing or assumed, that the utilities as shown are in the exact location. No excavation was performed to locate the underground utilities.

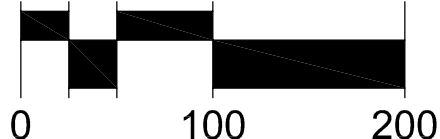
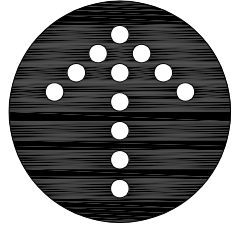
SITE SYMBOLS/LEGEND	
EXISTING	DESCRIPTION
— x — x —	FENCING
— OE —	OVERHEAD ELECTRIC
⊗	POWERPOLE
⊙	MAG NAIL SET
○	1/2" x 14" IRON PIPE MONUMENT WITH PLASTIC CAP #24332 SET
●	IRON MONUMENT FOUND
⊕	SOIL BORINGS BY ARK SEPTIC
— x — x —	BUILDING
— OE —	FENCING
⊗	OVERHEAD ELECTRIC
⊙	POWERPOLE
— 962 —	EXISTING CONTOUR *source: MNTOPD provided by MNDNR
P	PRIMARY SEPTIC LOCATION
A	ALTERNATE SEPTIC LOCATION

OWNERS	
CLAY AND JENNY THOMPSON 12901 221ST AVE NW ELK RIVER, MN 55330 TEL: 763-286-8400 CONTACT: CLAY THOMPSON	COREY AND DIANA THOMPSON 22275 ELK LAKE RD NW ELK RIVER, MN 55330
ZONING & SETBACK & AREA SUMMARY	
The Property is currently Zoned: R1a Single Family Residential Current Land Use: Agricultural Land	
Adjacent Properties: North: R1a Single Family Residential South: R1a Single Family Residential East: Open Space Preservation (cluster) West: R1a Single Family Residential	
Building Setback Information is as follows: Front Yard = 35 ft Rear = 30 ft Side = 20 ft	
Lot Coverage Information: Minimum Lot Area = 5 acres Total Site Area = 50.09 acres or 2,181,796.05 sf	

PROPERTY ADDRESS	
Unassigned, Elk River, Minnesota, 55330	
PROPERTY DESCRIPTION	
The South Half of the Southeast Quarter of Section 5, Township 33, Range 26, Sherburne County, Minnesota.	
EXCEPT the Southeast Quarter of the Southeast Quarter of said Southeast Quarter and the South 31.41 feet of the Northeast Quarter of the Southeast Quarter of said Southeast Quarter of Section 5, Township 33, Range 26	
And EXCEPT the plat of THOMPSON ADDITION	
And EXCEPT the South 415.00 feet of the West 420.00 feet of the Southwest Quarter of said Southeast Quarter of Section 5, Township 33, Range 26	
And EXCEPT the West 33 rods of the South 53 rods of the Southwest Quarter of said Southeast Quarter of Section 5, Township 33, Range 26, except the Southerly 415.00 feet thereof.	



Know what's Below.
Call before you dig.



CLIENT

Clay Thompson
12901 221st Ave NW
Elk River, MN 55330
763-286-8400

MUNICIPALITY

PROJECT

**Thompson Third Addition
Simple Plat
Elk River, MN**

CERTIFICATION

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Larry Huhn
Larry Huhn
License No. 24332 Date: 2024-02-23

Signature shown is a digital reproduction of original. Wet signed copy of this plan on file at Landform Professional Services, LLC office and is available upon request.

REVISION HISTORY		
DATE	REVISION	REVIEW
PROJECT MANAGER REVIEW		
BY LHM	DATE 2024-02-23	

LANDFORM

From Site to Finish

105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

Tel: 612-252-9070
Fax: 612-252-9077
Web: landform.net

FILE NAME: VEBKZZZ710.dwg
PROJECT NO.: ZZZZ24710

PRELIMINARY PLAT & EXISTING CONDITIONS

SHEET NO. 1/1
Page 56 of 229



City of Elk River City Council

Resolution 24-_____

A Resolution of the City Council of the City of Elk River Granting Final Plat Approval for Thompson Third Addition, Case No. P 24-01

WHEREAS, application has been made for final plat approval, pursuant to Section 30-391 of the Elk River City Code of Ordinances, of the property legally described on attached Exhibit A and hereinafter referred to as “the Property”; and

WHEREAS, the proposed final plat complies with each of the conditions set forth by the City Council in its approval of the plat of the Property.

A. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elk River, Minnesota, as follows:

- A. The proposed subdivision is consistent with Chapter 30 of the City Code of Ordinances and conforms with all its requirements.
 - B. The proposed subdivision is consistent with all applicable general and specialized city, county, and regional plans including, but not limited to, the city's Comprehensive Plan.
 - C. The physical characteristics of the site, including, but not limited to, topography, soils, vegetation, susceptibility to erosion and siltation, susceptibility to flooding, and drainage are suitable for the type and density of development and uses contemplated.
 - D. The proposed subdivision makes adequate provision for water supply, storm drainage, sewage transportation, erosion control and all other services, facilities and improvements otherwise required herein.
 - E. The proposed subdivision will not cause substantial environmental damage.
 - F. The proposed subdivision will not conflict with easements of record or with easements established by judgment of a court.
 - G. The proposed subdivision will not have an undue or adverse impact on the reasonable development of neighboring land.
1. Final plat approval is hereby granted for the Property.



2. The officers of the City are hereby authorized, once the conditions set forth in Exhibit B are met and complied with, to sign the final plat for the Property and to issue a certified copy of this Resolution giving final approval of the plat.
3. The owner of the Property is authorized to record the final plat as required by law and shall file proof of said recording with the City. No building permits will be issued for the Property until the final plat is recorded.
4. This final plat approval shall expire two years from the date of this resolution if the final plat is not recorded within that time.

Passed and adopted this 18th day of March 2024.

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk



**EXHIBIT A
LEGAL DESCRIPTION**

The South Half of the Southeast Quarter of Section 5, Township 33, Range 26, Sherburne County, Minnesota.

EXCEPT the Southeast Quarter of the Southeast Quarter of said Southeast Quarter and the South 31.41 feet of the Northeast Quarter of the Southeast Quarter of said Southeast Quarter of Section 5, Township 33, Range 26

And EXCEPT the plat of THOMPSON ADDITION

And EXCEPT the South 415.00 feet of the West 420.00 feet of the Southwest Quarter of said Southeast Quarter of Section 5, Township 33, Range 26

And EXCEPT the West 33 rods of the South 53 rods of the Southwest Quarter of said Southeast Quarter of Section 5, Township 33, Range 26, except the Southerly 415.00 feet thereof.



EXHIBIT B
CONDITIONS OF APPROVAL

1. Park dedication shall be paid for one dwelling unit at the rate applicable when the subdivision is released for recording and
2. A trail easement of 30-feet along 221st Avenue for a future trail be recorded.





Request for Action

To
City Council

Item Number
7.2

Meeting Date
March 18, 2024

Prepared By
Chris Leeseberg, Senior Planner

Item Description
Conditional Use Permit: Amend CUP 19-14 to
Allow an Additional Structure for Office Space,
Auto-Body Works, Inc., 21475 Highway 169

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:1.

1. Approved Conditional Use Permits CU 16-09 & CU 19-14 shall be terminated and become void.
2. The buildings shall be inspected by the city building official and fire marshal to verify compliance with all building and fire codes.
3. All septic systems must provide a certificate of compliance or notice of noncompliance for the existing septic system and must be signed by a licensed inspection company or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 days after any compliance inspection.
4. There shall be no repair or maintenance of vehicles outside the buildings.
5. All customer vehicles shall be stored inside structures or within the screened outdoor storage area as shown on the staff site plan dated March 18, 2024.
6. The outdoor storage area shall be completely enclosed with a six-foot high 100% opaque fence by April 1, 2024. Gates shall be closed when not in use.
7. There shall be no repair or maintenance of vehicles outside of buildings.
8. Car, truck, RV, and marine sales shall not be allowed.
9. The Conditional Use Permit must be recorded by April 15, 2024.

Recording

As the property is currently being utilized without the prior CUPs being recorded, the city needs assurance the property will become compliant in a reasonable timeframe. Upon approval, this CUP shall be recorded by April 15, 2024, or the city may begin the revocation process.

Background/Discussion

The property was rezoned to Highway Commercial eight years ago and received two Conditional Use
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Permits (CUPs), one in 2016 and another in 2019. Neither CUP has been recorded with the county as the property owner has received several extensions to continue finalizing the project. A condition of approval for CU 19-14 was the 1,500-square-foot office/house structure shall be removed by October 21, 2021. To date, this has not occurred. The applicant is requesting an amendment to their existing CUP (CU 19-14) to allow the office/house structure to remain and transition to a permitted office use. The structure has already been converted into office space and the applicant will need to obtain the proper commercial building permits for that work. Other than the addition of the office building, nothing else will change from what was previously reviewed and approved.

The property is zoned Highway Commercial (C3) where auto body repair requires a CUP. The property is bound by US Highway 169 on the west with a commercial concrete business across the highway, two properties the applicant owns to the south, and ERX Motor Park, an off-road racing facility, to the east and north. The property includes a pole building of roughly 2,300 sq. ft., an office/house structure at roughly 1,500 sq. ft., and a pole building at roughly 10,400 sq. ft.

Planning Commission

The Planning Commission asked how many employees and customers his business had and if the applicant was confident he had enough time to bring the project into compliance. Mr. Haugland indicated he has five to seven customers and receives one to three tow trucks dropping off vehicles per day. He indicated if his business was filled, his parking spaces would be around half capacity. He also stated he was certain he could have the outstanding items completed by April 1, 2024.

The Planning Commission had no additional comments or concerns and unanimously recommended approval.

Financial Impact

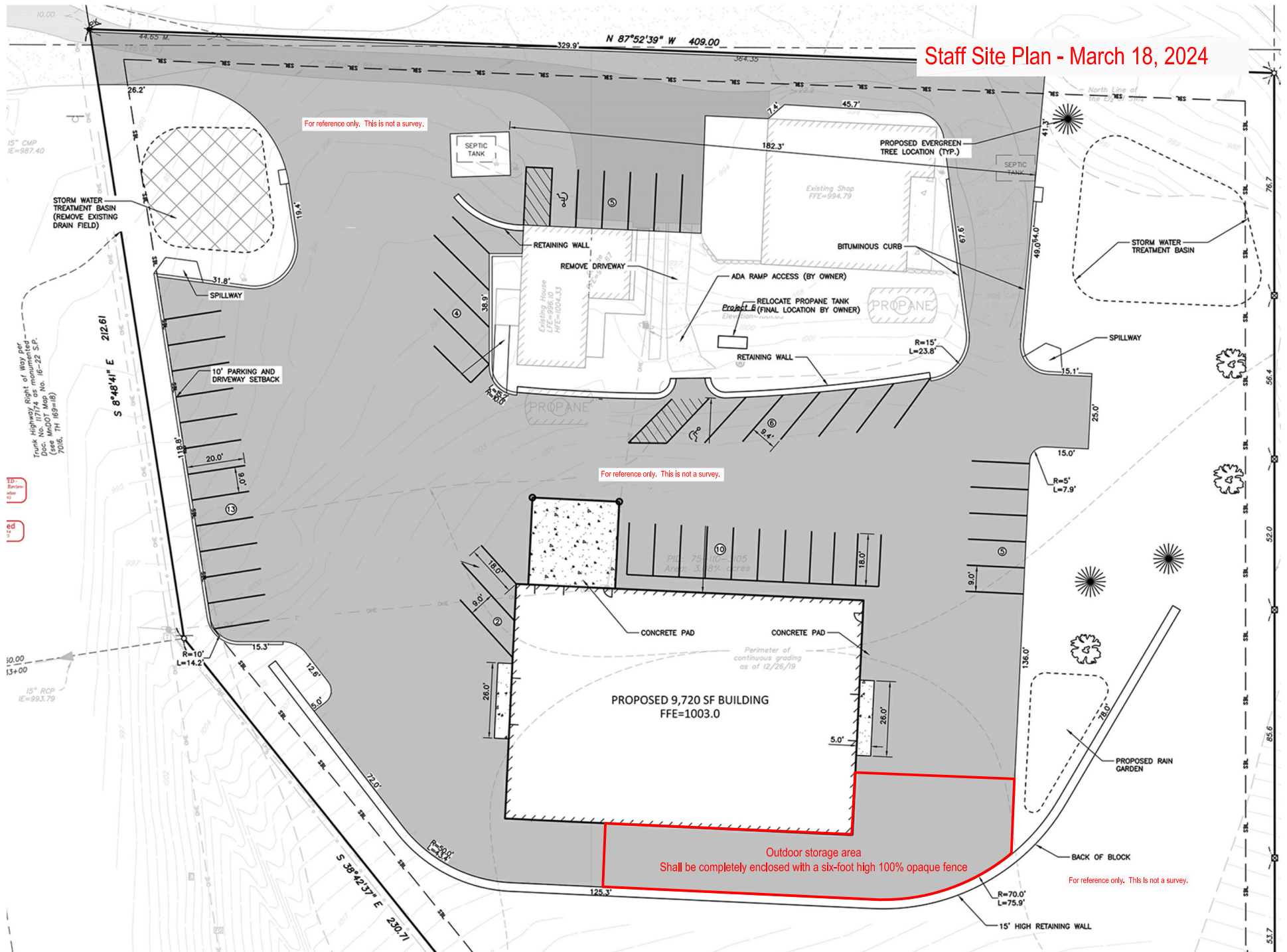
None

Mission/Policy/Goal

Attachments

1. Staff Site Plan Dated 03-18-2024
2. Planning Commission Meeting Packet 02-27-2024
3. Draft CUP Recording Document

Staff Site Plan - March 18, 2024





Request for Action

To Planning Commission		Item Number 5.5
Agenda Section Public Hearings	Meeting Date February 27, 2024	Prepared by Chris Leeseberg, Senior Planner
Item Description Auto-Rec Bodyworks Inc. – Ric Haugland, 21475 US Highway 169 NW ▪ Amendment to Conditional Use Permit CU 19-14 to allow home on property to remain, Case No. CU 24-02		Reviewed by Zack Carlton, Community Development Director Reviewed by

Action Requested

Recommend, by motion, approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

1. Approved Conditional Use Permits CU 16-09 & CU 19-14 shall be terminated and become void.
2. The buildings shall be inspected by the city's Building Official and Fire Marshal to verify compliance with all building and fire codes.
3. All septic systems must provide a certificate of compliance or notice of noncompliance, for the existing septic system, and must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 days after any compliance inspection.
4. There shall be no repair or maintenance of vehicles outside of the buildings.
5. All customer vehicles shall be stored inside structures or within the screened outdoor storage area as shown on the staff site plan dated February 27, 2024.
6. The outdoor storage area shall be completely enclosed with a six-foot high 100% opaque fence by April 1, 2024. Gates shall be closed when not in use.
7. There shall be no repair or maintenance of vehicles outside of buildings.
8. Car, truck, RV, and marine sales shall not be allowed.
9. The Conditional Use Permit must be recorded by April 15, 2024.



Figure 1

Recording

As the property is currently being utilized without the prior CUP's being recorded, the city needs assurance the

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Updated: January 2023

property will become compliant in a reasonable timeframe. Upon approval, this CUP shall be recorded by April 15, 2024, or the city may begin the revocation process.

Background/Discussion

The property was rezoned to Highway Commercial eight years ago and received two Conditional Use Permits (CUPs), one in 2016 and another in 2019. Neither CUP has been recorded with the county as the property owner has received several extensions to continue finalizing the project. A condition of approval for CU 19-14 was the 1,500 square foot office/house structure shall be removed by October 21, 2021. To date, this has not occurred. The applicant is requesting an amendment to their existing CUP (CU 19-14) to allow the office/house structure to remain utilized as an office. The structure has already been converted into office space and the applicant will need to obtain the proper commercial building permits for that work. Other than the addition of the office building, nothing else will be changing from what was previously reviewed and approved.

The property is zoned Highway Commercial (C3) where auto body repair requires a CUP. The property is bound by US Highway 169 on the west with a commercial concrete business across the highway, two properties the applicant owns to the south, and ERX Motor Park, an off-road racing facility, to the east and north. The property contains a pole building at ~2,300 sq. ft., an office/house structure at ~1,500 sq. ft., and a pole building at ~10,400 sq. ft.

Analysis

Comprehensive Plan

The Gravel Mining Area Land Use, Transportation, and Utility Plan guide the properties for Highway Business uses where commercial uses are allowed and encouraged. The proposed use is consistent with the Comprehensive Plan.

Access/Parking

Access to the site is off US Highway 169 in the northwest corner of the site. The parking requirement for the proposed office is one stall for every 300 square feet of area. The building is 1,500 square feet in size, requiring 5 stalls. For auto repair, it is also one stall for every 300 square feet of area. The two buildings are 12,700 square feet in size, requiring 53 stalls.

The submitted plan shows 45 parking stalls but there is enough area for proof of parking. Section 30-901 states all driving areas and parking areas shall be bounded by B612 concrete curb and gutter.

Utilities

The septic system for the 10,400 sq.ft. building approved with CU 19-14 meets compliance for the commercial activities. With the change of use of the house to an office, a certificate of compliance may be required, which would require documentation from a licensed designer that the current septic system meets the design requirements of the septic code for “other establishments”.

Grading/Drainage

All areas of impervious surface must be treated. The applicant shall submit, as needed, calculations and designs of stormwater Best Management Practices (BMP's) for the property as-built.

Applicable Regulations

In approving a Conditional Use Permit, the council may impose such specific conditions with regard to the development or operation of the proposed use as it considers necessary to satisfy the seven standards set forth in Section 30-654 and the requirements contained in this article and to promote compatibility with and minimize any potentially adverse effects upon adjacent properties, the neighborhood, or the city.

The issuance of a Conditional Use Permit can be ordered only if the use at the proposed location:

1. *Will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the city.*

Industrial and off-road racing facilities surround the property. The use will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience, or general welfare of the neighborhood or the city.

Staff do not see a need to impose specific conditions to satisfy this standard.

2. *Will be consistent with the comprehensive plan.*

The use will be consistent with the comprehensive plan which guides the property as Highway Business.

Staff do not see a need to impose specific conditions to satisfy this standard.

3. *Will not impede the normal and orderly development and improvement of surrounding vacant property.*

As the surrounding properties are currently being utilized, the use will not impede the normal and orderly development and improvement of surrounding vacant property.

Staff do not see a need to impose specific conditions to satisfy this standard.

4. *Will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.*

The use will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.

Staff do not see a need to impose specific conditions to satisfy this standard.

5. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.*

The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust, or vibrations.

Staff do not see a need to impose specific conditions to satisfy this standard.

6. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

There are no natural, scenic, or historic features on site. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff do not see a need to impose specific conditions to satisfy this standard.

7. *Will fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.*

The use will fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.

The recommended conditions ensure all other state and local standards are satisfied.

If denial of such a permit should occur, it shall accompany recommendations or determinations by findings or a report stating how the proposed use does not comply with the standards set forth in Section 30-654.

Financial Impact

None

Mission/Policy/Goal

- Work with businesses to achieve goals

Attachments

- Location Map
- Applicant's Narrative
- Submitted Site Plans
- Staff Site Plan dated February 27, 2024
- Section 30-807 - Outdoor Storage
- A list of all previously approved CUP conditions



Rick Haugland
Conditional Use Permit

Case No: CU 24-02

1/25/2024

CITY OF ELK RIVER

PROJECT NARRATIVE

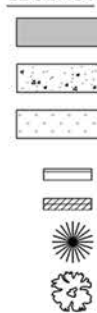
I am applying for this amendment because the house was a perfect candidate for an office. It is in the center of the complex. It is a small, prefabbed house on block with no stairs going to the separate level. The structure has been vacant for over three years with residency. Bathrooms are ADA compliant and has only 2 bedrooms for separate offices. The entrance has a courtesy ramp in front and ADA ramp in back with handicap parking next to it. The house was set up for handicap residents till they passed.

SINCERELY,

RICK HAUGLAND



LEGEND:



SITE PLAN

1. DIMENSIONS AND DIMENSIONS AREA
2. ALL CONCRETE PARKING STALL
3. CONTRACTOR LOCATION OF CONSTRUCTION
4. CONTRACTOR TO THE START
5. CONSTRUCTION COUNTY AND
6. SITE SHALL BE APPROVED BY
7. NO SNOW STORAGE SNOW SHALL
8. NO FREE-STANDING BE INSTALL OR REFER TO ARC
9. BUILDING ENVELOPE APPROXIMATE, FOR COORDINATION

SITE PLAN

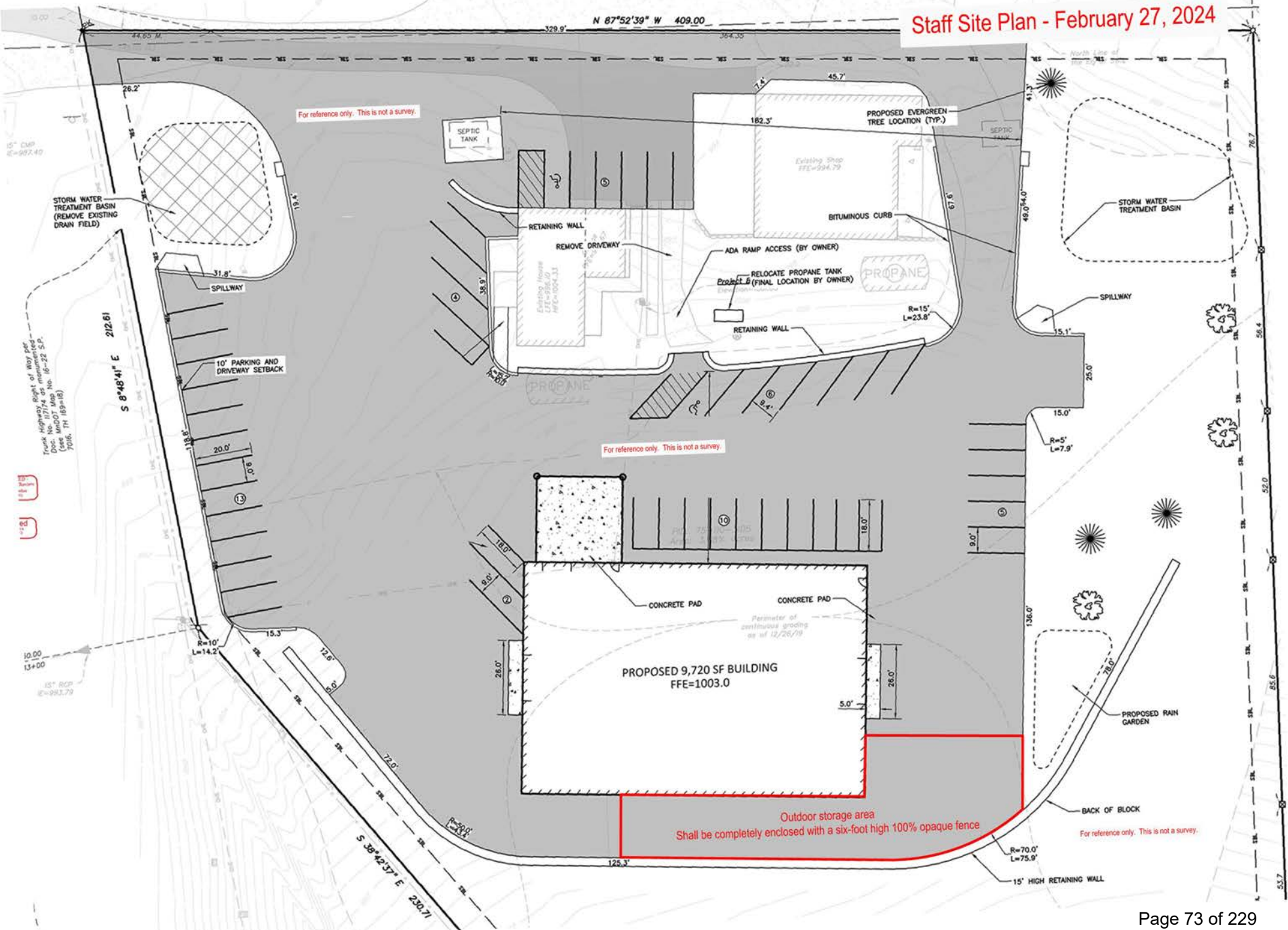
- PARCEL AREA:**
+3.08 ACRES ±
- PARKING REQUIREMENTS:**
PARKING STALL
MINIMUM PARKING STALLS
TOTAL STALLS
TOTAL ADA STALLS

LANDSCAPING

- ALL LANDSCAPING THE FOLLOWING:
- ALL PLANTS MUST



Staff Site Plan - February 27, 2024



Sec. 30-807. Outdoor storage.

- (a) *Definitions.* The definitions in section 30-1 are applicable in this section.
- (b) *Purpose.* It is the intent of this section to establish regulations which allow the outdoor storage materials within the city in a clean and safe manner. Outdoor storage areas must be approved by the city in accordance with the standards outlined in this chapter.
- (c) *Standards.*
 - (1) Outdoor storage shall not exceed 50 percent of the parcel area.
 - (2) Approved outdoor storage areas must be paved with an approved surface in accordance with section 30-900(a).
 - (3) Outdoor storage areas shall maintain the front yard setback established for the district where the use is located. The side and rear yard setback shall be ten feet.
 - (4) Outdoor storage areas shall not be located in designated parking areas or areas striped for parking.
 - (5) Outdoor storage areas shall be completely screened from view within all public rights-of-way and commercial or residentially zoned parcels. This requirement shall include gates constructed of the same screening material that can be closed when not in use.
 - a. Screening must provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened, but is not required to totally block the vision of any such object.
 - b. Screening shall consist of one of the two following methods.
 - 1. A screening fence of at least six feet and constructed of one or more of the following materials:
 - (i) Wood;
 - (ii) Factory finished metal or vinyl panels;
 - (iii) Chain link with vinyl slats. The slats must be maintained at all times and must be replaced within 30 days at the request of the city.
 - 2. An earthen berm of at least three feet in height with a mixed hedge of evergreen and deciduous plant materials.
 - (i) Plant materials must include a variety of shrubs, ornamental trees, and overstory/evergreen trees. Shrubs must be at least three feet tall at the time of installation and the plan must be approved by city staff.
 - (ii) Earthen berms shall not have a slope of more than three feet horizontal to one foot vertical or be located within any street right-of-way unless otherwise approved by the city engineer.
 - (6) Outdoor storage areas abutting an adjacent industrial zoned parcel are not required to be screened.
 - a. Where screening is not required, barrier style curb B612 shall be installed to define the limits of the approved outdoor storage area.

(Ord. No. 16-26, § 2, 11-21-2016)

Case No. CU 16-09

1. The CUP shall not be recorded until all applicable conditions have been completed.
2. The authorized use shall not begin until the Conditional Use Permit is recorded.
3. If the authorized use ceases for more than six months, the Conditional Use Permit shall expire.
4. The Conditional Use Permit is not a building permit and the applicant must apply for and receive approval of required building and sign permits before construction may begin.
5. The building shall meet all building and fire codes.
6. The building shall be inspected by the city's Building Official and Fire Marshal to verify compliance with all building and fire codes.
7. All septic systems must provide a certificate of compliance or notice of noncompliance, for the existing septic system, and must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 days after any compliance inspection.
8. The outdoor parking area shall be completely enclosed with a six foot tall privacy fence. Chain link fencing with vinyl slats are not permitted.
9. All operations must occur within the 2,407 square foot building. There shall be no repair or maintenance of vehicles outside of the building.
10. All comments in the Environmental Memo dated 3-11-16 shall be considered.
11. All comments in the Engineering Division memo dated March 15, 2016 shall be addressed.
12. All comments in the Minnesota Department of Transportation District 3 memo dated March 15, 2016, shall be addressed.
13. Car, truck, RV, and marine sales shall not be allowed.

Case No. CU 19-14

1. The approved Conditional Use Permit (CU 16-09) will become void.
2. The 1,500 square foot office/house structure shall be removed by October 21, 2021.
3. The building shall be inspected by the city building official and fire marshal to verify compliance with all building and fire codes and all identified violations must be addressed prior to issuance of any new building permit for the property.
4. All septic systems must provide a certificate of compliance or notice of noncompliance, for the existing septic system, and must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 days after any compliance inspection.
5. All vehicles stored on the premises shall be stored within an area which is screened by a six-foot high 100% opaque fence.
6. There shall be no repair or maintenance of vehicles outside of buildings.
7. Car, truck, RV, and marine sales shall not be allowed.

CITY OF ELK RIVER
SHERBURNE COUNTY

CONDITIONAL USE PERMIT
Case No. CU 24-02

Permit. Subject to the terms and conditions set forth herein, the City of Elk River hereby grants a Conditional Use Permit (“Permit”) requested by **Auto-Rec Bodyworks Inc. – Ric Haugland** for the following use:

**Conditional Use Permit to Amend CU 19-14 to allow home on property to remain
at 21475 US Hwy. 169 NW**

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

That part of the East Half of the Southwest Quarter (E 1/2 of SW 1/4) of Section 10, Township 33 North, Range 26 West, Sherburne County, Minnesota, described as follows: Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE 1/4 of NW 1/4) of said Section 10, thence South 00 degrees 02 minutes 12 seconds East, assumed bearing, along the North and South Quarter line of said Section 10, a distance of 2,647.21 feet to the Southeast Corner of Outlot B, AGGREGATE COMMERCIAL SECOND ADDITION, according to the duly recorded plat thereof and the Point of Beginning of the tract to be described; thence North 87 degrees 52 minutes 39 seconds West, along the south line of said Outlot B, a distance of 409.00 feet to the easterly right of way line of Trunk Highway No. 169 per State Project 7106 (169=18-21); thence South 8 degrees 48 minutes 41 seconds East, along said easterly right of way line, a distance of 212.61 feet; thence South 38 degrees 42 minutes 37 seconds East, along said easterly right of way line, a distance of 230.71 feet, said point marked by a 1/2-inch solid iron pin; thence South 89 degrees 47 minutes 29 seconds east, a distance of 232.11 feet to the east line of said East Half of the Southwest Quarter; thence North 00 degrees 02 minutes 12 seconds West, along said east line, a distance of 375.82 feet to the Point of Beginning.

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

Rick Allan Haugland, owner

Conditions. The Permit is issued subject to the following conditions to satisfy the standards set forth in Section 30-654:

1. **Approved Conditional Use Permits CU 16-09 & CU 19-14 shall be terminated and become void.**
2. **The buildings shall be inspected by the city's Building Official and Fire Marshal to verify compliance with all building and fire codes.**
3. **All septic systems must provide a certificate of compliance or notice of noncompliance, for the existing septic system, and must be signed by a licensed inspection business or by a qualified employee certified as an inspector who is authorized by the local unit of government. The certificate of compliance or notice of noncompliance must be submitted to the local unit of government no later than 15 days after any compliance inspection.**
4. **There shall be no repair or maintenance of vehicles outside of the buildings.**
5. **All customer vehicles shall be stored inside structures or within the screened outdoor storage area as shown on the staff site plan dated February 27, 2024.**
6. **The outdoor storage area shall be completely enclosed with a six-foot high 100% opaque fence by April 1, 2024. Gates shall be closed when not in use.**
7. **There shall be no repair or maintenance of vehicles outside of buildings.**
8. **Car, truck, RV, and marine sales shall not be allowed.**
9. **The Conditional Use Permit must be recorded by April 15, 2024.**

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 extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than six (6) months.

Criminal Penalty. Both the owner and any occupant of the Subject Property are responsible for compliance with the permit. Violation of the terms of the Permit is a criminal misdemeanor.

Recording. The Permit shall be recorded against the title to Subject Property.

Dated: March 18, 2024.

CITY OF ELK RIVER

By: _____
Mayor John J. Dietz

By: _____
City Clerk Tina Allard

STATE OF MINNESOTA)
) ss.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ____ day of _____,
2024, by John J. Dietz and Tina Allard, respectively, the Mayor and City Clerk of the City of Elk River, a
Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the
City Council.

Notary Public

DRAFTED BY:
City of Elk River
13065 Orono Parkway NW
Elk River, MN 55330
Phone: 763-635-1032



Request for Action

To
City Council

Item Number
7.3

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Conditional Use Permit: Cargill, Agricultural
Research Facility (Dairy Barn) - 10700 165th Ave
NW

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Approve, by motion, the Conditional Use Permit authorizing an agricultural research facility at 10700 165th Ave NW, with the following conditions to satisfy the standards set forth in Section 30-654:

- The facility must meet all state and local building codes consistent with an agricultural research operation.
- Prior to releasing the building permit, the applicant must demonstrate compliance with all MPCA and EPA requirements.

Background/Discussion

The property is zoned Agricultural Research (AR) where improvements and modifications to the approved agricultural research facility require a Conditional Use Permit (CUP).

Cargill is proposing an expansion to their existing dairy operation. The existing dairy operation will transition to a new building which will be equipped with the latest practices of the dairy industry, which include automated feeding, housekeeping, and robotic milking systems. The expansion will also include research spaces and employee support areas. Transitioning to the latest technologies will also improve the manure management system by eliminating daily field spreading.

Planning Commission

The Planning Commission held a public hearing on February 27, 2024, and had a few questions regarding odor and changes to the manure management plans. Penny LaPlante, the facility Operations Manager, explained the manure management changes. No one else spoke during the public hearing and staff did not receive any additional comments before or after the public hearing.

The Commission unanimously recommended approval with the recommended conditions.

The Elk River Vision

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



Financial Impact

None

Mission/Policy/Goal**Attachments**

1. PC Packet 2-27-2024
2. CUP Document



Request for Action

To Planning Commission		Item Number 5.4
Agenda Section Public Hearings	Meeting Date February 27, 2024	Prepared by Zack Carlton, Community Development Director
Item Description Cargill Animal Nutrition, 10700 165th Ave NW ▪ Conditional Use Permit to Allow Construction of an Agricultural Research Facility (Dairy Barn), Case No. CU 24-01		Reviewed by Chris Leeseberg, Senior Planner
		Reviewed by

Action Requested

Recommend, by motion, approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

1. The facility must meet all state and local building codes consistent with an agricultural research operation.
2. Prior to releasing the building permit, the applicant must demonstrate compliance with all MPCA and EPA requirements.

Background/Discussion

The property is zoned Agricultural Research (AR) where improvements and modifications to the approved agricultural research facility require a Conditional Use Permit (CUP).

Cargill is proposing an expansion to their existing dairy operation. The existing dairy facilities will transition to a new building which will be equipped with the latest practices of the dairy industry with include automated feeding, housekeeping, and robotic milking systems. The expansion will also include research spaces and employee support areas. Transitioning to the latest technologies will also improve the manure management system by eliminating daily field spreading.

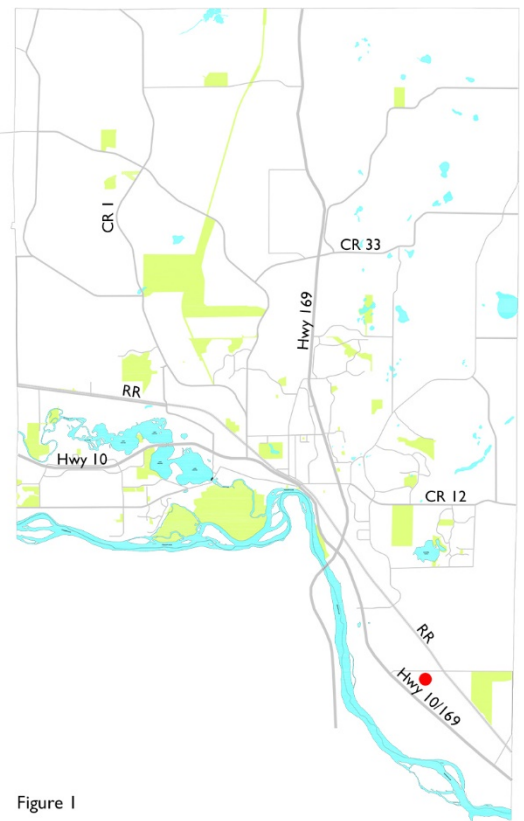


Figure 1

Employment within the dairy operation will support additional employees, increasing the employee count from 12 to 14-16 at full operation. Hours of operation will remain unchanged at 4:00 a.m. to 10:00 p.m. Monday through Sunday.

Site Plan

The new facility includes two main components – the main barn is 576-feet by 146-feet and will house the animals for a majority of their time. The second component is the milking barn at 232-feet by 94-feet which is where the robotic milking system will rotate the animals through from the main barn. The milking barn also includes employee spaces like bathrooms, breakrooms, lockers, and research spaces.

The Elk River Vision

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



Updated: January 2023

In addition to the new barn, a large silage storage area will be developed west of the barn and the new concrete manure pit will be south of the facility. New parking and drive lanes will be added around the building to support the expanding operation. Access to the facility will utilize existing drive lanes and access points on the site, no impacts to existing rights-of-way are proposed.

Building and Fire Codes

City staff have met with the applicant and their design team on multiple occasions to discuss the building and fire codes that the building will need to meet. Staff's analysis of the proposal requires full compliance with state building codes as the facility is a research and development operation. Cargill and their team continue to work with city staff to ensure the building meets all applicable codes.

Applicable Regulations

In approving a Conditional Use Permit, the council may impose such specific conditions with regard to the development or operation of the proposed use as it considers necessary to satisfy the seven standards set forth in Section 30-654 and the requirements contained in this article and to promote compatibility with and minimize any potentially adverse effects upon adjacent properties, the neighborhood or the city.

The issuance of a Conditional Use Permit can be ordered only if the use at the proposed location:

1. *Will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the city.*

The property has operated as an agricultural research facility for quite some time. The surrounding properties are also owned and operated by the applicant, which support the existing Agricultural Research Uses. The dairy barn, manure pit, and silage bag pad are located southwest of the existing facilities, but all improvements comply with required setbacks and zoning standards.

Staff does not see a need to impose specific conditions to satisfy this standard.

2. *Will be consistent with the comprehensive plan.*

The property is guided for agricultural uses and the proposed use is consistent with the long-term vision for the area.

Staff does not see a need to impose specific conditions to satisfy this standard.

3. *Will not impede the normal and orderly development and improvement of surrounding vacant property.*

The surrounding parcels are owned and operated by the applicant and support their agricultural research operations.

Staff does not see a need to impose specific conditions to satisfy this standard.

4. *Will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.*

The new facility must comply with state building codes regarding fire suppression and safety. This may require installation of a fire sprinkler system, which may be possible through the expansion of public utilities in the area. The proposed dairy operation will not negatively impact any public services or facilities.

Staff included a condition that the dairy facility must meet all state building codes.

5. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.*

There is an existing manure pit on the Cargill site, and the proposal relocates and expands this pit. The manure pit will generate odors, but the change is not significantly larger than the existing operation. The new manure pit will need to meet all state and local standards, including any permitting requirements. The facility is currently registered as a feedlot with the state.

Staff included a condition that Cargill must meet all state and local standards and receive any required environmental permits.

6. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

While construction will occur on site, the use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Staff does not see a need to impose specific conditions to satisfy this standard.

7. *Will fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.*

The use will fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.

If denial of such a permit should occur, it shall accompany recommendations or determinations by findings or a report stating how the proposed use does not comply with the standards set forth in Section 30-654.

Financial Impact

None

Mission/Policy/Goal

- Meet changing needs - Agile
- Help, not hinder citizen quality of life
- Support the growth and development of the business community

Attachments

- Location Map
- Applicant's Narrative
- Site Plans
- Architectural Plans/Elevations



Cargill
Conditional Use Permit

Case No: CU 24-01

CU 24-01 Cargill Project Narrative

Cargill's Elk River Animal Nutrition Center's current dairy operation has been outdated by evolving industry standards. The latest dairy farming practices dictate the following updates to effectively contribute to the research and development purpose we serve for our customers. The new facility will be equipped with automated feeding, housekeeping, and milking systems, which reflect the latest practices in dairy farming. This proposed renovation will create a more efficient and environmentally friendly operation than the present operating dairy facility.

The new facility will consist of free stall pens and be equipped with automated feeding systems, robotic milking systems, and housekeeping which will reflect current industry standards. It will also include a sample prep area, employee workstations, employee breakroom, restrooms, and locker rooms. The improved manure management system will eliminate daily field spreading that exists today.

The overall goal of this project is to plan, design and construct a facility to achieve the following goals:

Improve employee safety and engagement.

Improve animal safety and welfare.

Add capabilities to support CANs growth in understanding nutrients and support dairy farmers.

Improve Overall Equipment Effectiveness (OEE).

Hours of operation will be 4 am-10pm, Monday-Sunday.

Number of employees will be 14-16, currently we have 12 at this facility.

The facility will add a dedicated parking lot with approximately 21 stalls. Gravel roads will allow access throughout the facility. Utilities will be provided via local well water and public electrical utility.

No additional signage, signage already exists for the site at the front office.

No outdoor storage will be needed.

The following updates to this facility will meet all standards to be permitted through the Minnesota Pollution Control Agency (MPCA), Environmental Protection Agency (EPA) and any possible County and City ordinances. The current facility is a registered feedlot in the State of Minnesota. The facility plans to be permitted for approximately 624 Animal Units as part of this renovation.

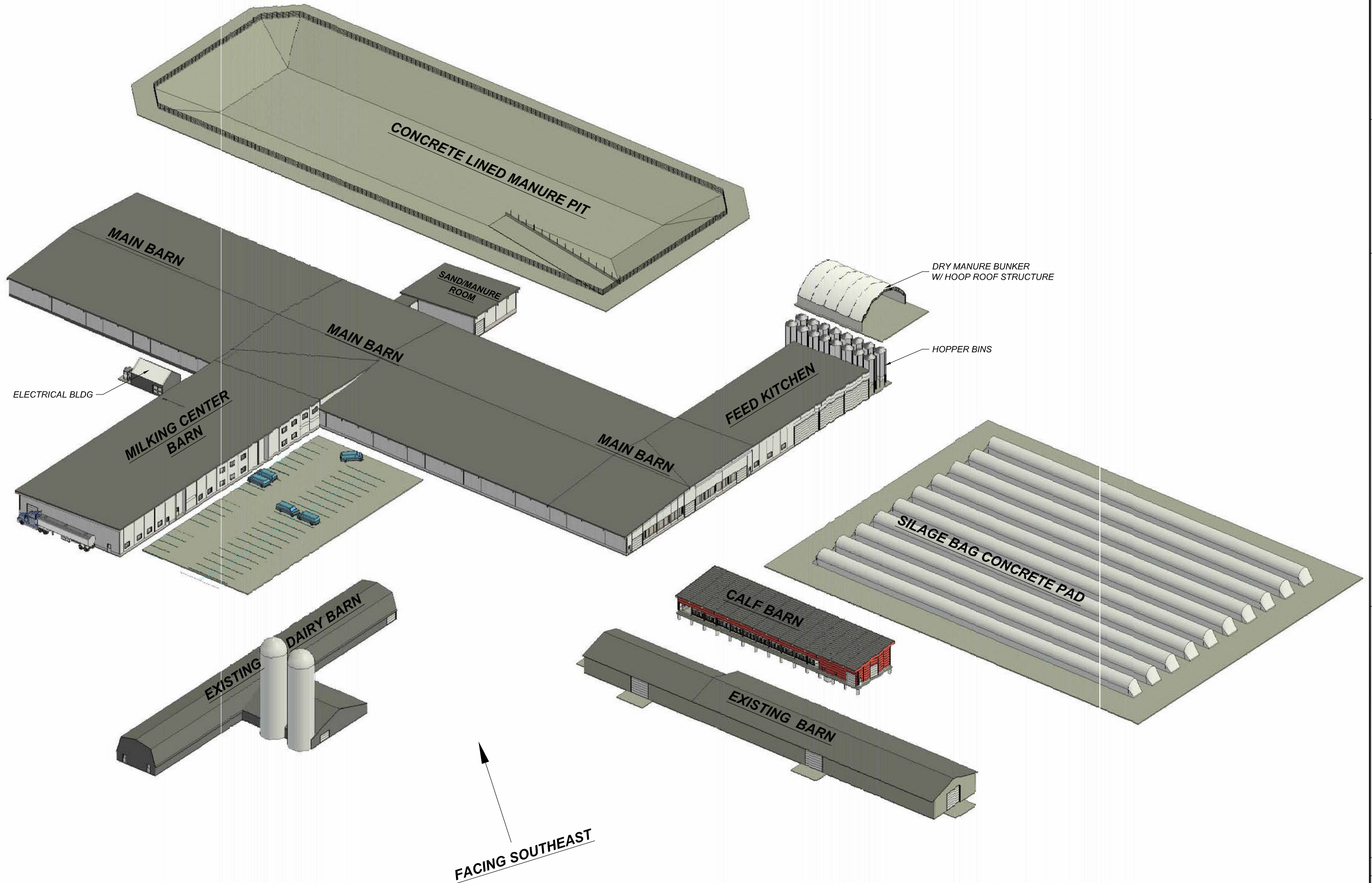
The Dairy Renovation will consist of the following elements See Appendix B:

1. Milking Center Barn ~232' long by ~94' wide

This Barn is proposed to be a mono slope type roof shape, with combination wood post-frame and stud-wall type structure that will be insulated, heated, and mechanically ventilated. Floors will be concrete. This building will be connected to the Main Barn.

This barn will include the following areas:

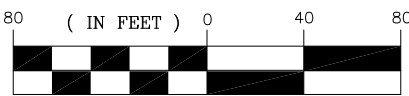
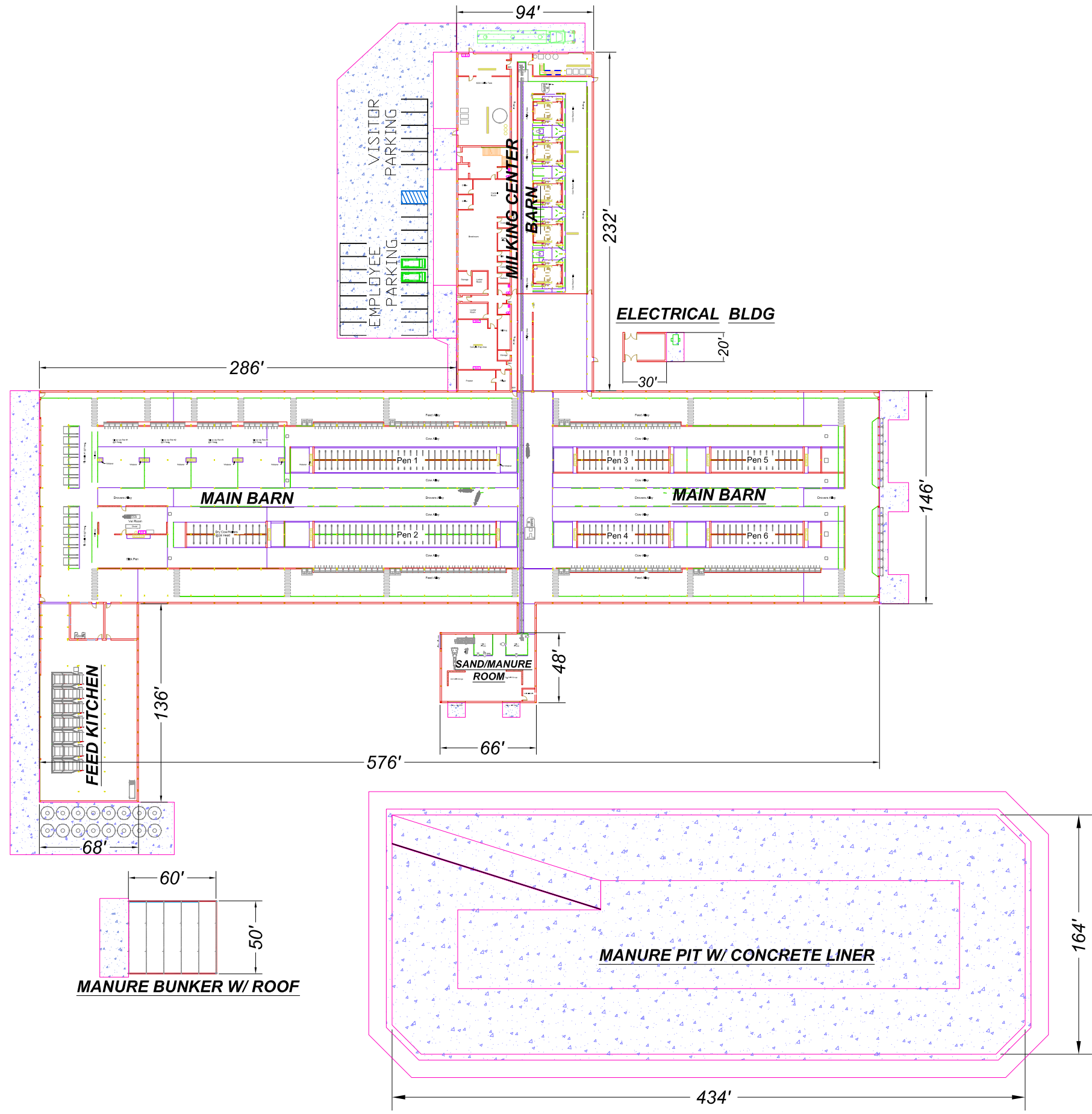
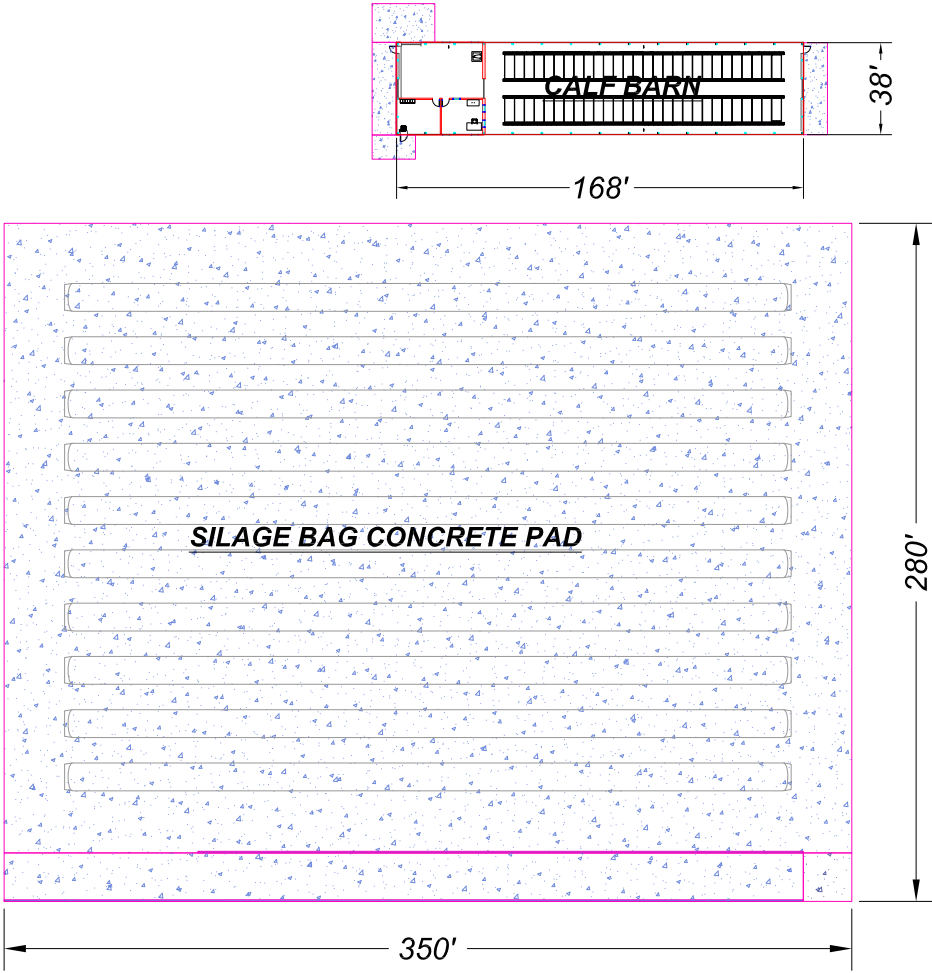
- Milkhouse area for bulk milk storage, milk cooling, processing, and handling.
- Milking Center area that includes robotic milkers, livestock sorting and handling features.

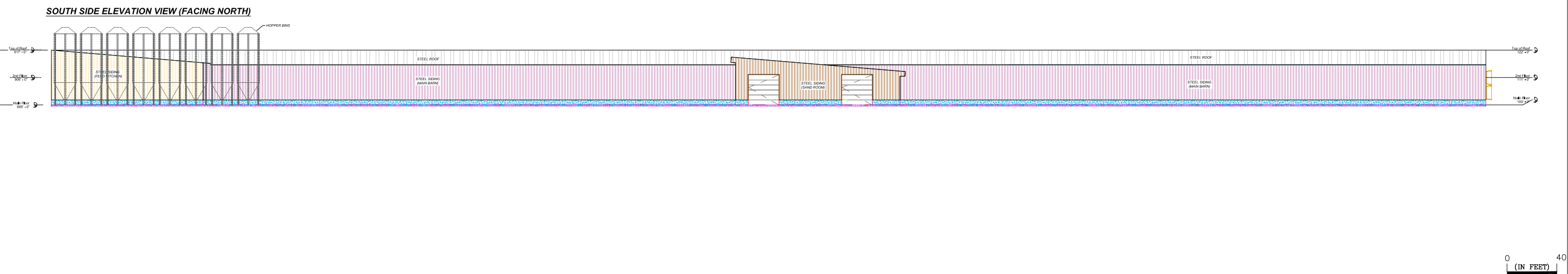
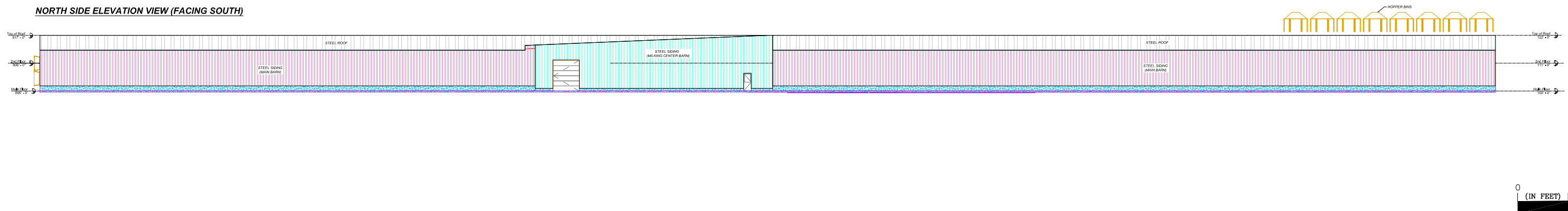
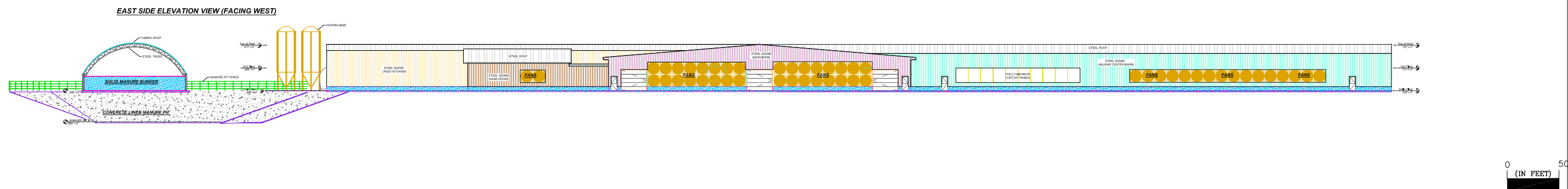
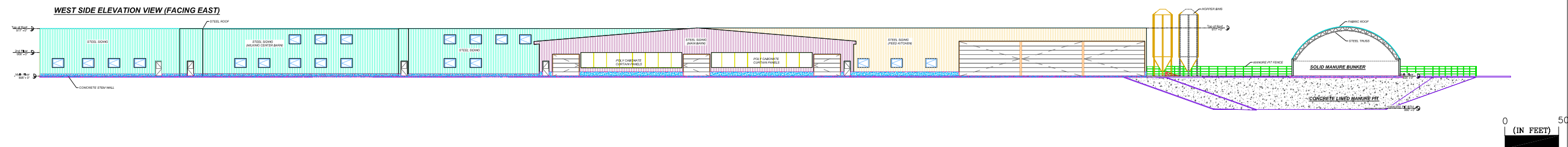


OVERALL PLAN VIEW LAYOUT

LEGEND

PLANNED CONCRETE
-OUTSIDE BUILDING





50

Approved By . . .	PRELIMINARY NOT FOR CONSTRUCTION	Date
Title		

Date Surveyed	N/A
Date Drawn	1-24
Designed by	skk
Drawn By	skk
Date Checked	
Checked by	

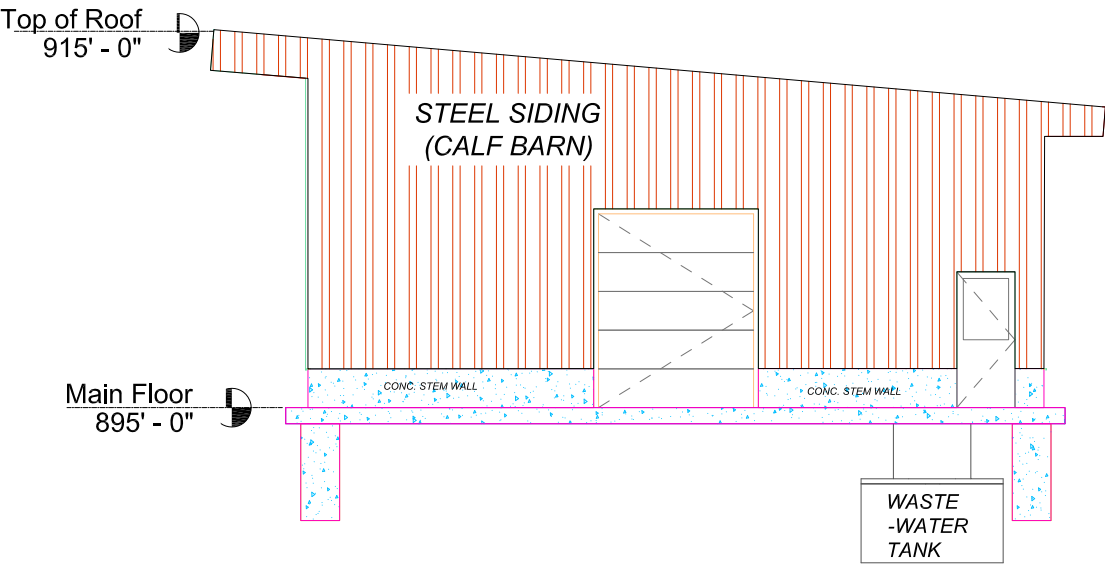
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Cargill Animal Nutrition Innovation Center
Elk River MN - Sherburne Co.
 AWS
 Main Barn Elevations

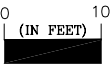
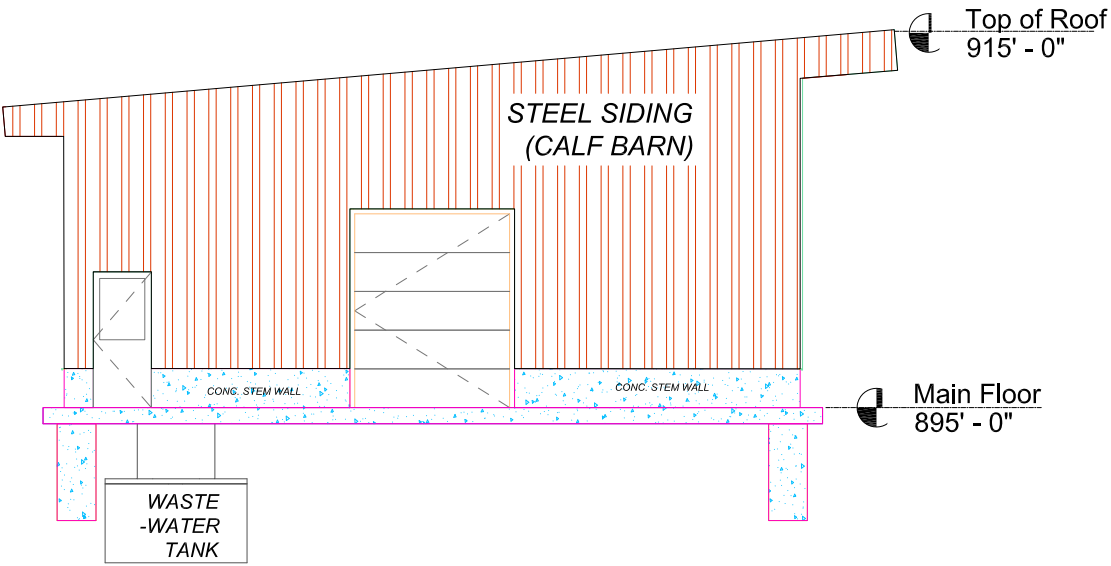
K₂S ENGINEERING INC.
4209 94TH AVE SE
YPSILANTI, ND 58497
Phone 701-489-3322

Sheet No.

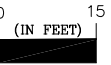
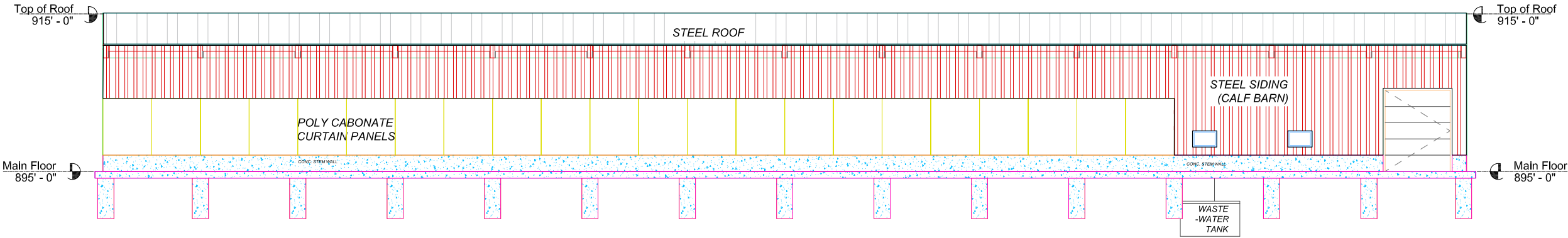
EAST SIDE ELEVATION VIEW (FACING WEST)



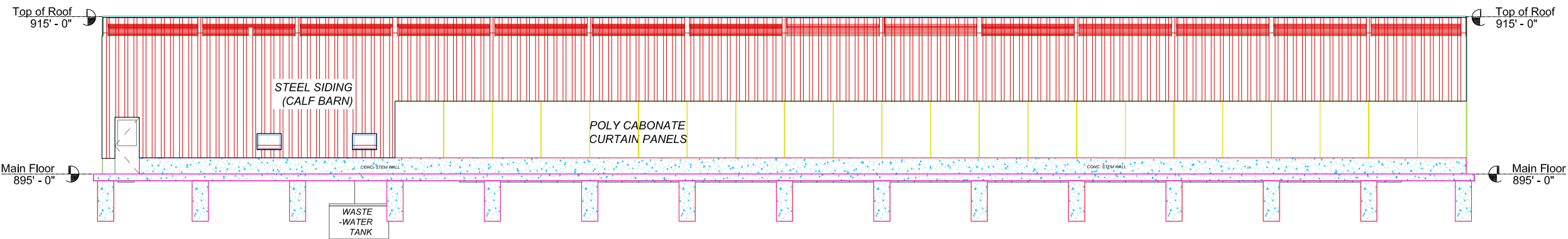
WEST SIDE ELEVATION VIEW (FACING EAST)



NORTH SIDE ELEVATION VIEW (FACING SOUTH)



SOUTH SIDE ELEVATION VIEW (FACING NORTH)



Date
Approved By
Title

PRELIMINARY
NOT FOR CONSTRUCTION

Date Surveyed
Date Drawn
Designed by
Drawn By
Date Checked
Checked by

N/A
1-24
skk
skk

File: Barn Sections.dwg

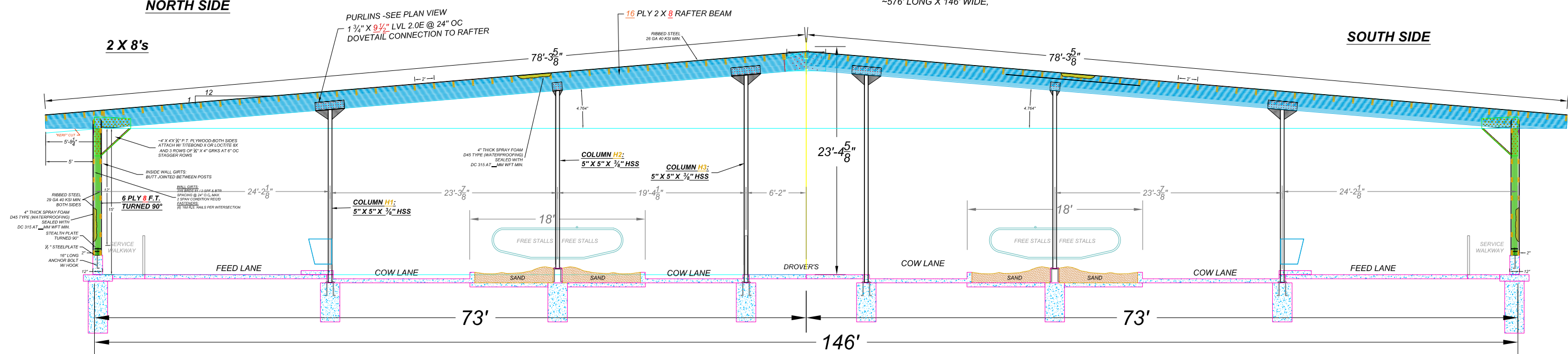
Cargill Animal Nutrition Innovation Center
Elk River MN - Sherburne Co.
AWS
Calf Barn Side Elevations

K₂ ENGINEERING INC.
4209 94TH AVE SE
YPSILANTI, ND 58497
Phone 701-489-3322

Sheet No.

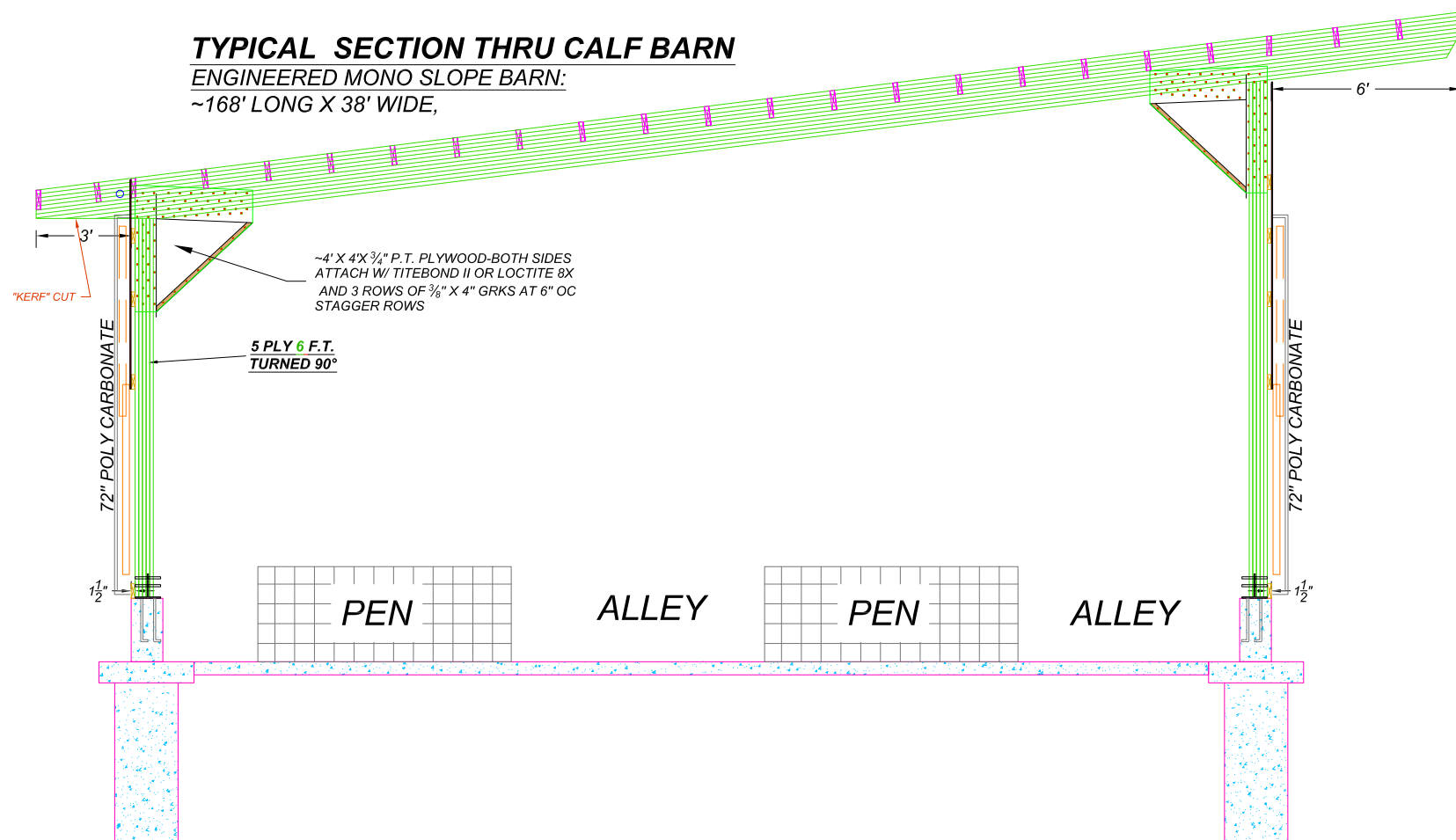
ENGINEERED BARN:
~576' LONG X 146' WIDE.

ENGINEERED BARN:
~576' LONG X 146' WIDE.



ENGINEERED MONO SLOPE BARN:

~168' LONG X 38' WIDE,



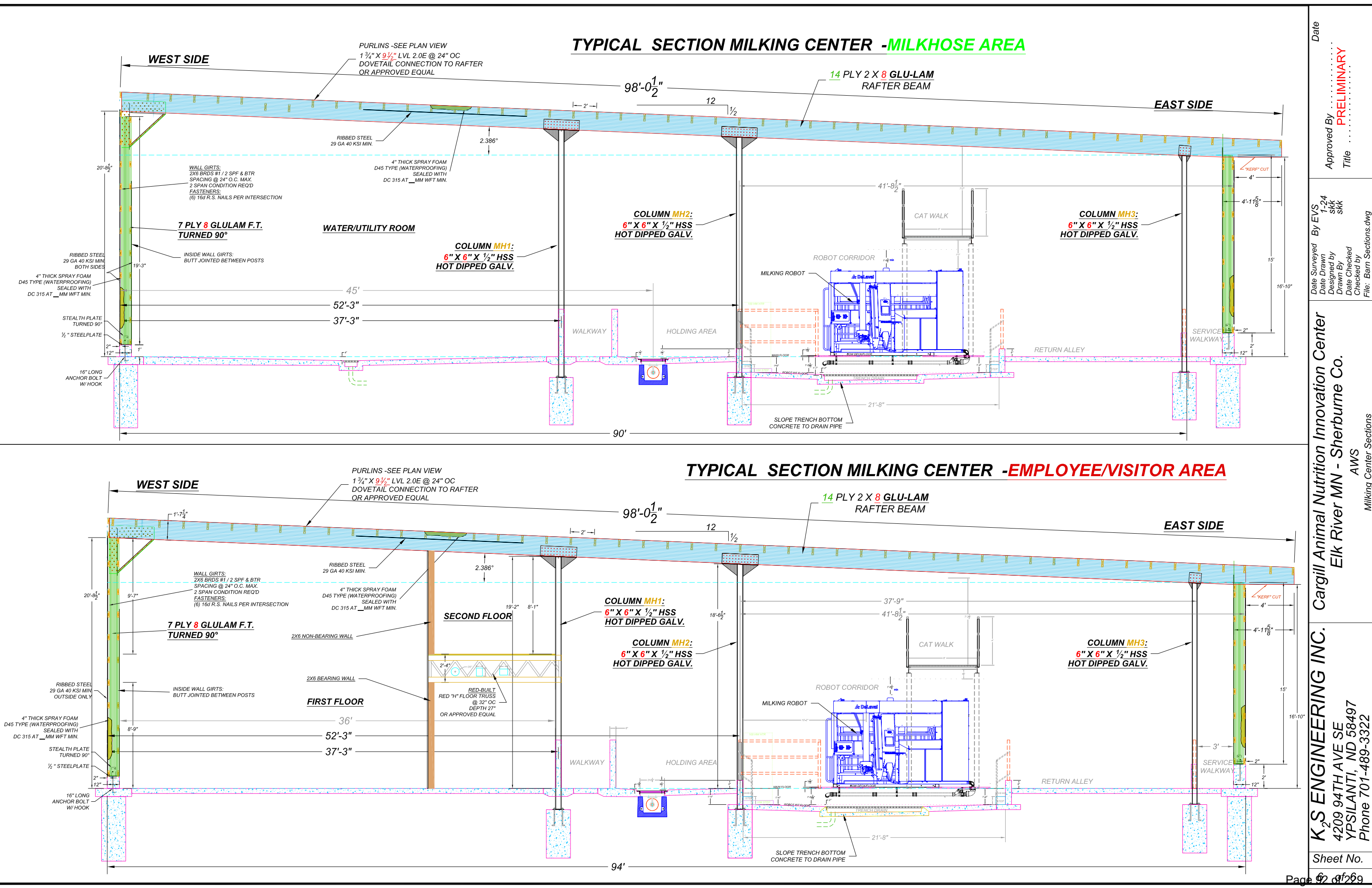
Approved By

Date Surveyed	N/A
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*Cargill Animal Nutrition Innovation Center
Elk River MN - Sherburne Co.*

K₂S ENGINEERING INC.
4209 94TH AVE SE
YPSILANTI, ND 58497
Phone 701-489-3322

Sheet No.



Date

Approved By

By EVS

Date Drawn

Designed by

Date Checked

File: Barn Sections.dwg

PRELIMINARY

skk

skk

1-24

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Cargill Animal Nutrition Innovation Center

Elk River MN - Sherburne Co.

AWS

Milking Center Sections

K₂ ENGINEERING INC.

4209 94TH AVE SE

YPSILANTI, ND 58497

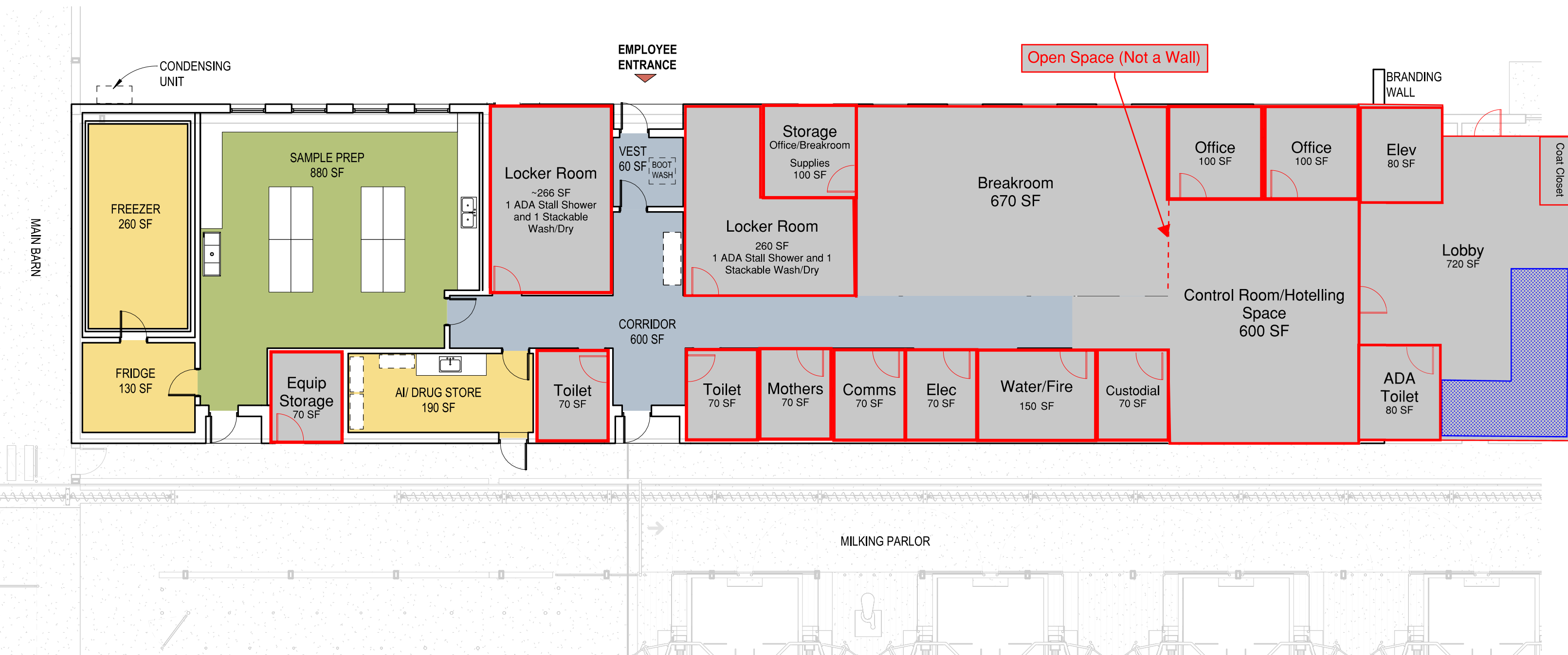
Phone 701-489-3322

Sheet No.

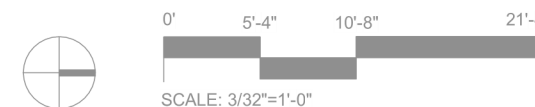
92 of 269

PROJECT MILKSHAKE

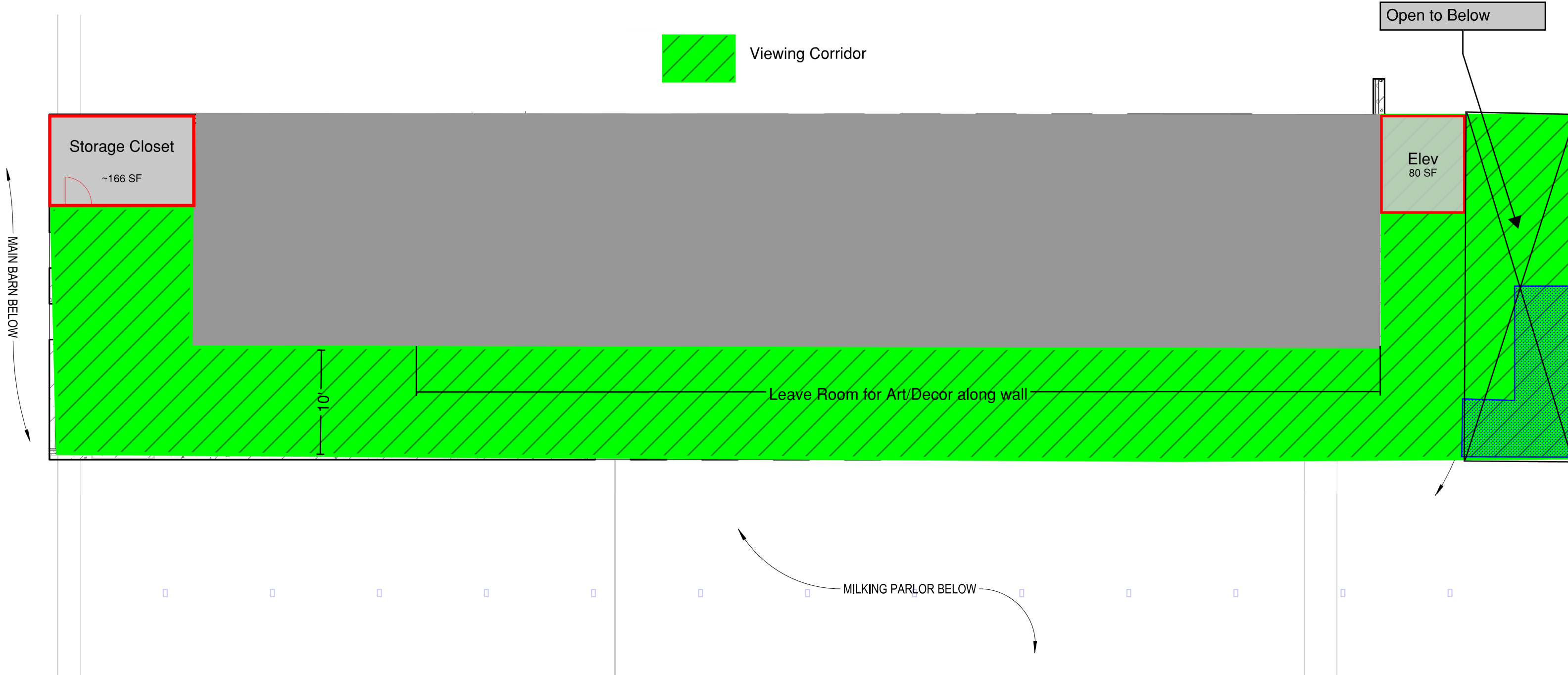
FLOOR PLAN



LEVEL 1 FLOOR PLAN



PROJECT MILKSHAKE
FLOOR PLAN



LEVEL 2 - FLOOR PLAN

11/30/23

04

CITY OF ELK RIVER
SHERBURNE COUNTY

CONDITIONAL USE PERMIT
Case No. CU 24-01

Permit. Subject to the terms and conditions set forth herein, the City of Elk River hereby grants a Conditional Use Permit (“Permit”) requested by CAN Technologies for the following use:

**Conditional Use Permit for the construction of an Agricultural Research Facility (Dairy Barn)
at 10383 165th Avenue NW**

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

**The Northwest (Parcel 2) and Southwest (Parcel 3) quadrant of Section 13, Township 32 North,
Range 26 West, lying east of Trunk Highway No. 10, lying west of the Burlington Northern and
Santa Fe Railway, Sherburne County, Minnesota.**

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

CAN Technologies Inc., owner

Conditions. The Permit is issued subject to the following conditions to satisfy the standards set forth in Section 30-654:

- 1. The facility must meet all state and local building codes consistent with an agricultural research operation.**
- 2. Prior to releasing the building permit, the applicant must demonstrate compliance with all MPCA and EPA requirements.**

Termination of Permit. The Permit shall remain in effect only for so long as the conditions set forth 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 extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than six (6) months.

Criminal Penalty. Both the owner and any occupant of the Subject Property are responsible for compliance with the permit. Violation of the terms of the Permit is a criminal misdemeanor.

Recording. The Permit shall be recorded against the title to Subject Property.

Dated: March 18, 2024.

CITY OF ELK RIVER

By: _____
Mayor John J. Dietz

By: _____
City Clerk Tina Allard

STATE OF MINNESOTA)
) ss.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by John J. Dietz and Tina Allard, respectively, the Mayor and City Clerk of the City of Elk River, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

Notary Public

DRAFTED BY:
City of Elk River
13065 Orono Parkway NW
Elk River, MN 55330
Phone: 763-635-1032



Request for Action

To
City Council

Item Number
7.4

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Conditional Use Permit: Allow Development of
Commercial Cannabis Cultivation Facility at 10700
165th Avenue

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Approve, by motion, a conditional use permit authorizing establishment of a commercial cannabis cultivation facility along with the following conditions to satisfy the standards set forth in Sec. 30-654:

1. The facility must comply with all licensing and operating procedures required under Minnesota Statutes Chapter 342.
2. The Conditional Use Permit may be issued prior to the applicant having received all necessary state permits and licenses, but the applicant shall submit proof of obtaining all state permits prior to beginning cultivation operations.
3. Issuance of this CUP does not exempt the applicant from all standards outlined in state statute.
4. The operation/building must connect to city sewer and water and pay the required SAC/WAC fees in accordance with city codes.
5. Construction activities will require signed plans prepared by a qualified professional.

Background/Discussion

The property is zoned II (Light Industrial) where Commercial Cannabis Cultivation facilities require a Conditional Use Permit (CUP). This use was added to the city ordinances earlier this year and during the ordinance review, the city has generally considered the use to be similar to a light manufacturing operation.

Vireo Health will utilize approximately 75,800 SF of the former GRE facility at 10700 165th Ave NW. The site has largely been operated as a storage facility since GRE ceased operations on the property. The equipment used by GRE has been removed, and the building is mostly vacant. The applicant will occupy a majority of the building, which will require additional renovation and modifications. The entire site will also have onsite security and 24/7 surveillance.

The proposal includes 8,000 sf of office space, 10,000 sf of storage and processing space, and 58,000 sf of sealed cultivation rooms. Each cultivation room will have a positive-pressure HVAC system to minimize cannabis odor. The cultivation rooms are also within the existing building, providing an additional barrier to

The Elk River Vision

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



potential odor concerns.

Planning Commission

The Planning Commission held a public hearing on February 27, 2024. The applicant introduced himself and was available for any questions. The Commission did not have any questions but thanked him for bringing 80 new jobs to the community.

The Commission unanimously recommended approval of the Conditional Use Permit.

Financial Impact

None

Mission/Policy/Goal

Attachments

1. Planning Commission Packet 02-27-2024
2. CUP Recording Document



Request for Action

To Planning Commission		Item Number 5.3
Agenda Section Public Hearings	Meeting Date February 27, 2024	Prepared by Zack Carlton, Community Development Director
Item Description Vireo Health – Mark Doherty, 10700 165 th Ave NW ▪ Conditional Use Permit to Allow a Commercial Cannabis Cultivation Facility, Case No. CU 24-03		Reviewed by Chris Leeseberg, Senior Planner
		Reviewed by

Action Requested

Recommend, by motion, approval of the Conditional Use Permit with the following conditions to satisfy the standards set forth in Section 30-654:

1. The facility must comply with all licensing and operating procedures required under Minnesota Statutes Chapter 342.
2. The Conditional Use Permit may be issued prior to the applicant having received all necessary state permits and licenses, but the applicant shall submit proof of obtaining all state permits prior beginning cultivation operations.
3. Issuance of this CUP does not exempt the applicant from all standards outlined in state statute.
4. The operation/building must connect to city sewer and water and pay the required SAC/WAC fees in accordance with city codes.
5. Construction activities will require signed plans prepared by a qualified professional.

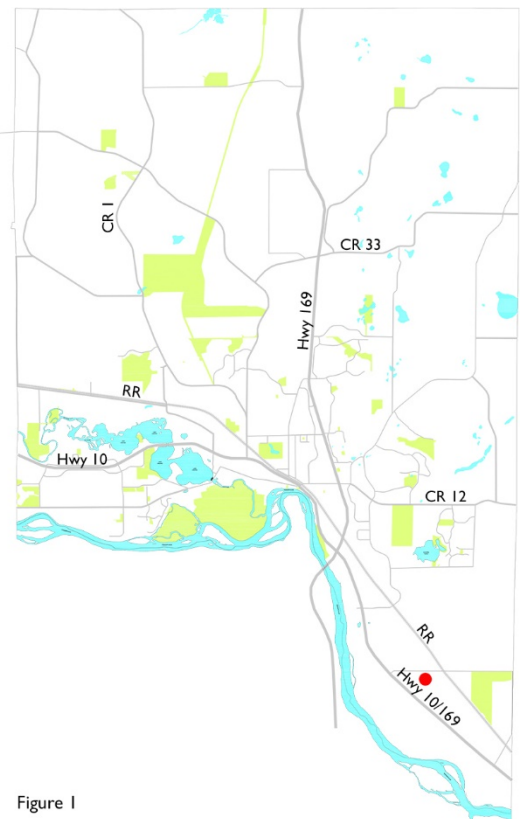


Figure 1

Background/Discussion

The property is zoned I1 (Light Industrial) where Commercial Cannabis Cultivation facilities require a Conditional Use Permit (CUP). This use was added to the city ordinances earlier this year and during the ordinance review, the city has generally considered the use to be similar to a light manufacturing operation.

Vireo Health will utilize approximately 75,800 SF of the former GRE facility at 10700 165th Ave NW. The site has largely been operated as a storage facility since GRE ceased operations on the property. The equipment used by GRE has been removed and the building is mostly vacant. The applicant will occupy a majority of the building, which will require additional renovation and modifications. The entire site will also have onsite security and 24/7 surveillance.

The proposal includes 8,000 SF of office space, 10,000 SF of storage and processing space, and 58,000 SF of sealed cultivation rooms. Each cultivation room will have a positive pressure HVAC system to minimize cannabis

The Elk River Vision

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



Updated: January 2023

odor. The cultivation rooms are also within the existing building, providing an additional barrier for potential odor concerns.

Expected hours of operation are between 5:00 a.m. and 12:00 a.m. with 80 employees at full buildout. Vireo will operate multiple shifts, spreading out the parking needs of the site.

Site Plan

The applicant is not proposing any modifications to the site. The existing paved surfaces provide enough parking and circulation to support the use. Access to the site will continue from the existing driveway on 165th Ave NW. The entire property is surrounded by a fence and proposed signage consists of a small navigational sign to direct traffic to the correct side of the building.

Exterior modifications will add ingress/egress points as required by state building codes and reducing the size of the existing overhead doors.

Public Utilities

The building is not currently connected to city sewer and water, but utility stubs were provided on the east side of the building when the city installed Polk Street and the extension of 169th Ave. The building will be required to connect to city utilities and pay the required connection fees. Additionally, the operation will be a large electric user. The applicant has been working closely with Elk River Municipal Utilities (ERMU) to address the electrical needs for the site.

Applicable Regulations

In approving a Conditional Use Permit, the council may impose such specific conditions with regard to the development or operation of the proposed use as it considers necessary to satisfy the seven standards set forth in Section 30-654 and the requirements contained in this article and to promote compatibility with and minimize any potentially adverse effects upon adjacent properties, the neighborhood or the city.

The issuance of a Conditional Use Permit can be ordered only if the use at the proposed location:

1. *Will not endanger, injure or detrimentally affect the use and enjoyment of other property in the immediate vicinity or the public health, safety, morals, comfort, convenience or general welfare of the neighborhood or the city.*

The property previously operated as a sorting facility for trash/garbage prior to being transferred to the incinerator. The facility had traditionally produced high levels of vehicle traffic and odors from the trash. Surrounding properties include light manufacturing operations, recycling centers, a semi-truck dealership, agricultural research, and vacant/developable parcels. The proposed use will not generate concerns in excess to what the area has experienced with previous uses and will not detrimentally affect the use and enjoyment of other properties in the immediate vicinity. The use will also be subject to additional standards from the state which may address related concerns for the operation.

Staff does not see a need to impose specific conditions to satisfy this standard.

2. *Will be consistent with the comprehensive plan.*

The subject site and surrounding properties are guided as Business Park which allow light manufacturing uses. The proposed use is consistent with the long-term vision for the area.

Staff does not see a need to impose specific conditions to satisfy this standard.

3. *Will not impede the normal and orderly development and improvement of surrounding vacant property.*

The city owns a vacant developable lot and much of the surrounding agricultural research land has the potential to be developed in the future. The proposed use will not impede the normal and orderly development of surrounding vacant parcels.

Staff does not see a need to impose specific conditions to satisfy this standard.

4. *Will be served adequately by and will not adversely affect essential public facilities and services including streets, police and fire protection, drainage, refuse disposal, water and sewer systems, parks and schools; and will not, in particular, create traffic congestion or interference with traffic on adjacent and neighboring public thoroughfares.*

Vireo's operation will require a significant amount of electricity at full build-out. They have been working closely with ERMU to find a solution to their power needs. The building is required to connect to city utilities and the public infrastructure has the capacity to provide the noted water and sewer needs.

Anticipated traffic is equal to or less than previous uses on the site and existing roadway infrastructure has the capacity to handle the traffic. The use will also be subject to additional standards from the state which may address related concerns for the operation.

Staff included a condition requiring the building to connect to city sewer and water and pay all required connection fees.

5. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons or property because of excessive traffic, noise, smoke, fumes, glare, odors, dust or vibrations.*

Cannabis manufacturing (growing) and processing has the potential to generate excessive odors. The applicant is proposing to operate their grow operation within individual cultivation rooms that utilizes a positive-pressure system to minimize off-site odors. These rooms are also within the larger building (a room within a room) providing additional odor mitigation opportunities. There are no existing residential uses in the vicinity of the site, and prevailing winds would generally blow odors over the agricultural fields south and east of the subject site. The use will also be subject to additional standards from the state which may address related concerns for the operation.

Staff does not see a need to impose specific conditions to satisfy this standard.

6. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*

The site is fully built-out and there are no proposed changes to the site.

Staff does not see a need to impose specific conditions to satisfy this standard.

7. *Will fully comply with all other requirements of this Code, including any applicable requirements and standards for the issuance of a license or permit to establish and operate the proposed use in the city.*

Commercial Cannabis Manufacturing is tightly regulated by Minnesota Statutes Chapter 342. Prior to beginning growing operations on site, the applicant must receive all required approvals and licenses from the state. The applicant will be required to provide proof of these approvals to the city. Outside of state requirements, which will be reviewed separately by the state's Office of Cannabis Management, the use will fully comply with city requirements.

Staff included conditions noting the requirement to receive all necessary approvals from the state prior to beginning commercial cannabis operations.

If denial of such a permit should occur, it shall accompany recommendations or determinations by findings or a report stating how the proposed use does not comply with the standards set forth in Section 30-654.

Financial Impact

None

Mission/Policy/Goal

- Meet changing needs - Agile
- Support the growth and development of the business community

Attachments

- Location Map
- Applicant's Narrative
- Site Survey
- Site Plans



Vireo Health Cannabis Cultivation
Conditional Use Permit

Case No: 24-03

Vireo Health

Conditional Use Permit – Project Narrative

10700 165th Ave. NW,

Elk River, Minnesota

Submitted: 1/29/2023

This Conditional Use Permit request seeks to develop a cannabis cultivation facility within a leased portion of an industrial building located east of Highway 10 at 10700 165th Ave. NW, Elk River, Minnesota. Vireo Health will remodel and refurbish approximately 75,800 SF of the 116,330-square-foot structure for cannabis cultivation, processing, and distribution. The proposed development site is a former waste transfer station operated primarily as a storage facility by the owner, DM Enterprises. The improvements and use as proposed for this portion of the building supports The City of Elk River's Comprehensive Plan regarding industrial and business park development: *Bolster Elk River's economy through the retention, attraction, and expansion of a diverse mix of office and industrial businesses.*

Vireo Health will develop a highly secured, state-of-the-art, energy-efficient cultivation facility to provide products to the Minnesota cannabis market. The ~8,000 SF, existing office building, will consist of secured entry, security, IT, locker rooms, and office space similar to the current layout. The ~10,000 SF interior portion of the structure will contain plant processing rooms, vault storage space, and secured shipping and receiving bays. The interior of the ~58,000 SF adjoining structure will consist of sealed cultivation rooms. The use of positive-pressure HVAC systems will ensure that cannabis odor will be undetectable outside of the structure. As a power and water-conscious development, this proposal supports the City of Elk River's Comprehensive Plan by preserving and maintaining the environment.

Vireo Health's focus on safe and secure cannabis cultivation facilities supports the City of Elk River's Comprehensive Plan by keeping Elk River a "safe" place. The entire facility will have onsite security during operating hours and 24/7 surveillance, with employees operating the facility between 5 am and 12 am. This new business will require approximately 80 employees. The 56 parking stalls are sufficient, given that the Vireo employees will operate over two shifts. However, additional stalls could be added in the areas designated in the image provided, with parking space north and south of the structure and east of the connected office building.

This facility will have no outdoor storage relative to the Vireo leased space. The only exterior modifications in this proposal are to add egress points to the exterior walls and reduce the size of existing overhead doors. All egress and overhead doors will conform to applicable design standards. It is anticipated that one metal sign of approximately 18" x 24" will be located on a metal pole at the intersection of the driveway and interior crossway nearest the southwest corner of the eastern portion of the structure, indicating a right turn is required for Vireo Health receiving a second sign of similar size and makeup will be affixed to the building adjacent to the receiving overhead door to indicate this area of the building.

The City of Elk River has approved cannabis cultivation in I1 and I2 zones. This property is designated as an I1 zone. The existing industrial site conforms to the screening recommendations

in the City of Elk River's Comprehensive Plan. Vireo Health's project is the interior buildout of the existing structures. No modifications to the pervious and/or impervious areas of the site will be made in conjunction with this project. Any exterior equipment will be located in areas where impervious surfaces currently exist. Anticipated modifications to existing utility services to the site will be coordinated with ERMU. The developed portion of the building will be connected to ERMU electrical service, water, and sanitary lines. The required electrical service is 480V/7000 AMP divided into (1) 4,000 AMP and (1) 3,000 AMP service. The maximum daily water requirement is 9000 gallons. Any required modifications to utility services will not impact stormwater runoff nor areas of pervious and/or impervious areas. There are no wetlands present or impacted by this proposal. This proposal does not meet the threshold requirements for EAW/EIS.

Submitted by:

Mark E. Doherty, VP of Facilities and Performance

Vireo Health

Parcel 1:

The Southwest Quarter of the Southeast Quarter of Section 11, Township 32, Range 26, except the South 468 feet of the West 495 feet thereof, according to the United States Government Survey thereof, Sherburne County, Minnesota.

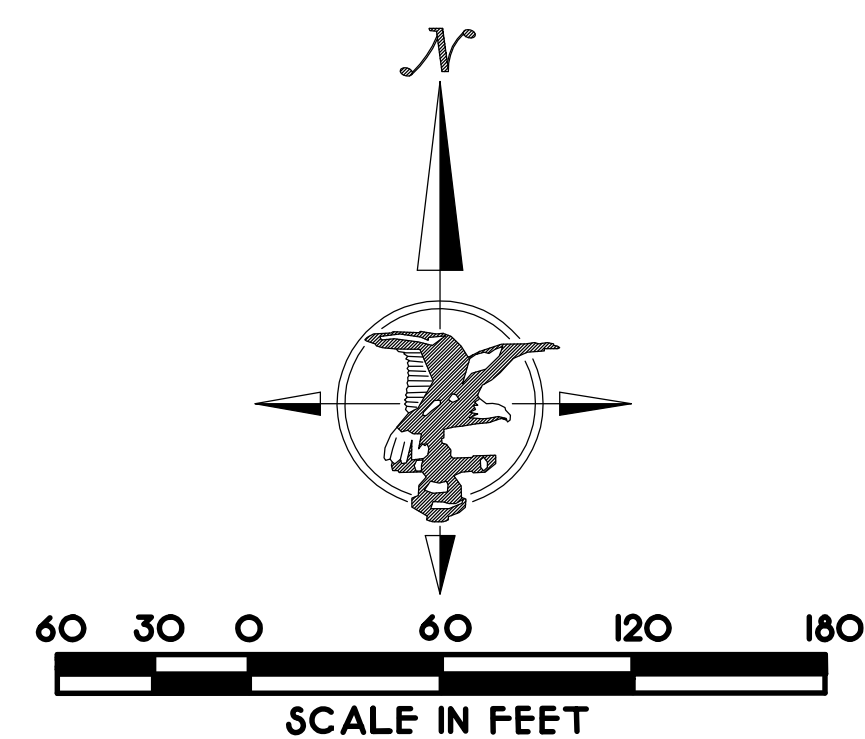
Note: This legal description has been taken from Old Republic National Title Insurance Company Commitment Number ORTE725634 dated March 18, 2010.

NOTES CORRESPONDING TO SCHEDULE B:

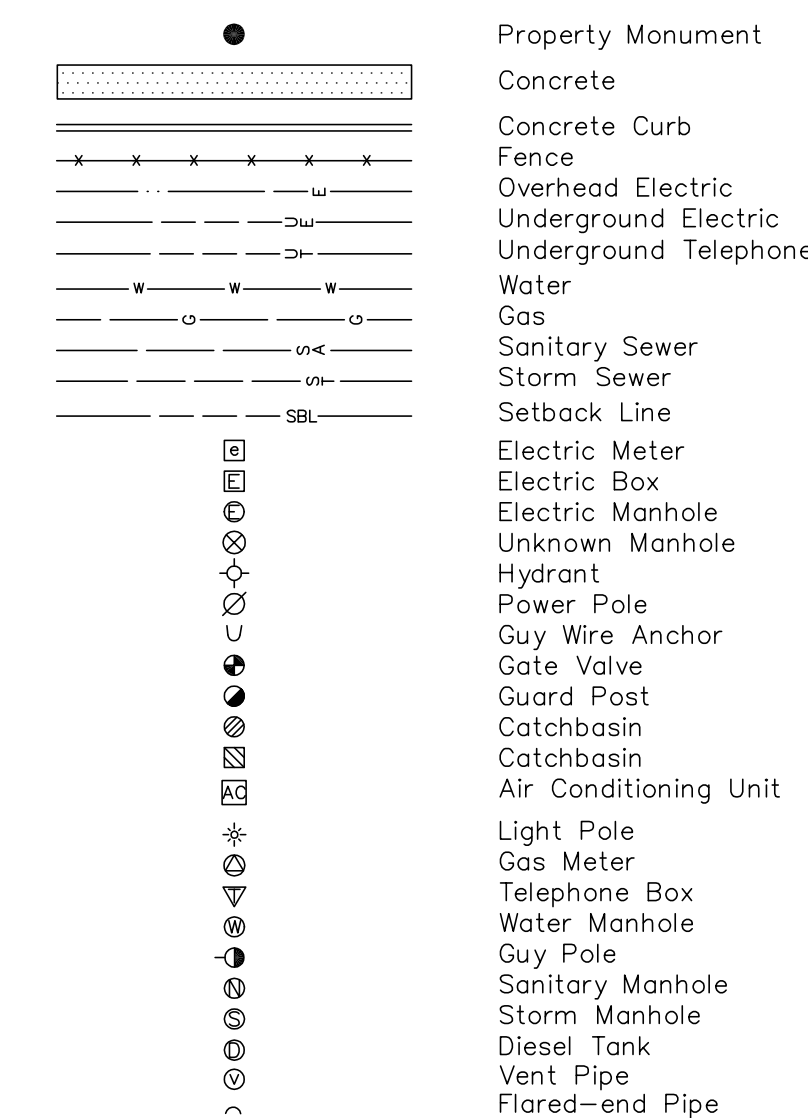
- ② Storm water drainage system easement in favor of the City of Elk River as contained in Easement dated August 1, 1988, filed August 18, 1988, as Document No. 221461.
(AS SHOWN ON SURVEY)
- ⑪ Easement for 165th Avenue NW as laid out and traveled.
(AS SHOWN ON SURVEY)

GENERAL NOTES:

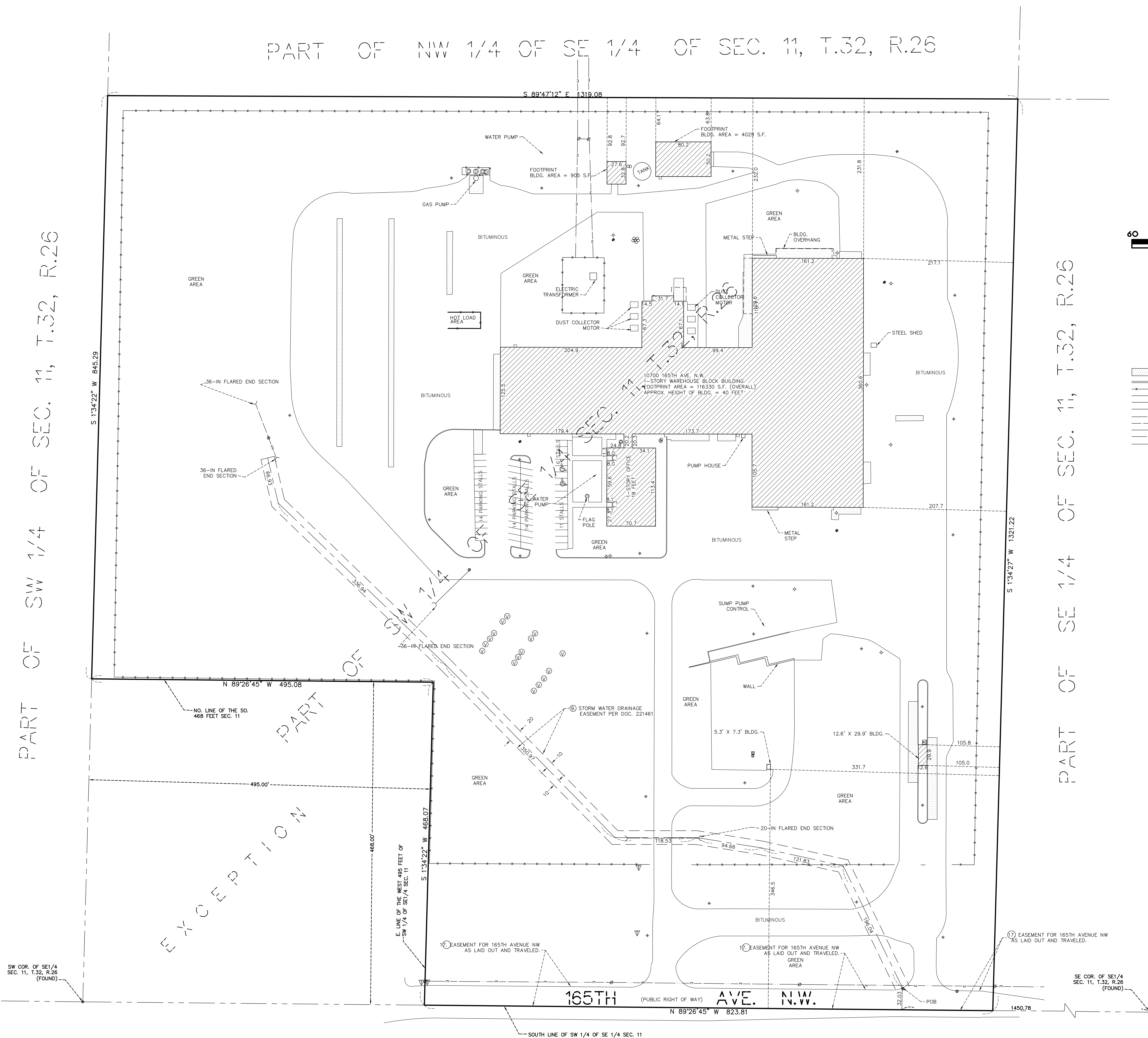
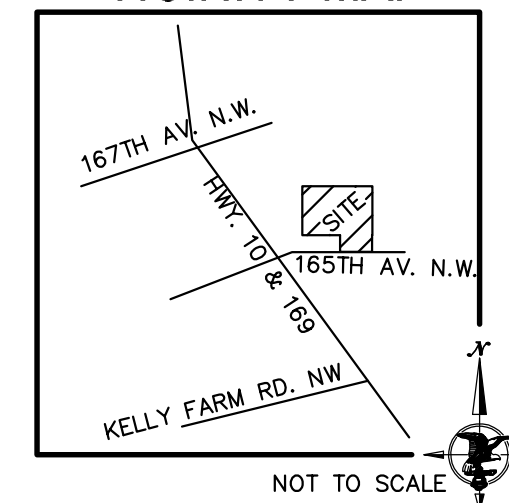
1. The bearing system used is assumed.
2. The location of the underground utilities shown herein, if any, are approximate only, PURSUANT TO MSA 216D CODE. OTHER STATE CALL AT (612) 454-0002 PRIOR TO ANY EXCAVATION.
3. Subject property is identified as being in "Zone X, Area of Minimal Flooding" on Flood Insurance Rate Map, Community-Panel No. 271410395E, effective date May 4, 2000.
4. Zoning = Presently I-1 with SWF Overlay (Light Industrial with Solid Waste Facility Overlay) per City of Elk River.
5. Setback requirements per City of Elk River.
Front = 30 feet
Rear = 20 feet
Side = 25 feet
6. Site area = 1,505,406 square feet = 34.56 acres.
7. There are a total of 58 striped parking stalls on said property, of which there are 2 designated as handicap.
8. All field measurements matched recorded dimensions within the precision requirements of ALTA/ACSM specifications.
9. This survey was made on the ground and in accordance with the Minimum Standard Detail Requirements for Land Title Surveys as adopted by ALTA and ACSM.
10. No information is available for the right of way width of 165th Avenue NW. (see item 17 of Schedule B)



LEGEND



VICINITY MAP

[illegible]

PART OF NW 1/4 OF SE 1/4 OF SEC. 11, T.32, R.26

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PART OF NW 1/4 OF SE 1/4 OF SEC. 11, T.32, R.26

ALTA/ACSM LAND TITLE SURVEY

for:

MOSS & BARNETT

**SITE: 10700 165TH AVE. NW,
ELK RIVER, MINNESOTA**

CERTIFICATION:

To Resource Recovery Technologies, LLC, Great River Energy, a Minnesota cooperative corporation and Old Republic National Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005 and includes Items 1, 2, 3, 4, 6, 7(a), 7(b), 8, 9, 10, 11(a), and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that, in my professional opinion, as a duly licensed and registered professional land surveyor, I have exercised the degree of accuracy this survey does not exceed that which is specified therein; and that in locating or identifying recorded easements or other recorded documents I have relied upon Commitment for Title Insurance issued by Old Republic National Title Insurance Company, having an effective date of March 18, 2010 and bearing file number ORTE725634.

Dated: March 31, 2010

Thomas E. Hodorff, L.S.
Minn. Reg No. 23677

Revision History
4/8/10 rev. per comments

Sheet No.
1 OF 1

Book. **602**

W.O. Number
0010139

45
Technician

CI

HARRY S. JOHNSON CO., INC.
AND SUBSIDIARIES
CONSULTANTS

BLOOMINGTON, MINNESOTA
PHONE: 952-884-5341 FAX: 952-884-5344

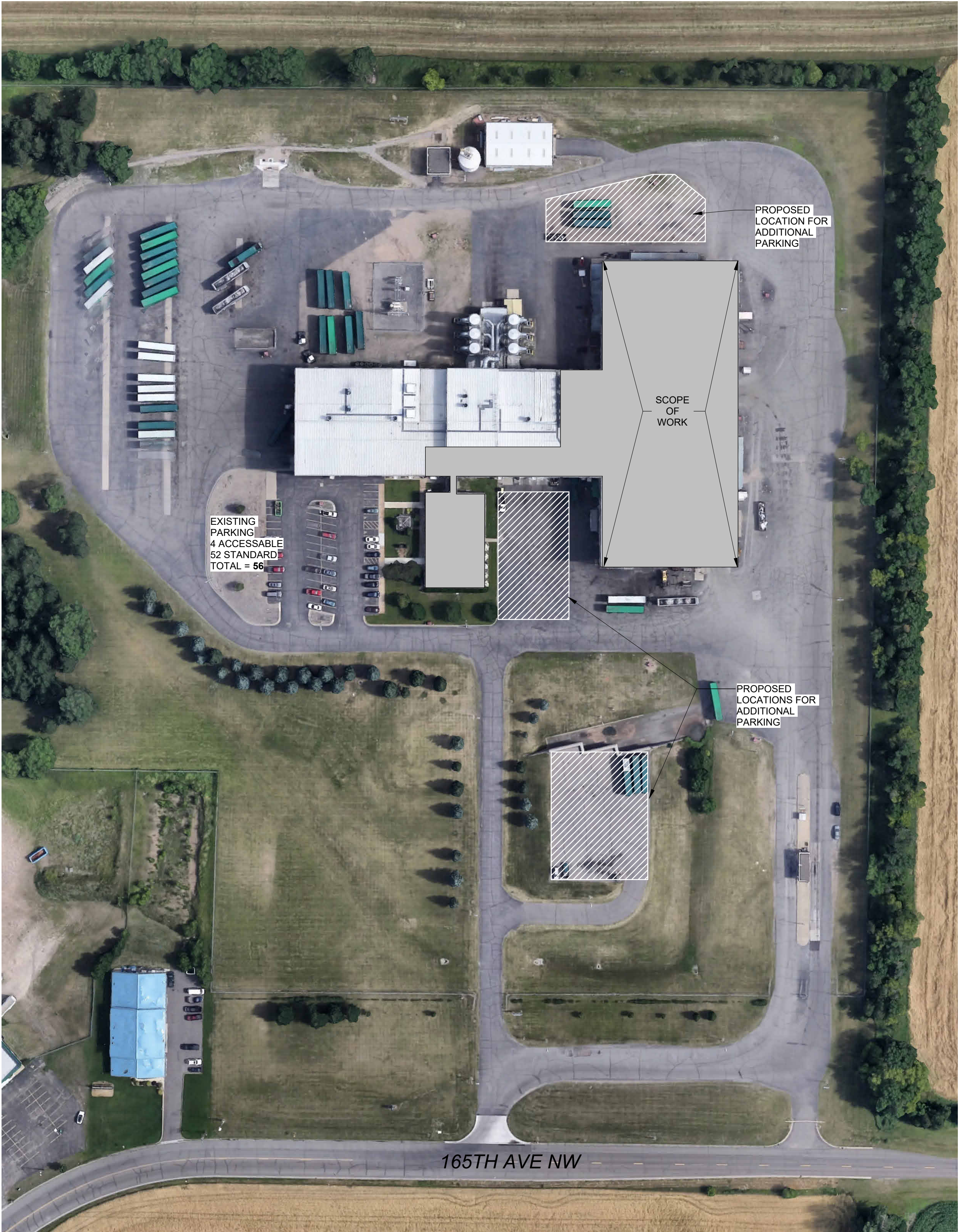
SURVEY PERFORMED BY:



HARRY S. JOHNSON CO. INC.
LAND SURVEYORS & CONSULTANTS
 1063 Lyndale Avenue South
 Bloomington, Mn. 55420
 (952) 884-5341
 (952) 884-5344 Fax
 Email: tom@hjsurveyors.com
 Web: www.hjsurveyors.com

CAD File: 2010139.DWG

Page 106 of 229



SITE PLAN

N.T.S

NOT FOR CONSTRUCTION

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VIREO HEALTH - CULTIVATION

VIREO HEALTH
0700 165TH AVE NW, ELK RIVER, MN

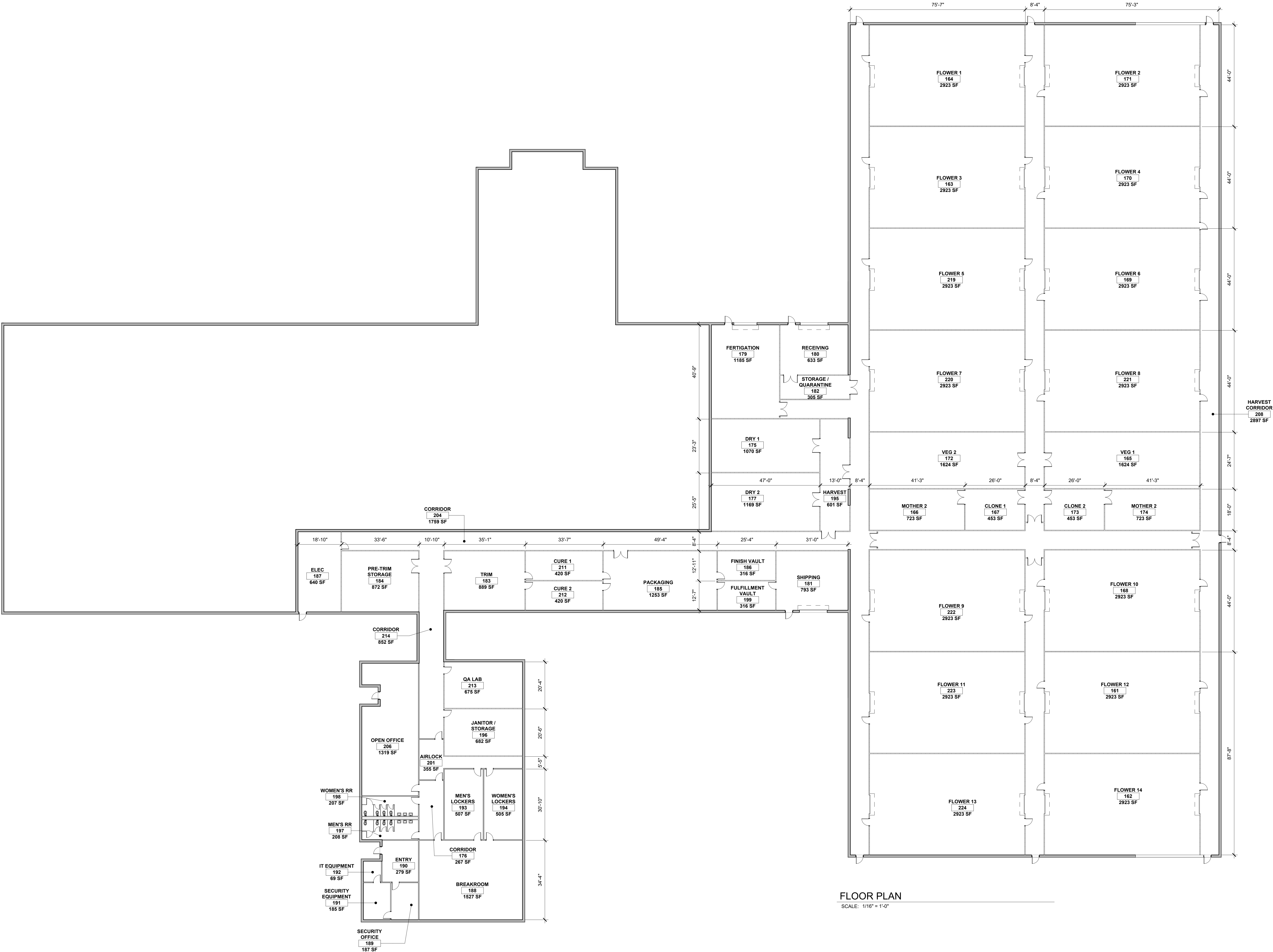
CONCEPT

Project No.:	24-01818
Date:	01/26/2024
Drawn by:	SG
Checked by:	BH
Revisions:	

No.	Date	Description
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SITE PLAN

SP1.1



NOT FOR CONSTRUCTION

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VIREO HEALTH - CULTIVATION

VIREO HEALTH
0700 165TH AVE NW, ELK RIVER, MN

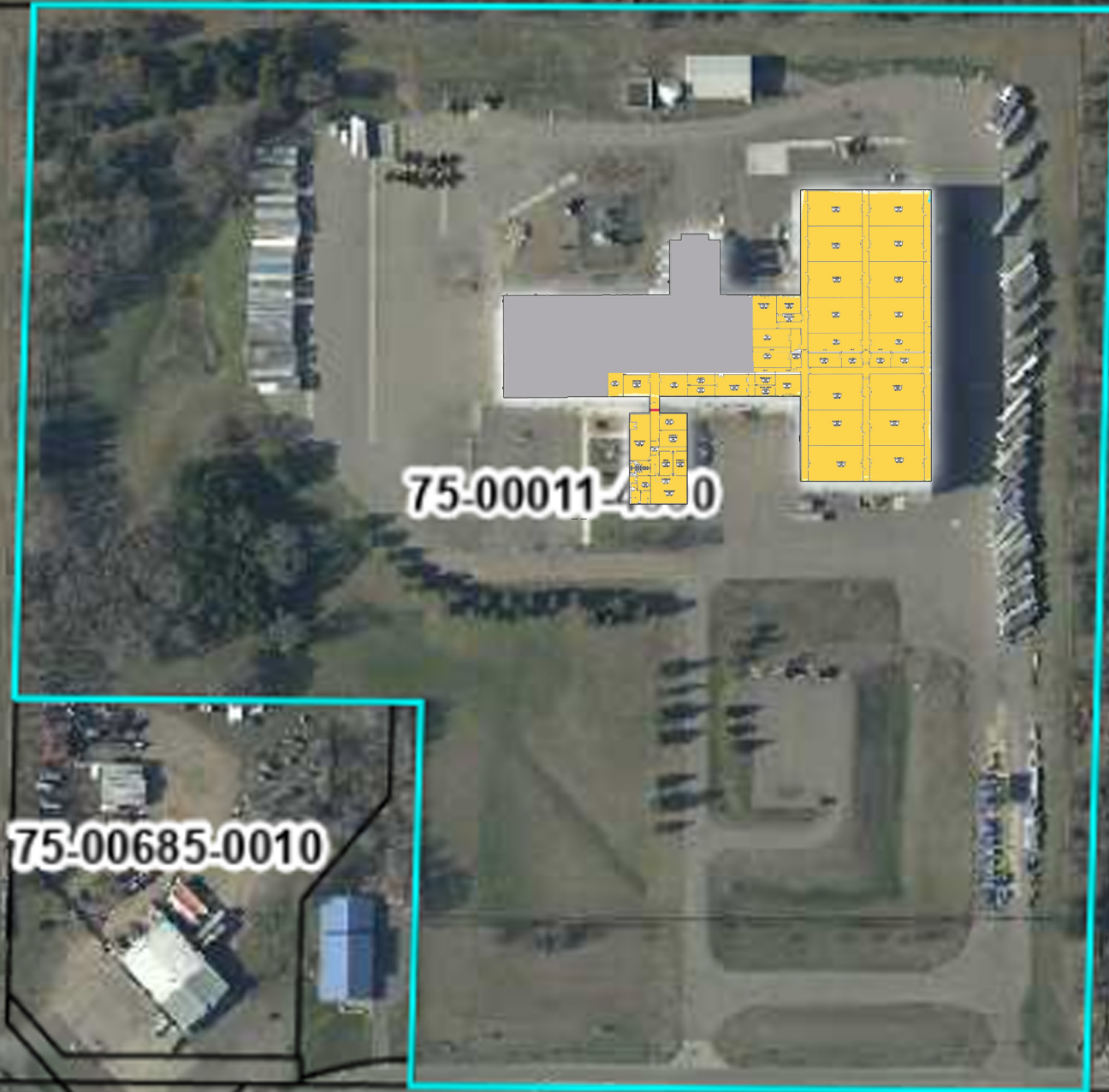
CONCEPT

Project No.: 24-01818
Date: 01/26/2024
Drawn by: SG
Checked by: BH
Revisions:

No.	Date	Description
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FLOOR PLAN

A1.1



75-00011-400

75-00685-0010

1

CITY OF ELK RIVER
SHERBURNE COUNTY

CONDITIONAL USE PERMIT
Case No. CU 24-01

Permit. Subject to the terms and conditions set forth herein, the City of Elk River hereby grants a Conditional Use Permit (“Permit”) requested by **Vireo Health** for the following use:

Conditional Use Permit for a Cannabis Cultivation facility at 10700 165th Avenue NW

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

The Southwest Quarter of the Southeast Quarter of Section 11, Township 32, Range 26, except the South 468 feet of the West 495 feet thereof, according to the United States Government Survey thereof, Sherburne County, Minnesota.

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

DM Real Estate, LLC, owner

Conditions. The Permit is issued subject to the following conditions to satisfy the standards set forth in Section 30-654:

1. The facility must comply with all licensing and operating procedures required under Minnesota Statutes Chapter 342.
2. The Conditional Use Permit may be issued prior to the applicant having received all necessary state permits and licenses, but the applicant shall submit proof of obtaining all state permits prior beginning cultivation operations.
3. Issuance of this CUP does not exempt the applicant from all standards outlined in state statute.
4. The operation/building must connect to city sewer and water and pay the required SAC/WAC fees in accordance with city codes.
5. Construction activities will require signed plans prepared by a qualified professional.

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 extension prior to its expiration. A conditional use permit authorizes only the use specified in the permit and shall expire if, for any reason, the authorized use ceases for more than six (6) months.

Criminal Penalty. Both the owner and any occupant of the Subject Property are responsible for compliance with the permit. Violation of the terms of the Permit is a criminal misdemeanor.

Recording. The Permit shall be recorded against the title to Subject Property.

Dated: March 18, 2024.

CITY OF ELK RIVER

By: _____
Mayor John J. Dietz

By: _____
City Clerk Tina Allard

STATE OF MINNESOTA)
) ss.
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by John J. Dietz and Tina Allard, respectively, the Mayor and City Clerk of the City of Elk River, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority granted by the City Council.

Notary Public

DRAFTED BY:
City of Elk River
13065 Orono Parkway NW
Elk River, MN 55330
Phone: 763-635-1032



Request for Action

To
City Council

Item Number
7.5

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Ordinance Amendment: Commercial Signage Along
Highway 169

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Open the public hearing, receive comments from the public, and continue the hearing to April 15, 2024.

Background/Discussion

The Planning Commission reviewed the proposed ordinance amendment during their February 27, 2024, regular meeting. The Commission had questions specific to the recommended heights and how the elevations along Highway 169 impact sign heights. They continued the discussion to March 26, 2024, and directed staff to return with additional information for their consideration.

Financial Impact

None

Mission/Policy/Goal

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
8.1

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Resolution: Hazardous Property Order

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Adopt, by motion, a resolution ordering repair or removal of hazardous conditions at 19176 Kent Street NW.

Background/Discussion

Code Enforcement has been working with the city attorney to address a few hazardous properties within the community. The subject property, 19176 Kent Street NW, has been reviewed by city staff and the city attorney and we have determined that the building on the property is hazardous to the city and must be repaired or removed. Staff have made numerous attempts to contact the property owner, but we have been unsuccessful.

The city attorney has prepared the attached memo outlining the findings and process, an order declaring the property as hazardous, and a resolution ordering the buildings repair or removal.

Financial Impact

The city will incur legal and repair/demolition costs, which can be assessed to the property.

Mission/Policy/Goal

Attachments

1. Memo from the City Attorney
2. Hazardous Property Order
3. Hazardous Property Resolution

The Elk River Vision

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



MEMORANDUM



CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

TO: ELK RIVER CITY COUNCIL
FROM: CAMPBELL KNUTSON, P.A.
DATE: MARCH 18, 2024
RE: HAZARDOUS BUILDING LOCATED AT 19176 KENT ST. NW, ELK RIVER, MN 55330

Introduction.

This matter is now before the City Council to determine whether to declare that the Subject Property contains hazardous conditions. The following documents have been submitted for Council review:

- 1) A Proposed Resolution Ordering Repair and Removal of Hazardous Conditions
- 2) Exhibit A: A report detailing the ownership of the Subject Property
- 3) Exhibit B: Recent photographs of the hazardous conditions at the Subject Property.
- 4) Exhibit C: Various notice and compliance orders that City staff have sent to the Property Owner

Summary of Violations at 19176 Kent St. NW.

The Subject Property consists of a single-family residential home. The structure has become extremely dilapidated due to poor maintenance and neglect. It has developed significant damage to the exterior components, including large holes in the roof and walls. This has compromised the integrity of the structure, and the roof may be vulnerable to failure. To our knowledge, it is not currently occupied.

Overview of Hazardous Building Declaration Process

Minnesota law permits the City Council to order the repair and abatement of hazardous conditions that exist within its city limits. Hazardous conditions include health, safety, and fire hazards that exist because of inadequate maintenance, dilapidation, physical damage, unsanitary conditions, or abandonment. Minn. Stat. § 463.15, subd. 3. A condition is a hazard if it affects public safety or health.

If the City Council determines that the Subject Property contains hazardous conditions, it may pass the Resolution and sign the attached Order. Subsequently, the Order for Repair and Removal of Hazardous Conditions will be served upon the owners and any lienholders of the property. This is through personal service like a lawsuit.

The owner/occupant will then have thirty (30) days to remedy the hazardous conditions. If they fail to comply within that time period, we will seek permission from District Court to allow the City to abate the hazardous conditions. The City can seek Court approval to assess the costs of the abatement against the property, payable either in a single lump sum or in not more than five yearly installments at eight percent interest.

The owner may also dispute the hazardous building order by filing an answer with the court. In this case, the matter will be set for trial. This is an expedited process, as hazardous building matters have priority. However, this may still be somewhat lengthy and would likely take at least six months to resolve. The City would still be entitled to assess its costs if it prevails after the contested hearing.

CITY OF ELK RIVER

Order of the City Council of Elk River,
Sherburne County, Minnesota concerning
Hazardous building on the property

Located at:
19176 Kent Street Northwest, Elk River, Minnesota

Legally described as:
Lot 8, Block 3, Belgin Acres, according to the map or plat thereof on file and of record in the
office of the County Recorder in and for Sherburne County, Minnesota

Parcel Identification Number (PIN):
75-00506-0380

To: Dean G. Thompson, Record Owner of Subject Property, 19176 Kent Street NW, Elk River, MN 55330; and Twin City Federal Savings and Loan Association, Mortgagee, 801 Marquette Avenue, Minneapolis, MN 55402.

Pursuant to Minnesota Statutes § 463.15, *et seq.*, the City Council of the City of Elk River, having duly considered the matter, found the above-described property to be hazardous for the reasons set forth herein.

Elk River City staff have observed the conditions present at 19176 Kent Street NW, Elk River, MN 55330 [hereinafter: Subject Property]. Their observations revealed that the Subject Property constitutes a hazardous property within the meaning of Minnesota Chapter 463. Specifically, the Subject Property has been inadequately maintained and contains excessive storage that constitutes a fire and safety hazard to public safety or health within the meaning of Minn. Stat. § 463.15, subd. 3. Specifically, the City Council finds that the following hazardous conditions exist at the Subject Property:

1. The Subject Property contains a residential structure that is inadequately maintained, dilapidated, and deteriorated in violation of Minnesota State Building Code § 1300.0180. The Subject Property is no longer weather resistant and is open to the elements in violation of Property Maintenance Code § 304.2. These structural

elements display visual damage, deterioration, and warping of the roof and roof framing in violation of Property Maintenance Code § 304.1.1. There are large holes in the walls and roof of the structure that constitute violations of Elk River City Code 46-35(a). This deteriorated condition leaves the structural members unable to sustain the design loads required, and there have been heavy loads of snow on top of the compromised roof. These are hazardous conditions threatening the structural integrity of the structure.

2. The inadequate maintenance of the Subject Property has allowed for damage to the structure of the building, allowing for the infiltration of water into the building that create damp and unsanitary conditions. There is visible water damage to the exterior of the Subject Property. The unoccupied building has not been secured, in violation of Minnesota State Fire Code § 311.1. These are substantial public safety concerns and indicate that the Subject Property is a hazardous building within the meaning of Minn. Stat. § 463.15, subd. 3.
3. The Subject Property constitutes a threat to the health and safety of the public due to the risk of fire. The dilapidated, damaged, and deteriorated structure renders the building structurally unsound. The structural instability of the Subject Property and its roof renders the Subject Property unsafe for firefighting crews. If the Subject Property caught fire, the Elk River Fire Department would be forced to allow it to burn and instead focus their efforts on the surrounding properties only. This is a substantial public safety concern and indicates that the Subject Property is hazardous within the meaning of Minn. Stat. § 463.15, subd. 3.

Pursuant to the foregoing, in accordance with Minn. Stat. § 463.17, unless the hazardous conditions listed above are removed **within thirty (30) days** of the date of this Order, the City shall cause the hazardous conditions on the Subject Property to be removed. The removal of the above-reference hazardous conditions may include, if reasonably necessary, the demolition of the hazardous structure on the Subject Property.

If you fail to remedy the hazardous conditions, the City will seek permission from the District Court for the City to do so. The City will move the District Court for summary enforcement of this Order pursuant to Minn. Stat. § 463.19 unless you remedy the situation within said thirty (30) day period or unless an answer is filed within twenty (20) days of service of this Order upon you pursuant to Minn. Stat. § 463.18. Any answer filed must specifically deny sufficient facts presented in this Order to raise a material question as to the presence or absence of hazardous

conditions. Upon enforcement of the Order by the City, all costs expended by the City will be assessed against the real property and collected as other taxes as provided in Minn. Stat. § 463.21.

If you fail to remedy the hazardous conditions, you must remove all personal property or fixtures **within thirty (30) days of service** of this Order upon you pursuant to Minn. Stat. § 463.24. If the personal property or fixtures are not removed within that by time, then the City may sell the personal property or fixtures at public auction as provided in Minn. Stat. § 463.21 or the City may destroy the same.

Moreover, you are advised that if the City of Elk River is compelled to take any action to abate these hazardous conditions, all necessary costs expended by the City will be assessed against the real estate and collected as other taxes as provided in Minn. Stat. § 463.21.

CITY OF ELK RIVER

BY: _____

John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

CITY OF ELK RIVER

RESOLUTION NO. ____

A RESOLUTION ORDERING REPAIR OR REMOVAL OF HAZARDOUS CONDITIONS

WHEREAS, the City staff of the City of Elk River have attempted without success to have the occupant of certain property remedy the hazardous and unsafe conditions of the property at 19176 Kent Street Northwest, City of Elk River, County of Sherburne, State of Minnesota, with a legal description of:

Lot 8, Block 3, Belgin Acres, according to the map or plat thereof on file and of record in the office of the County Recorder in and for Sherburne County, Minnesota

and a Parcel Identification Number (PIN) of: 75-00506-0380 (“Subject Property”); and

WHEREAS, the City Council has determined that the structure on the property is a hazardous building due to inadequate maintenance that constitutes a fire and safety hazard to public safety or health within the meaning of Minn. Stat. § 463.15, subd. 3.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK RIVER, MINNESOTA:

1. The City has fully considered all evidence relating to the code violations at the Subject Property. Said evidence is attached hereto as exhibits. The exhibits include the following documents:
 - a. **Exhibit A:** Ownership and Encumbrance report for Subject Property.
 - b. **Exhibit B:** Photographs of the Subject Property taken by City staff.
 - c. **Exhibit C:** Notice and Compliance Orders.
2. After fully considering all of the reports, photographs, documents, and other evidence pertaining to the code violations at the Subject Property, the City Council of Elk River finds:
 - a. Dean G. Thompson owns the Subject Property. The Subject Property contains a single-family residential structure without any current occupants. Twin City Federal Savings and Loan Association, a United States of America corporation, holds a recorded interest in Subject Property from a mortgage instrument Document No. 178088, dated October 6, 1983, filed October 14, 1983. There are currently no other lienholders of record of the Subject Property.

- b. The Subject Property, which is located in Elk River, Sherburne County, constitutes a health and safety hazard within the meaning of Minnesota Chapter 463. Specifically, the Subject Property has been inadequately maintained and contains conditions and dilapidation that constitute a fire hazard and a hazard to public safety or health. Minn. Stat. § 463.15, subd. 3.
 - c. The Subject Property contains a residential structure that is inadequately maintained, dilapidated, and deteriorated in violation of Minnesota State Building Code § 1300.0180. The Subject Property is no longer weather resistant and is open to the elements in violation of Property Maintenance Code § 304.2. These structural elements display visual damage, deterioration, and warping of the roof and roof framing in violation of Property Maintenance Code § 304.1.1. There are large holes in the walls and roof of the structure that constitute violations of Elk River City Code 46-35(a). This deteriorated condition leaves the structural members unable to sustain the design loads required, and there have been heavy loads of snow on top of the compromised roof. These are hazardous conditions threatening the structural integrity of the structure.
 - d. The inadequate maintenance of the Subject Property has allowed for damage to the structure of the building, allowing for the infiltration of water into the building that create damp and unsanitary conditions. There is visible water damage to the exterior of the Subject Property. The unoccupied building has not been secured, in violation of Minnesota State Fire Code § 311.1. These are substantial public safety concerns and indicate that the Subject Property is a hazardous building within the meaning of Minn. Stat. § 463.15, subd. 3.
 - e. The Subject Property constitutes a threat to the health and safety of the public due to the risk of fire. The dilapidated, damaged, and deteriorated structure renders the building structurally unsound. The structural instability of the Subject Property and its roof renders the Subject Property unsafe for firefighting crews. If the Subject Property caught fire, the Elk River Fire Department would be forced to allow it to burn and instead focus their efforts on the surrounding properties only. This is a substantial public safety concern and indicates that the Subject Property is hazardous within the meaning of Minn. Stat. § 463.15, subd. 3.
- 3. Pursuant to Minnesota Statutes § 463.16 *et seq.*, the City hereby adopts and approves the Order for Repair and Removal of Hazardous Conditions attached hereto as **Exhibit D**.
 - 4. The City's legal counsel, Campbell Knutson, P.A., 860 Blue Gentian Road, Suite 290, Eagan, Minnesota 55121, is directed to serve the Order for Repair and Removal of Hazardous Conditions and to proceed with enforcement in accordance with Minn. Stat. § 463.15 *et seq.*

ADOPTED this ____ day of _____, 2024, by the City Council of the City of Elk River, Minnesota.

CITY OF ELK RIVER

BY: _____
John J. Dietz, Mayor

ATTEST:

Tina Allard, City Clerk

STATE OF MINNESOTA)
)ss.
COUNTY OF SHERBURNE)

The undersigned, being the duly qualified and appointed City Clerk of the City of Elk River, Minnesota, certifies that I compared the foregoing resolution adopted at a meeting of the Elk River City Council on _____, 2024, with the original thereof on file in my office, and the same is a correct transcription thereof.

WITNESS my hand officially as such City Clerk and the Corporate seal of the City this _____ day of _____, 2024.

Tina Allard, City Clerk

EXHIBIT A

Land Title, Inc.
2200 County Road C West
Suite 2205
Roseville, MN 55113
651.638.1900



Invoice

Date: 09/20/2023
Number: 100370

Campbell Knutson
860 Blue Gentian Road Suite 290
Eagan, MN 55121

File Number	Transactee	Client's File #	Class/Description	Memo	Amount
684412	Thompson, Dean		Property Report	19176 Kent Street Northwest, Elk River, MN 55330	\$75.00
Total					\$75.00
Total Due					\$75.00

When you provide a check as payment, you authorize us to use information from the check to make a one-time electronic fund transfer from your account. In certain circumstances, such as for technical or processing reasons, we may process your payment as a check transaction.

Due Upon Receipt

LT File Number: 684412
Report prepared on: September 20, 2023



Prepared for:
Campbell Knutson
860 Blue Gentian Road Suite 290
Eagan, MN 55121
Attn: Miya E. Watson
Client File No.:

PROPERTY REPORT

Applicant: Dean G. Thompson
Property Address: 19176 Kent Street Northwest, Elk River, MN 55330
County: Sherburne **State:** Minnesota
Property Type: Abstract Property

LEGAL DESCRIPTION:

Lot 8, Block 3, Belgin Acres, Sherburne County, Minnesota.

APPARENT RECORD OWNER:

Dean G. Thompson

WARRANTY DEED: David J. Shepard and Sandra L. Shepard, husband and wife to Dean G. Thompson, a single person and Diann F. Reed, a single person ; DOCUMENT NO.: 217995; DATED: April 28, 1988; FILED: May 5, 1988.

QUIT CLAIM DEED: Diann Faye Reed, single to Dean G. Thompson ; DOCUMENT NO.: 250843; DATED: June 4, 1991; FILED: June 5, 1991.

OPEN MORTGAGES AND LIENS:

1. MORTGAGE: Gary W. Charboneau, single, to Twin City Federal Savings and Loan Association, a United States of America corporation; Document No.: 178088; Dated: October 6, 1983; Filed: October 14, 1983; Amount: \$58,050.00.

TAX INFORMATION:

Tax I.D. No.: 75-506-0380
Taxes for the year 2023: \$2,410.00, Total, are 1st 1/2 Due, 2nd 1/2 Due
Delinquent Tax: None
Base Tax: \$2,410.00 (Homestead)
Estimated Market Value: \$192,900.00
Assessed in the name of: Dean G. Thompson

NAME SEARCHES:

There are no unsatisfied judgments and notices of Federal or State Tax Liens docketed in Sherburne County District Court, and the Sherburne County Recorder's office appearing against the following names (through the date interest was conveyed out):

Dean Thompson

Except as follows: None

POSTED EFFECTIVE DATE: September 15, 2023

This Property Report is not a title examination, title opinion, title insurance commitment or title insurance policy. This report is furnished for the use and benefit of the requesting party. The liability of the reporting company caused by inaccuracies contained herein is limited to the amount paid for in said report.

Land Title, Inc. • 2200 West County Road C, Suite 2205, Roseville, MN 55113 • phone (651) 638-1900 • fax (651) 697-6185 • landtitleinc.com

No delinquent taxes and transfer entered; Certificate
of Real Estate Value () filed () not required
Certificate of Real Estate Value No. 18959
May 4, 1988

Edgar Palmer
County Auditor
by Lila M Spencer
Deputy

STATE DEED TAX DUE HEREON: \$ 242.55

Date: April 28th, 19 88

217995
COUNTY RECORDER
SHERBURNE CO., MINN.
PAT BASHUSSON
BY [Signature] DEPUTY

MAY 5 2 35 PM '88

(reserved for recording data)

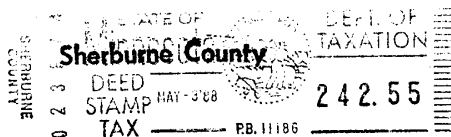
FOR VALUABLE CONSIDERATION, David J. Shepherd and Sandra L. Shepherd,
husband and wife (marital status), Grantor (s),

hereby convey (s) and warrant (s) to Dean G. Thompson, a single person and
Diann F. Reed, a single person, Grantees as joint
tenants, real property in Sherburne County, Minnesota, described as follows:

Lot 8, Block 3, Belgin Acres,
according to the map or plat thereof on file and of record in the
office of the County Recorder in and for Sherburne County, Minnesota.

(if more space is needed, continue on back)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
Subject to easements, reservations and restrictions of record, if any.



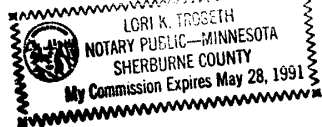
[Signature]
David J. Shepherd

[Signature]
Sandra L. Shepherd

STATE OF MINNESOTA }
COUNTY OF Sherburne } ss.

The foregoing instrument was acknowledged before me this 28th day of April, 19 88
by David J. Shepherd and Sandra L. Shepherd,
husband and wife, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):
Registered Closers for
Century 21 White Dove Realty, Inc.
21370 John Milless Drive, Box 182
Rogers, MN 55374
612-428-2288

[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should
be sent to (Include name and address of Grantee):

GMAC Mortgage Corporation
P.O. Box 780
Waterloo, Iowa 50704
Loan #343466

AND

Dean G. Thompson & Diann F. Reed
19176 Kent St.
Elk River, MN 55330

Tax ID#115-498-030080

250843

PID#

75-506-0380

No delinquent taxes and transfer entered; Certificate
of Real Estate Value () filed () not required
Certificate of Real Estate Value No. _____

June 5, 19 91

E. Dan Palmer

County Auditor

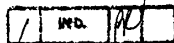
by

Lee W. Spencer

Deputy

25443/4/41
250843
JUN 5 11 11 AM '91

JUN 5 11 11 AM '91



STATE DEED TAX DUE HEREON: \$ 1.65

Date: June 4, 19 91

(reserved for recording data)

FOR VALUABLE CONSIDERATION, Diana Faye Reed, single, Grantor(s),

(marital status)

hereby convey (s) and quitclaim (s) to Dean Gerald Thompson, Grantee(s),

real property in Sherburne County, Minnesota, described as follows:

Lot 8, Block 3 Belgin Acres according to the plat on file
and of record in the office of the County Recorder in and
for Sherburne County, Minnesota.

THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS LESS THAN \$500.00.

(if more space is needed, continue on back)
belonging thereto.

Sherburne County

Diana Faye Reed
Diana Faye Reed

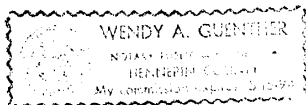
STATE OF MINNESOTA

COUNTY OF Hennepin

ss.

The foregoing instrument was acknowledged before me this 4th day of June, 19 91,
by Diana Faye Reed, single, Grantor(s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



Wendy A. Guenther
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

Tax Statements for the real property described in this instrument should
be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Robert J. Everhart
LARSON, WILKENS & GRANT
520 Jefferson Highway
Champlin, MN 55316
(612) 427-4520
Attorney I.D. No. 180671

Dean G. Thompson
19176 Kent St NW
Elk River, MN 55330

c-673

178088

45221 / 8215

This form is used in connection with mortgage deeds insured under the one-to four-family provisions of the National Housing Act.

MORTGAGE DEED
STATE OF MINNESOTA

THIS INDENTURE, made this 6th day of October, 19 83 ,
between Gary W. Charboneau, single
of Sherburne County, Minnesota, Mortgagor,
and TWIN CITY FEDERAL SAVINGS AND LOAN ASSOCIATION,

a corporation organized and existing under the laws of the United States of America
Mortgagee,

WITNESSETH: That the Mortgagor, in consideration of the sum of Fifty-eight Thousand Fifty and no/100ths
-----Dollars (\$ 58,050.00-----), to him in hand paid by the Mortgagee,
the receipt whereof is acknowledged, does hereby grant, bargain, sell and convey unto the Mortgagee, its successors and assigns,
forever, all th at tract(s), piece(s) or parcel(s) of land situate, lying and being in the county of Sherburne
and State of Minnesota, described as follows, to wit:

Lot 8, Block 3, Belgin Acres, according to the plat thereof on file and of record in
the office of the County Recorder in and for Sherburne County, Minnesota.

TO HAVE AND TO HOLD THE SAME, together with the hereditaments and appurtenances thereunto belonging or in
anywise appertaining, including all gas fixtures, electric lighting fixtures, oil burning or other heating and plumbing, apparatus,
all storm windows, storm doors, and vestibules, and all screen doors and window screens, cooling and refrigerating apparatus
and systems, and fixtures of every nature and kind whatsoever thereunto appertaining, unto the said Mortgagee, its successors
and assigns, forever.

And the Mortgagor hereby covenants as follows: First, that he is lawfully seized of said premises in fee simple absolute;
Second, that he has good right to convey the same in manner and form aforesaid; Third, that the same are free from all liens or
encumbrances, whatsoever; Fourth, that the Mortgagee, its successors and assigns, shall quietly enjoy and possess the same, and
that he will warrant and defend the title to the same against all lawful claims.

PROVIDED, NEVERTHELESS, That if the Mortgagor shall well and truly pay to the Mortgagee the principal sum of
Fifty-eight Thousand Fifty and no/100ths----- Dollars (\$ 58,050.00-----),

according to the terms and tenor of a certain promissory note of even date herewith, the provisions of which are incorporated
herein by reference, with interest as stated therein until paid, principal and interest being payable at the office of
TWIN CITY FEDERAL SAVINGS AND LOAN ASSOCIATION in Minneapolis, Minnesota 55402
801 Marquette Avenue
or at such other place as the holder of the note may designate in writing, in monthly installments of Six Hundred Forty-
two and 15/100ths----- Dollars (\$ 642.15-----),
commencing on the first day of December, 19 83 , and on the
first day of each month thereafter until the principal and interest are fully paid, except that the final payment of principal
and interest, if not sooner paid, shall be due and payable on the first day of November, 2013

and provided, that if the Mortgagor shall fully perform all conditions and covenants of this mortgage, then this indenture is
to be null and void and shall be released of record at the expense of the Mortgagor, otherwise to remain in full force and
effect.

The Mortgagor further covenants as follows:

1. That he will promptly pay the principal of and interest on the indebtedness evidenced by the said note, at the times
and in the manner therein provided. Privilege is reserved to pay the debt in whole, or in an amount equal to one or more
monthly payments on the principal that are next due on the note, on the first day of any month prior to maturity; provided,
however, that written notice of an intention to exercise such privilege is given at least thirty (30) days prior to prepayment.

2. That, in order more fully to protect the security of this mortgage, he will pay to the Mortgagee, together with, and in addition to, the monthly payments under the terms of the note secured hereby, on the first day of each month until the said note is fully paid, the following sums:

- (a) An amount sufficient to provide the holder hereof with funds to pay the next mortgage insurance premium if this instrument and the note secured hereby are insured, or a monthly charge (in lieu of a mortgage insurance premium) if they are held by the Secretary of Housing and Urban Development, as follows:
 - (I) If and so long as said note of even date and this instrument are insured or are reinsured under the provisions of the National Housing Act, an amount sufficient to accumulate in the hands of the holder one (1) month prior to its due date the annual mortgage insurance premium, in order to provide such holder with funds to pay such premium to the Secretary of Housing and Urban Development pursuant to the National Housing Act, as amended, and applicable Regulations thereunder; or
 - (II) If and so long as said note of even date and this instrument are held by the Secretary of Housing and Urban Development, a monthly charge (in lieu of a mortgage insurance premium) which shall be in an amount equal to one-twelfth (1/12) of one-half (1/2) per centum of the average outstanding balance due on the note computed without taking into account delinquencies or prepayments;
- (b) A sum equal to the ground rents, if any, next due, plus the premiums that will next become due and payable on policies of fire and other hazard insurance covering the mortgaged property, plus taxes and assessments next due on the mortgaged property (all as estimated by the Mortgagee) less all sums already paid therefor divided by the number of months to elapse before one month prior to the date when such ground rents, premiums, taxes and assessments will become delinquent, such sums to be held by Mortgagee in trust to pay said ground rents, premiums, taxes and special assessments; and
- (c) All payments mentioned in the two preceding subsections of this paragraph and all payments to be made under the note secured hereby shall be added together and the aggregate amount thereof shall be paid by the Mortgagor each month in a single payment to be applied by the Mortgagee to the following items in the order set forth:
 - (I) premium charges under the contract of insurance with the Secretary of Housing and Urban Development, or the monthly charge (in lieu of mortgage insurance premium), as the case may be;
 - (II) ground rents, taxes, special assessments, fire and other hazard insurance premiums;
 - (III) interest on the note secured hereby; and
 - (IV) amortization of the principal of said note.

Any deficiency in the amount of such aggregate monthly payment shall, unless made good by the Mortgagor prior to the due date of the next such payment, constitute an event of default under this mortgage. The holder of the note may collect a "Late Charge" not to exceed four cents (4¢) for each dollar (\$1.00) of each payment more than fifteen (15) days in arrears to cover the extra expense involved in handling delinquent payments.

Be

3. That if the total of the payments made by the Mortgagor under (b) of paragraph 2 preceding shall exceed the amount of payments actually made by the Mortgagee for ground rents, taxes or assessments or insurance premiums, as the case may be, such excess, if the loan is current, at the option of the Mortgagor, shall be credited on subsequent payments to be made by the Mortgagor, or refunded to the Mortgagor. If, however, the monthly payments made by the Mortgagor under (b) of paragraph 2 preceding shall not be sufficient to pay ground rents, taxes and assessments, and insurance premiums, as the case may be, when the same shall become due and payable, then the Mortgagor shall pay to the Mortgagee any amount necessary to make up the deficiency on or before the date when payment of such ground rents, taxes, assessments, or insurance premiums shall be due. If at any time the Mortgagor shall tender to the Mortgagee, in accordance with the provisions of the note secured hereby, full payment of the entire indebtedness represented thereby, the Mortgagee shall, in computing the amount of such indebtedness, credit to the account of the Mortgagor all payments made under the provisions of (a) of paragraph 2 hereof which the Mortgagee has not become obligated to pay to the Secretary of Housing and Urban Development, and any balance remaining in the funds accumulated under the provisions of (b) of paragraph 2 hereof. If there shall be a default under any of the provisions of this mortgage resulting in a public sale of the premises covered hereby, or if the Mortgagee acquires the property otherwise after default, the Mortgagee shall apply, at the time of the commencement of such proceedings or at the time the property is otherwise acquired, the balance then remaining in the funds accumulated under (b) of paragraph 2 preceding as a credit against the amount of principal then remaining unpaid under said note, and shall properly adjust any payments which shall have been made under (a) of said paragraph.

4. That he will pay all taxes, assessments, water rates and other governmental or municipal charges, fines or impositions, for which provision has not been made hereinbefore, and in default thereof the Mortgagee may pay the same; and that he will promptly deliver the official receipts therefor to the said Mortgagee.

5. That he will take reasonable care of the mortgaged premises, and the buildings thereon, and will maintain the same in as good repair and condition as at the original date of this mortgage, ordinary depreciation excepted; and that he will commit or permit no waste, and do no act which would unduly impair or depreciate the value of the property or security.

6. That he will keep the improvements now existing or hereafter erected on the mortgaged property, insured as may be required from time to time by the Mortgagee against loss by fire and other hazards, casualties and contingencies in such amounts and for such periods as may be required by the Mortgagee and will pay promptly, when due, any premiums on such insurance provision for payment of which has not been made hereinbefore. All insurance shall be carried in companies approved by the Mortgagee and the policies and renewals thereof shall be held by the Mortgagee and have attached thereto loss payable clauses in favor of and in form acceptable to the Mortgagee. In event of loss, Mortgagor will give immediate notice by mail to the Mortgagee, who may make proof of loss if not made promptly by Mortgagor, and each insurance company concerned is hereby authorized and directed to make payment for such loss directly to the Mortgagee instead of to the Mortgagor and the Mortgagee jointly, and the insurance proceeds, or any part thereof, may be applied by the Mortgagee at its option either to the reduction of the indebtedness hereby secured or to the restoration or repair of the property damaged. In event of foreclosure of this mortgage or other transfer of title to the mortgaged property in extinguishment of the indebtedness secured hereby, all right, title and interest of the Mortgagor in and to any insurance policies then in force shall pass to the purchaser or grantee.

7. That upon his failure to keep the premises in good repair or to pay any sums herein provided to be paid, then the Mortgagee, at its option, may make such repairs or pay such sums, and all sums so paid shall bear interest at the rate set forth in the note secured hereby, shall be payable on demand and shall be fully secured by this instrument.

8. That if the premises, or any part thereof, be condemned under any power of eminent domain, or acquired for a public use, the damages, proceeds, and the consideration for such acquisition, to the extent of the full amount of indebtedness upon this mortgage, and the note secured hereby remaining unpaid, are hereby assigned by the mortgagor to the mortgagee and shall be paid forthwith to the mortgagee to be applied by it on account of the indebtedness secured hereby, whether due or not.

9. That he further agrees that should this mortgage and the note secured hereby not be eligible for insurance under the National Housing Act within 60 Days from the date hereof (written statement of any officer of the Department of Housing and Urban Development or authorized agent of the Secretary of Housing and Urban Development dated subsequent to the 60 Days time from the date of this mortgage, declining to insure said note and this mortgage, being deemed conclusive proof of such ineligibility), the Mortgagee or the holder of the note may, at its option, declare all sums secured hereby immediately due and payable.

10. That if there is a default in any of the terms of this mortgage, or of the note secured hereby, all the rents, issues and profits of the mortgaged premises may thereafter be collected by the Mortgagee and such right shall exist before and after foreclosure and during the period of redemption.

NOW, THEREFORE, if there be any default in this mortgage, or in the note secured hereby, the Mortgagee may, at its option, declare all sums then owing by the Mortgagor immediately due and payable without notice; and the Mortgagor hereby authorizes and empowers the Mortgagee to sell the mortgaged premises at public auction and convey the same to the purchaser in fee simple in accordance with the statutes of Minnesota, and out of the moneys arising from such sale, retain all sums secured hereby, together with all legal costs and charges for such sale, and the maximum attorney's fees permitted by law, and to pay the balance, if any, to the Mortgagor; or the Mortgagee may enforce payment of such sums as is declared due by foreclosure of this mortgage through usual judicial proceedings.

The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective heirs, executors, administrators, successors and assigns of the parties hereto. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN TESTIMONY WHEREOF, the Mortgagor(s) has hereunto set his hand(s) and seal(s) the day and year first above written.

Gary W. Charboneau [SEAL]
Gary W. Charboneau [SEAL]

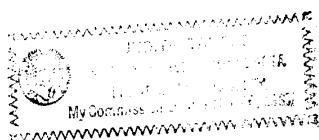
Signed, sealed and delivered in presence of:

_____[SEAL]
_____[SEAL]

STATE OF MINNESOTA,)
) ss:
COUNTY OF Hennepin)

On this 6th day of October, 19 83, before me personally appeared Gary W. Charboneau, single

to me known to be the person(s) described in, and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



Notary Public,
My commission expires _____ County, Minnesota

STATE OF MINNESOTA)
COUNTY OF) ss:

I hereby certify that the within Mortgage Deed was filed in this office for record on the _____ day of _____ A.D. 19 _____, at _____ o'clock M., and was duly recorded in book _____ of Mortgages, page _____

Register of Deeds

By _____ Deputy

THIS INSTRUMENT WAS DRAFTED BY
TITLE INSURANCE COMPANY OF MINNESOTA
5501 BROOKLYN BLVD. SUITE 110
BROOKLYN CENTER, MN 55429

Charboneau
TCF-mpl

45221

178088

COUNTY RECORDER
SHELDON CO., MINN.
TEL. 518-5501
BY *L. E. Anderson* DEPUTY
OCT 14 10 50 AM '83

REC. D/A	8	IND.	67	69571
----------	---	------	----	-------

NO. 14835 DATE October 13, 1983

MTG. REGISTRY TAX OF \$ 87¹³ Paid

David L. Fickner
COUNTY TREASURER
Deputy

[Signature]
COUNTY AUDITOR
Vermona T. Miller Deputy

EXHIBIT B



3.18.2024 11:32



11.22.2023 13:16



3.18.2024 11:32



3.18.2024 11:32



3.18.2024 11:32



3.18.2024 11:35



3.18.2024 11:31



3.18.2024 11:31



3.18.2024 11:32



3.18.2024 11:35



3.18.2024 11:35



11.22.2023 13:17

EXHIBIT C



July 03, 2019

CE Case No: 19-000026

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

Re: Possible City Code Violations at 19176 KENT ST

Dear Property Owner(s):

The City of Elk River strives to maintain a clean community that provides a quality environment for residents and visitors. We need everyone's help to achieve this objective citywide but occasionally we need to send out reminders.

We are contacting you regarding possible city ordinance violation(s) on your property at 19176 KENT ST. The city conducted a preliminary inspection of your property on 07/03/2019, and possible violations were identified.

Please refer to the attached documentation to review the possible violations and corrective action(s) necessary to bring your property into compliance. You may contact me at 763.635.1035 or zcarlton@elkrivernm.gov for additional information/clarification, or if you believe this notice was sent in error.

All violations are to be corrected by the date outlined in the attached notice. If you are unable to complete the required correction by the date provided, you will need to submit a written request to justify the granting of an extension prior to the original correction date. If the code violations have since been corrected, please contact me to schedule a re-inspection.

We appreciate your cooperation and compliance in this matter.

Sincerely,

Zack Carlton
Planning Manager

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Clean and Uncluttered Landscape**



Type: Land Use

Date Inspected: 07/03/2019

Latest Inspection:

Correct/Address by: 07/17/2019

Ordinance: 30-934 (a) (2)

Full Description: (a) General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.

Short Description: **Long Grass**

Type: Public Nuisance

Date Inspected: 07/03/2019

Latest Inspection:

Correct/Address by: 07/17/2019

Ordinance: 46-32 (7)

Full Description: (a) The following are declared to be nuisances affecting public health (7) All noxious weeds and other rank growths of vegetation upon public or private property.

Frequently Asked Questions

What is code enforcement?

The Elk River City Council has established goals and expectations for the general health, safety, welfare, and aesthetic standard of the community.

These expectations are adopted as law in the city Code of Ordinances. The Code Enforcement Division provides enforcement services for nuisance violations of the City Code of Ordinances that impact the safety and quality of life of the community. While code enforcement primarily maintains quality of life standards, it also plays an important role in the early identification and mitigation of unsafe entry points, exterior hazards, public health hazards, and compliance with humane pet standards.

How is the complaint process initiated?

The code enforcement process is typically initiated in several ways: 1) in response to a complaint by an individual, 2) as a consequence of an action (i.e., an application for a building permit or a request for a zoning variance); or 3) observation of a code violation by the code enforcement division or other city public safety staff.

Minnesota state law prohibits the release of the identity of individuals who make a complaint. Minn. Stat. 13.44 states: *The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.*

Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties, including criminal prosecution, are possible. Your immediate attention is required. **DO NOT IGNORE THIS ORDER**

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.

Appeals

You have the right to appeal this determination. The process is outlined in the city's Code of Ordinances, a summary of which is provided below. Applications, forms and the city's adopted fee schedule can be found online at www.elkriverMN.gov and are also available at city hall (13065 Orono Parkway NW).

Sec. 30-633 - Appeals, adjustments and variances generally

(a) The board of adjustments has the following powers with respect to this article:

- (1) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the land development staff in the enforcement of this article.
- (2) Hear requests for variances from the literal provisions of this article.

(b) The board shall provide for a record of its proceedings which shall include minutes of meetings, findings, and the action taken on an appeal or variance, including its final order and any conditions established in connection therewith.

Sec. 30-634. - Appeals.

(a) An appeal as specified in section 30-633 may be made by any person (appellant), including a city officer or employee, affected by an action of the land development staff. An appeal may be made only following the transmission of a written notice of appeal upon a form provided by the city which specifies the subject and grounds therefor. Such notice must be received by the director of planning within 60 days following the issuance of the order, requirement, decision or determination which is the subject of the appeal.

(b) The board, on appeal, may reverse, affirm or modify any order, requirement, decision, or determination from which an appeal has been taken, provided that any decision shall be consistent with this article. All final decisions of the board regarding appeals or variances shall be by written order. In making orders the board shall have the powers of the administrative official from whom the appeal is taken.

Sec. 30-636. - Hearings.

On receipt of a request for a variance or notice of appeal, the board of adjustments shall set a date for a hearing thereon, which shall occur not later than 30 days following the city's receipt of the request or notice. Not less than ten days before the date of the hearing, notice of the hearing shall be mailed to the petitioner or appellant, be published in the official newspaper, and be mailed to each owner of property situated wholly or partly within 350 feet of the property to which the variance or appeal relates. Failure of a property owner to receive notice shall not invalidate the hearing or proceeding.

Sec. 30-637. - Decisions.

Within 30 days after the hearing, the board of adjustments shall make a decision on the matter, which shall be transmitted to the appellant or petitioner by mail. The board shall act to approve, deny or approve with conditions the appeal or request for a variance. Decisions of the board to approve or approve with conditions an appeal or request for a variance shall be final unless appealed to the city council, and shall be effective on the 11th day following the decision by the board unless an appeal to the city council is filed. Decisions of the board to deny an appeal or a variance shall not be final and shall be reviewed by the city council in the same manner as an appeal of a decision by the board.

Sec. 30-638. - Appeals from decisions of board

(a) Any person aggrieved by a decision of the board of adjustments on an appeal or a variance, including any city official or employee, may appeal that decision to the city council. Appeals must be in writing and filed with the city planning department within ten calendar days of the board's decision.

(b) The city council shall hear appeals from decisions of the board within 30 days of the filing of the appeal, unless that period is extended with the consent of the person who appealed to the city council and the

person who applied to the board, and both of whom shall receive written notice of the date and time when the city council will hear the appeal. The city council may reverse, affirm or modify, wholly or partly, the decision of the board, and shall have all the powers of the board in acting on appeals.

Nuisances and Abatement by the City

Chapter 46 of the Elk River Code of Ordinances addresses nuisances. If the attached notice contains violations pertaining to Chapter 46, notice is hereby given that the city may, at its discretion, abate the nuisance as outline in Sec. 46-38:

(a) Upon discovering a public nuisance under the provisions of this article the city administrator or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of the county. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city administrator or designee and stated in the notice. Such time shall not be less than 14 days. Such notice shall also advise the property owner of the right to request a hearing before the city administrator or designee to contest the contents of the notice.

(b) If requested by the person upon whom the notice is served under subsection (a) of this section, a hearing before the city administrator or designee shall be held at which the person may contest the contents of the notice. The request for such a hearing must be made within five days after receipt of the notice provided for in subsection (a) of this section. After such hearing the city administrator or designee may affirm the notice, modify the notice or quash the notice.

(c) If the property owner does not abate the nuisance as required by the notice provided for in subsection (a) of this section and has not requested a hearing before the city administrator or designee under subsection (b) of this section, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.

(d) If the property owner requests a hearing before the city administrator or designee under subsection (b) of this section, no abatement actions shall be taken until the hearing is held. If after the hearing the city administrator or designee affirms or modifies the notice and the nuisance is not abated as provided in the notice as affirmed or modified, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.

(e) Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located.

Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



May 27, 2020

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

Dear DEAN G THOMPSON:

Elk River residents take great pride in our neighborhoods and community. Your city council has adopted a standard reflecting that pride and in turn promotes healthy, safe, and high quality neighborhoods.

As part of our Community Enhancement Program, city staff members strive to work cooperatively with residents and business owners to gain voluntary compliance of the city's property and safety maintenance standards. One way this is accomplished is by simply driving through the city observing properties to ensure expectations are being met. On 05/27/2020, we observed the following potential violation(s) on your property at 19176 KENT ST NW:

Violation: Long Grass

Violation Description: 46-32 (7), (a) The following are declared to be nuisances affecting public health: (7) All noxious weeds and other rank growths of vegetation upon public or private property.

Follow-up Date: 06/10/2020

Notes: Grass and weeds of "rank growth" (vigorous and profuse) are not permitted. As a rule of thumb, grass cannot exceed eight inches in height.

We understand that the concern stated above may have been a unique situation, which has been addressed prior to receipt of this letter. If that is the case, please disregard this notice and familiarize yourself with the brochure which outlines some of the common ordinance violations routinely observed in Elk River.

I will visit your neighborhood again in the next few days to look for progress. We understand life happens, so we'd be grateful if you could address these concerns by the dates above.

If you believe this notice was sent in error or if you have other questions or concerns, I can be reached at 763.635.1067 or via email at ttrebesch@elkrivernm.gov. We appreciate your cooperation and dedication to promoting and maintaining the best possible Elk River.

Sincerely,

Tim Trebesch, Code Enforcement Official



June 10, 2020

CE Case No: 20-001172

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

**NOTICE OF VIOLATION
and
ORDER TO CORRECT**

Inspected on: June 10, 2020

This is to notify you that the City of Elk River conducted an inspection on the aforementioned premises on the above date. The attached report shows areas that do not comply with the applicable local, state, and/or federal law(s).

ORDER TO COMPLY: Since these conditions are contrary to law and pose a threat to the health, safety, and general welfare of the public and occupants, you are required to correct them upon receipt of this notice within the time, or by the date, specified on the attached page(s).

If a re-inspection discloses that the violations have not been corrected, and a written extension has NOT been requested or granted, you may be subject to further administrative and/or criminal penalties as provided for by law.

Once you have corrected the outstanding violation(s), please contact us to schedule a re-inspection.

If you do not understand this Notice, need assistance, or desire further information, please call Elk River City Hall at 763.635.1000.

Tim Trebesch
763.635.1067
ttrebesch@elkrivernm.gov
Code Enforcement Official

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Long Grass - Mow and maintain lawn**



Type: Public Nuisance

Date Inspected: 05/27/2020



Latest Inspection: 06/10/2020

Correct/Address by: 06/17/2020

Ordinance: 46-32 (7)

Full Description: (a) The following are declared to be nuisances affecting public health: (7) All noxious weeds and other rank growths of vegetation upon public or private property.

Frequently Asked Questions

What is code enforcement?

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How is the complaint process initiated?

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Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties, including criminal prosecution, are possible. Your immediate attention is required. **DO NOT IGNORE THIS ORDER**

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.

Appeals

You have the right to appeal this determination. The process is outlined in the city's Code of Ordinances, a summary of which is provided below. Applications, forms and the city's adopted fee schedule can be found online at www.elkriverMN.gov and are also available at city hall (13065 Orono Parkway NW).

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Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



August 12, 2020

CE Case No: 20-001172

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

**NOTICE OF VIOLATION
and
ORDER TO CORRECT**

Inspected on: August 12, 2020

This is to notify you that the City of Elk River conducted an inspection on the aforementioned premises on the above date. The attached report shows areas that do not comply with the applicable local, state, and/or federal law(s).

ORDER TO COMPLY: Since these conditions are contrary to law and pose a threat to the health, safety, and general welfare of the public and occupants, you are required to correct them upon receipt of this notice within the time, or by the date, specified on the attached page(s).

If a re-inspection discloses that the violations have not been corrected, and a written extension has NOT been requested or granted, you may be subject to further administrative and/or criminal penalties as provided for by law.

Once you have corrected the outstanding violation(s), please contact us to schedule a re-inspection.

If you do not understand this Notice, need assistance, or desire further information, please call Elk River City Hall at 763.635.1000.

Tim Trebesch
763.635.1067
ttrebesch@elkrivernm.gov
Code Enforcement Official

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Long Grass - Mow and maintain lawn**



Type: Public Nuisance

Date Inspected: 05/27/2020



Latest Inspection: 08/12/2020

Correct/Address by: 08/18/2020

Ordinance: 46-32 (7)

Full Description: (a) The following are declared to be nuisances affecting public health: (7) All noxious weeds and other rank growths of vegetation upon public or private property.

Frequently Asked Questions

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Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



September 17, 2020

CE Case No: 20-002240

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

Re: Possible City Code Violations at 19176 KENT ST NW

Dear DEAN G THOMPSON:

The City of Elk River strives to maintain a clean community that provides a quality environment for residents and visitors. We need everyone's help to achieve this objective citywide but occasionally we need to send out reminders.

We are contacting you regarding possible city ordinance violation(s) on your property at 19176 KENT ST NW. The city conducted a preliminary inspection of your property on 09/17/2020, and possible violations were identified.

Please refer to the attached documentation to review the possible violations and corrective action(s) necessary to bring your property into compliance. You may contact me at 763.635.1067 or ttrebesch@elkrivernm.gov for additional information/clarification, or if you believe this notice was sent in error.

All violations are to be corrected by the date outlined in the attached notice. If you are unable to complete the required correction by the date provided, you will need to submit a written request to justify the granting of an extension prior to the original correction date. If the code violations have since been corrected, please contact me to schedule a re-inspection.

We appreciate your cooperation and compliance in this matter.

Sincerely,

Tim Trebesch
763.635.1067
ttrebesch@elkrivernm.gov
Planning and Code Enforcement

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Date Inspected: 09/17/2020

Short Description: **Clean and Uncluttered Landscape**

Type: Land Use

Latest Inspection:

Correct/Address by: 10/01/2020

Ordinance: 30-934 (a) (2)

Full Description: (a) General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.

Notes: Outside storage of pipes, lumber, machinery, tires, household waste or items, etc. is prohibited. Do not store items alongside your home, shed, or garage even if covered by a tarp.



Short Description: **Rubbish - Peace and Safety**

Type: Public Nuisance

Latest Inspection:

Correct/Address by: 10/01/2020

Ordinance: 46-34 (a) (4)

Full Description: (a) The following shall be declared to be nuisances affecting public peace and safety: (4) The depositing of garbage, trash, rubbish, bottles, cans and other refuse on a public right-of-way or on private property.

Notes: Outside storage of pipes, lumber, machinery, tires, household waste or items, etc. is prohibited. Do not store items alongside your home, shed, or garage even if covered by a tarp.

Short Description: **Unsafe Structure**

Type: Public Nuisance

Latest Inspection:

Correct/Address by: 10/01/2020

Ordinance: 46-35 (a)

Full Description: (a) Any building or structure in the city which is found by the building and zoning administrator or the fire marshal to be dangerous to public safety or health or to other property by reason of: (1) Damage by fire; (2) A defective chimney or stovepipe; (3) Dilapidated condition or decay; (4) Defective electric wiring; (5) Defective gas installation; (6) Defective heating apparatus; (7) A defective sewage disposal system or plumbing; or (8) Any other defect endangering public safety or health or other property; is hereby declared to be a nuisance affecting public safety and health.

Notes: Roof is in need of repairs

Frequently Asked Questions

What is code enforcement?

The Elk River City Council has established goals and expectations for the general health, safety, welfare, and aesthetic standard of the community.

These expectations are adopted as law in the city Code of Ordinances. The Code Enforcement Division provides enforcement services for nuisance violations of the City Code of Ordinances that impact the safety and quality of life of the community. While code enforcement primarily maintains quality of life standards, it also plays an important role in the early identification and mitigation of unsafe entry points, exterior hazards, public health hazards, and compliance with humane pet standards.

How is the complaint process initiated?

The code enforcement process is typically initiated in several ways: 1) in response to a complaint by an individual, 2) as a consequence of an action (i.e., an application for a building permit or a request for a zoning variance); or 3) observation of a code violation by the code enforcement division or other city public safety staff.

Minnesota state law prohibits the release of the identity of individuals who make a complaint. Minn. Stat. 13.44 states: *The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.*

Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties, including criminal prosecution, are possible. Your immediate attention is required. **DO NOT IGNORE THIS ORDER**

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.

Appeals

You have the right to appeal this determination. The process is outlined in the city's Code of Ordinances, a summary of which is provided below. Applications, forms and the city's adopted fee schedule can be found online at www.elkriverMN.gov and are also available at city hall (13065 Orono Parkway NW).

Sec. 30-633 - Appeals, adjustments and variances generally

(a) The board of adjustments has the following powers with respect to this article:

- (1) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the land development staff in the enforcement of this article.
- (2) Hear requests for variances from the literal provisions of this article.

(b) The board shall provide for a record of its proceedings which shall include minutes of meetings, findings, and the action taken on an appeal or variance, including its final order and any conditions established in connection therewith.

Sec. 30-634. - Appeals.

(a) An appeal as specified in section 30-633 may be made by any person (appellant), including a city officer or employee, affected by an action of the land development staff. An appeal may be made only following the transmission of a written notice of appeal upon a form provided by the city which specifies the subject and grounds therefor. Such notice must be received by the director of planning within 60 days following the issuance of the order, requirement, decision or determination which is the subject of the appeal.

(b) The board, on appeal, may reverse, affirm or modify any order, requirement, decision, or determination from which an appeal has been taken, provided that any decision shall be consistent with this article. All final decisions of the board regarding appeals or variances shall be by written order. In making orders the board shall have the powers of the administrative official from whom the appeal is taken.

Sec. 30-636. - Hearings.

On receipt of a request for a variance or notice of appeal, the board of adjustments shall set a date for a hearing thereon, which shall occur not later than 30 days following the city's receipt of the request or notice. Not less than ten days before the date of the hearing, notice of the hearing shall be mailed to the petitioner or appellant, be published in the official newspaper, and be mailed to each owner of property situated wholly or partly within 350 feet of the property to which the variance or appeal relates. Failure of a property owner to receive notice shall not invalidate the hearing or proceeding.

Sec. 30-637. - Decisions.

Within 30 days after the hearing, the board of adjustments shall make a decision on the matter, which shall be transmitted to the appellant or petitioner by mail. The board shall act to approve, deny or approve with conditions the appeal or request for a variance. Decisions of the board to approve or approve with conditions an appeal or request for a variance shall be final unless appealed to the city council, and shall be effective on the 11th day following the decision by the board unless an appeal to the city council is filed. Decisions of the board to deny an appeal or a variance shall not be final and shall be reviewed by the city council in the same manner as an appeal of a decision by the board.

Sec. 30-638. - Appeals from decisions of board

(a) Any person aggrieved by a decision of the board of adjustments on an appeal or a variance, including any city official or employee, may appeal that decision to the city council. Appeals must be in writing and filed with the city planning department within ten calendar days of the board's decision.

(b) The city council shall hear appeals from decisions of the board within 30 days of the filing of the appeal, unless that period is extended with the consent of the person who appealed to the city council and the person who applied to the board, and both of whom shall receive written notice of the date and time when the city council will hear the appeal. The city council may reverse, affirm or modify, wholly or partly, the decision of the board, and shall have all the powers of the board in acting on appeals.

Chapter 46 of the Elk River Code of Ordinances addresses nuisances. If the attached notice contains violations pertaining to Chapter 46, notice is hereby given that the city may, at its discretion, abate the nuisance as outline in Sec. 46-38:

- (a) Upon discovering a public nuisance under the provisions of this article the city administrator or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of the county. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city administrator or designee and stated in the notice. Such time shall not be less than 14 days. Such notice shall also advise the property owner of the right to request a hearing before the city administrator or designee to contest the contents of the notice.
- (b) If requested by the person upon whom the notice is served under subsection (a) of this section, a hearing before the city administrator or designee shall be held at which the person may contest the contents of the notice. The request for such a hearing must be made within five days after receipt of the notice provided for in subsection (a) of this section. After such hearing the city administrator or designee may affirm the notice, modify the notice or quash the notice.
- (c) If the property owner does not abate the nuisance as required by the notice provided for in subsection (a) of this section and has not requested a hearing before the city administrator or designee under subsection (b) of this section, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (d) If the property owner requests a hearing before the city administrator or designee under subsection (b) of this section, no abatement actions shall be taken until the hearing is held. If after the hearing the city administrator or designee affirms or modifies the notice and the nuisance is not abated as provided in the notice as affirmed or modified, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (e) Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located.

Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.

Hawkins & Baumgartner, P.A.

Attorneys At Law

**SCOTT C. BAUMGARTNER
DEREK T. ARCHAMBAULT**

Paralegal
HOLLY G. PROVO

Retired
WILLIAM G. HAWKINS

October 27, 2020

Dean Thompson
19176 Kent Street NW
Elk River, MN 55330

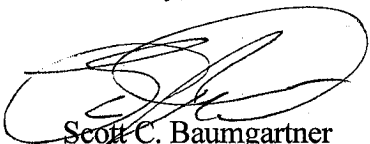
Dear Mr. Thompson:

I am writing as the Elk River City Prosecutor concerning information I have received from Tim Trebesch, Elk River Code Enforcement Official, that your above referenced property is in violation of the following Elk River City Code Sections:

30-934 (a)(2) - Property Maintenance – cluttered landscape areas;
46-35(a) - Unsafe Structure; and
46-34 (a)(4) - Depositing of Garbage & Trash

I have further been informed that despite previous requests by the City to have your property brought into compliance, these violations remain. As such, this letter is to advise you that unless you contact Mr. Trebesch within ten (10) days from the date of this letter to discuss an acceptable resolution to these violations, I will commence criminal prosecution. Upon conviction, the maximum penalty associated with a violation of Sections 30-934(a)(2) and 46-35(a) is 90 days in jail and a \$1,000 fine for each violation and the maximum penalty associated with a violation of Section 46-34(a)(4) is a \$300 fine. Additionally, the City may seek to have these violations remedied through a civil abatement process for which its costs and legal fees may be sought. Mr. Trebesch can be reached at (763) 635-1067.

Sincerely,



Scott C. Baumgartner
Elk River City Prosecutor

cc: Tim Trebesch (via E-mail)



October 01, 2020

CE Case No: 20-002240

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

**NOTICE OF VIOLATION
and
ORDER TO CORRECT**

Inspected on: October 01, 2020

This is to notify you that the City of Elk River conducted an inspection on the aforementioned premises on the above date. The attached report shows areas that do not comply with the applicable local, state, and/or federal law(s).

ORDER TO COMPLY: Since these conditions are contrary to law and pose a threat to the health, safety, and general welfare of the public and occupants, you are required to correct them upon receipt of this notice within the time, or by the date, specified on the attached page(s).

If a re-inspection discloses that the violations have not been corrected, and a written extension has NOT been requested or granted, you may be subject to further administrative and/or criminal penalties as provided for by law.

Once you have corrected the outstanding violation(s), please contact us to schedule a re-inspection.

If you do not understand this Notice, need assistance, or desire further information, please call Elk River City Hall at 763.635.1000.

Tim Trebesch
763.635.1067
ttrebesch@elkrivernm.gov
Code Enforcement Official

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Clean and Uncluttered Landscape - Misc items by garage**



Type: Land Use



Date Inspected: 09/17/2020

Latest Inspection: 10/01/2020

Correct/Address by: 10/15/2020

Ordinance: 30-934 (a) (2)

Full Description: (a) General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.

Short Description: **Rubbish - Peace and Safety - Misc items by garage**

Type: Public Nuisance

Date Inspected: 09/17/2020

Latest Inspection: 10/01/2020

Correct/Address by: 10/15/2020

Ordinance: 46-34 (a) (4)

Full Description: (a) The following shall be declared to be nuisances affecting public peace and safety: (4) The depositing of garbage, trash, rubbish, bottles, cans and other refuse on a public right-of-way or on private property.

Short Description: **Unsafe Structure - paint siding and roof replaced**

Type: Public Nuisance

Date Inspected: 09/17/2020

Latest Inspection: 10/01/2020

Correct/Address by: 10/15/2020

Ordinance: 46-35 (a)

Full Description: (a) Any building or structure in the city which is found by the building and zoning administrator or the fire marshal to be dangerous to public safety or health or to other property by reason of: (1) Damage by fire; (2) A defective chimney or stovepipe; (3) Dilapidated condition or decay; (4) Defective electric wiring; (5) Defective gas installation; (6) Defective heating apparatus; (7) A defective sewage disposal system or plumbing; or (8) Any other defect endangering public safety or health or other property; is hereby declared to be a nuisance affecting public safety and health.

Frequently Asked Questions

What is code enforcement?

The Elk River City Council has established goals and expectations for the general health, safety, welfare, and aesthetic standard of the community.

These expectations are adopted as law in the city Code of Ordinances. The Code Enforcement Division provides enforcement services for nuisance violations of the City Code of Ordinances that impact the safety and quality of life of the community. While code enforcement primarily maintains quality of life standards, it also plays an important role in the early identification and mitigation of unsafe entry points, exterior hazards, public health hazards, and compliance with humane

pet standards.

How is the complaint process initiated?

The code enforcement process is typically initiated in several ways: 1) in response to a complaint by an individual, 2) as a consequence of an action (i.e., an application for a building permit or a request for a zoning variance); or 3) observation of a code violation by the code enforcement division or other city public safety staff.

Minnesota state law prohibits the release of the identity of individuals who make a complaint. Minn. Stat. 13.44 states: *The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.*

Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties, including criminal prosecution, are possible. Your immediate attention is required. **DO NOT IGNORE THIS ORDER**

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.

Appeals

You have the right to appeal this determination. The process is outlined in the city's Code of Ordinances, a summary of which is provided below. Applications, forms and the city's adopted fee schedule can be found online at www.elkriverMN.gov and are also available at city hall (13065 Orono Parkway NW).

Sec. 30-633 - Appeals, adjustments and variances generally

(a) The board of adjustments has the following powers with respect to this article:

(1) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the land development staff in the enforcement of this article.

(2) Hear requests for variances from the literal provisions of this article.

(b) The board shall provide for a record of its proceedings which shall include minutes of meetings, findings, and the action taken on an appeal or variance, including its final order and any conditions established in connection therewith.

Sec. 30-634. - Appeals.

(a) An appeal as specified in section 30-633 may be made by any person (appellant), including a city officer or employee, affected by an action of the land development staff. An appeal may be made only following the transmission of a written notice of appeal upon a form provided by the city which specifies the subject and grounds therefor. Such notice must be received by the director of planning within 60 days following the issuance of the order, requirement, decision or determination which is the subject of the appeal.

(b) The board, on appeal, may reverse, affirm or modify any order, requirement, decision, or determination from which an appeal has been taken, provided that any decision shall be consistent with this article. All final decisions of the board regarding appeals or variances shall be by written order. In making orders the board shall have the powers of the administrative official from whom the appeal is taken.

Sec. 30-636. - Hearings.

On receipt of a request for a variance or notice of appeal, the board of adjustments shall set a date for a hearing thereon, which shall occur not later than 30 days following the city's receipt of the request or notice. Not less than ten days before

the date of the hearing, notice of the hearing shall be mailed to the petitioner or appellant, be published in the official newspaper, and be mailed to each owner of property situated wholly or partly within 350 feet of the property to which the variance or appeal relates. Failure of a property owner to receive notice shall not invalidate the hearing or proceeding.

Sec. 30-637. - Decisions.

Within 30 days after the hearing, the board of adjustments shall make a decision on the matter, which shall be transmitted to the appellant or petitioner by mail. The board shall act to approve, deny or approve with conditions the appeal or request for a variance. Decisions of the board to approve or approve with conditions an appeal or request for a variance shall be final unless appealed to the city council, and shall be effective on the 11th day following the decision by the board unless an appeal to the city council is filed. Decisions of the board to deny an appeal or a variance shall not be final and shall be reviewed by the city council in the same manner as an appeal of a decision by the board.

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(a) Any person aggrieved by a decision of the board of adjustments on an appeal or a variance, including any city official or employee, may appeal that decision to the city council. Appeals must be in writing and filed with the city planning department within ten calendar days of the board's decision.

(b) The city council shall hear appeals from decisions of the board within 30 days of the filing of the appeal, unless that period is extended with the consent of the person who appealed to the city council and the person who applied to the board, and both of whom shall receive written notice of the date and time when the city council will hear the appeal. The city council may reverse, affirm or modify, wholly or partly, the decision of the board, and shall have all the powers of the board in acting on appeals.

Nuisances and Abatement by the City

Chapter 46 of the Elk River Code of Ordinances addresses nuisances. If the attached notice contains violations pertaining to Chapter 46, notice is hereby given that the city may, at its discretion, abate the nuisance as outline in Sec. 46-38:

(a) Upon discovering a public nuisance under the provisions of this article the city administrator or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of the county. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city administrator or designee and stated in the notice. Such time shall not be less than 14 days. Such notice shall also advise the property owner of the right to request a hearing before the city administrator or designee to contest the contents of the notice.

(b) If requested by the person upon whom the notice is served under subsection (a) of this section, a hearing before the city administrator or designee shall be held at which the person may contest the contents of the notice. The request for such a hearing must be made within five days after receipt of the notice provided for in subsection (a) of this section. After such hearing the city administrator or designee may affirm the notice, modify the notice or quash the notice.

(c) If the property owner does not abate the nuisance as required by the notice provided for in subsection (a) of this section and has not requested a hearing before the city administrator or designee under subsection (b) of this section, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.

(d) If the property owner requests a hearing before the city administrator or designee under subsection (b) of this section, no abatement actions shall be taken until the hearing is held. If after the hearing the city administrator or designee affirms or modifies the notice and the nuisance is not abated as provided in the notice as affirmed or modified, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.

(e) Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located.

Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



October 13, 2022

CE Case No: 20-002240

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

Re: Possible City Code Violations at 19176 KENT ST NW

Dear DEAN G THOMPSON:

The City of Elk River strives to maintain a clean community that provides a quality environment for residents and visitors. We need everyone's help to achieve this objective citywide but occasionally we need to send out reminders.

We are contacting you regarding possible city ordinance violation(s) on your property at 19176 KENT ST NW. The city conducted a preliminary inspection of your property on 10/20/2022, and possible violations were identified.

Please refer to the attached documentation to review the possible violations and corrective action(s) necessary to bring your property into compliance. You may contact me at 763.635.1067 or GSchultz@ElkRiverMN.gov for additional information/clarification, or if you believe this notice was sent in error.

All violations are to be corrected by the date outlined in the attached notice. If you are unable to complete the required correction by the date provided, you will need to submit a written request to justify the granting of an extension prior to the original correction date. If the code violations have since been corrected, please contact me to schedule a re-inspection.

We appreciate your cooperation and compliance in this matter.

Sincerely,

Graham Schultz
763.635.1067
GSchultz@ElkRiverMN.gov
Planning and Code Enforcement

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Date Inspected:

Short Description: **Clean and Uncluttered Landscape**

Type: Land Use

Latest Inspection:

Correct/Address by: 10/15/2020

Ordinance: 30-934 (a) (2)

Full Description: (a) General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.

Notes: Outside storage of pipes, lumber, machinery, tires, household waste or items, etc. is prohibited. Do not store items alongside your home, shed, or garage even if covered by a tarp.

Short Description: **Rubbish - Peace and Safety**

Type: Public Nuisance

Latest Inspection:

Correct/Address by: 10/15/2020

Ordinance: 46-34 (a) (4)

Full Description: (a) The following shall be declared to be nuisances affecting public peace and safety: (4) The depositing of garbage, trash, rubbish, bottles, cans and other refuse on a public right-of-way or on private property.

Notes: Outside storage of pipes, lumber, machinery, tires, household waste or items, etc. is prohibited. Do not store items alongside your home, shed, or garage even if covered by a tarp.

Short Description: **Unsafe Structure**

Type: Public Nuisance

Latest Inspection:

Correct/Address by: 10/15/2020

Ordinance: 46-35 (a)

Full Description: (a) Any building or structure in the city which is found by the building and zoning administrator or the fire marshal to be dangerous to public safety or health or to other property by reason of: (1) Damage by fire; (2) A defective chimney or stovepipe; (3) Dilapidated condition or decay; (4) Defective electric wiring; (5) Defective gas installation; (6) Defective heating apparatus; (7) A defective sewage disposal system or plumbing; or (8) Any other defect endangering public safety or health or other property; is hereby declared to be a nuisance affecting public safety and health.

Notes: Roof is in need of repairs

Short Description: **Permit Required**

Type: Land Use

Latest Inspection:

Correct/Address by: 10/20/2022

Ordinance: 30-860

Full Description: Construction permit is required before starting, starting work without a permit may result in a double permit fee.



Notes: STOP WORK UNTIL PERMIT IS OBTAINED

Frequently Asked Questions

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(b) The city council shall hear appeals from decisions of the board within 30 days of the filing of the appeal, unless that period is extended with the consent of the person who appealed to the city council and the person who applied to the board, and both of whom shall receive written notice of the date and time when the city council will hear the appeal. The city council may reverse, affirm or modify, wholly or partly, the decision of the board, and shall have all the powers of the board in acting on appeals.

Chapter 46 of the Elk River Code of Ordinances addresses nuisances. If the attached notice contains violations pertaining to Chapter 46, notice is hereby given that the city may, at its discretion, abate the nuisance as outline in Sec. 46-38:

- (a) Upon discovering a public nuisance under the provisions of this article the city administrator or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of the county. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city administrator or designee and stated in the notice. Such time shall not be less than 14 days. Such notice shall also advise the property owner of the right to request a hearing before the city administrator or designee to contest the contents of the notice.
- (b) If requested by the person upon whom the notice is served under subsection (a) of this section, a hearing before the city administrator or designee shall be held at which the person may contest the contents of the notice. The request for such a hearing must be made within five days after receipt of the notice provided for in subsection (a) of this section. After such hearing the city administrator or designee may affirm the notice, modify the notice or quash the notice.
- (c) If the property owner does not abate the nuisance as required by the notice provided for in subsection (a) of this section and has not requested a hearing before the city administrator or designee under subsection (b) of this section, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (d) If the property owner requests a hearing before the city administrator or designee under subsection (b) of this section, no abatement actions shall be taken until the hearing is held. If after the hearing the city administrator or designee affirms or modifies the notice and the nuisance is not abated as provided in the notice as affirmed or modified, authorized agents of the city shall abate the nuisance. The cost of such abatement shall be collected as a special assessment against the property upon which the nuisance was located.
- (e) Nothing in this section prevents abatement by the city of a public nuisance without notice and hearing in the case of an emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located.

Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



November 04, 2022

CE Case No: 20-002240

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

**NOTICE OF VIOLATION
and
ORDER TO CORRECT**

Inspected on: November 04, 2022

This is to notify you that the City of Elk River conducted an inspection on the aforementioned premises on the above date. The attached report shows areas that do not comply with the applicable local, state, and/or federal law(s).

ORDER TO COMPLY: Since these conditions are contrary to law and pose a threat to the health, safety, and general welfare of the public and occupants, you are required to correct them upon receipt of this notice within the time, or by the date, specified on the attached page(s).

If a re-inspection discloses that the violations have not been corrected, and a written extension has NOT been requested or granted, you may be subject to further administrative and/or criminal penalties as provided for by law.

Once you have corrected the outstanding violation(s), please contact us to schedule a re-inspection.

If you do not understand this Notice, need assistance, or desire further information, please call Elk River City Hall at 763.635.1000.

Graham Schultz
763.635.1067
GSchultz@ElkRiverMN.gov
Code Enforcement Official

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Clean and Uncluttered Landscape**

Type: Land Use

Date Inspected:

Latest Inspection:

Correct/Address by: 11/18/2022

Ordinance: 30-934 (a) (2)

Full Description: (a) General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.



Short Description: **Rubbish - Peace and Safety**

Type: Public Nuisance

Date Inspected:

Latest Inspection:

Correct/Address by: 11/18/2022

Ordinance: 46-34 (a) (4)

Full Description: (a) The following shall be declared to be nuisances affecting public peace and safety: (4) The depositing of garbage, trash, rubbish, bottles, cans and other refuse on a public right-of-way or on private property.

Short Description: **Unsafe Structure**

Type: Public Nuisance

Date Inspected:

Latest Inspection:

Correct/Address by: 11/18/2022

Ordinance: 46-35 (a)

Full Description: (a) Any building or structure in the city which is found by the building and zoning administrator or the fire marshal to be dangerous to public safety or health or to other property by reason of: (1) Damage by fire; (2) A defective chimney or stovepipe; (3) Dilapidated condition or decay; (4) Defective electric wiring; (5) Defective gas installation; (6) Defective heating apparatus; (7) A defective sewage disposal system or plumbing; or (8) Any other defect endangering public safety or health or other property; is hereby declared to be a nuisance affecting public safety and health.

Short Description: **Permit Required**

Type: Land Use

Date Inspected:

Latest Inspection:

Correct/Address by: 11/18/2022

Ordinance: 30-860

Full Description: Construction permit is required before starting, starting work without a permit may result in a double permit fee.

Frequently Asked Questions

What is code enforcement?

The Elk River City Council has established goals and expectations for the general health, safety, welfare, and aesthetic standard of the community.

These expectations are adopted as law in the city Code of Ordinances. The Code Enforcement Division provides enforcement services for nuisance violations of the City Code of Ordinances that impact the safety and quality of life of the community. While code enforcement primarily maintains quality of life standards, it also plays an important role in the early identification and mitigation of unsafe entry points, exterior hazards, public health hazards, and compliance with humane pet standards.

How is the complaint process initiated?

The code enforcement process is typically initiated in several ways: 1) in response to a complaint by an individual, 2) as a consequence of an action (i.e., an application for a building permit or a request for a zoning variance); or 3) observation of a code violation by the code enforcement division or other city public safety staff.

Minnesota state law prohibits the release of the identity of individuals who make a complaint. Minn. Stat. 13.44 states: *The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.*

Why am I receiving a formal letter and not a courtesy phone call?

Your property has one or more city code violations. The city, in most circumstances, is required to provide a written notification to the owner of the property.

What happens if I ignore this order?

Additional penalties, including criminal prosecution, are possible. Your immediate attention is required. **DO NOT IGNORE THIS ORDER**

What if my tenant is the party responsible for creating the violation?

You are receiving this notice because you are the owner of record and are ultimately responsible for ensuring that the violation(s) listed in this notice are corrected. You may also be subject to fees for corrective action initiated by the city and/or fines for failure to comply.

Appeals

You have the right to appeal this determination. The process is outlined in the city's Code of Ordinances, a summary of which is provided below. Applications, forms and the city's adopted fee schedule can be found online at www.elkriverMN.gov and are also available at city hall (13065 Orono Parkway NW).

Sec. 30-633 - Appeals, adjustments and variances generally

(a) The board of adjustments has the following powers with respect to this article:

(1) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the land development staff in the enforcement of this article.

(2) Hear requests for variances from the literal provisions of this article.

(b) The board shall provide for a record of its proceedings which shall include minutes of meetings, findings, and the action taken on an appeal or variance, including its final order and any conditions established in connection therewith.

Sec. 30-634. - Appeals.

(a) An appeal as specified in section 30-633 may be made by any person (appellant), including a city officer or employee, affected by an action of the land development staff. An appeal may be made only following the transmission of a written notice of appeal upon a form provided by the city which specifies the subject and grounds therefor. Such notice must be received by the director of planning within 60 days following the issuance of the order, requirement, decision or determination which is the subject of the appeal.

(b) The board, on appeal, may reverse, affirm or modify any order, requirement, decision, or determination from which an

appeal has been taken, provided that any decision shall be consistent with this article. All final decisions of the board regarding appeals or variances shall be by written order. In making orders the board shall have the powers of the administrative official from whom the appeal is taken.

Sec. 30-636. - Hearings.

On receipt of a request for a variance or notice of appeal, the board of adjustments shall set a date for a hearing thereon, which shall occur not later than 30 days following the city's receipt of the request or notice. Not less than ten days before the date of the hearing, notice of the hearing shall be mailed to the petitioner or appellant, be published in the official newspaper, and be mailed to each owner of property situated wholly or partly within 350 feet of the property to which the variance or appeal relates. Failure of a property owner to receive notice shall not invalidate the hearing or proceeding.

Sec. 30-637. - Decisions.

Within 30 days after the hearing, the board of adjustments shall make a decision on the matter, which shall be transmitted to the appellant or petitioner by mail. The board shall act to approve, deny or approve with conditions the appeal or request for a variance. Decisions of the board to approve or approve with conditions an appeal or request for a variance shall be final unless appealed to the city council, and shall be effective on the 11th day following the decision by the board unless an appeal to the city council is filed. Decisions of the board to deny an appeal or a variance shall not be final and shall be reviewed by the city council in the same manner as an appeal of a decision by the board.

Sec. 30-638. - Appeals from decisions of board

- (a) Any person aggrieved by a decision of the board of adjustments on an appeal or a variance, including any city official or employee, may appeal that decision to the city council. Appeals must be in writing and filed with the city planning department within ten calendar days of the board's decision.
- (b) The city council shall hear appeals from decisions of the board within 30 days of the filing of the appeal, unless that period is extended with the consent of the person who appealed to the city council and the person who applied to the board, and both of whom shall receive written notice of the date and time when the city council will hear the appeal. The city council may reverse, affirm or modify, wholly or partly, the decision of the board, and shall have all the powers of the board in acting on appeals.

Nuisances and Abatement by the City

Chapter 46 of the Elk River Code of Ordinances addresses nuisances. If the attached notice contains violations pertaining to Chapter 46, notice is hereby given that the city may, at its discretion, abate the nuisance as outline in Sec. 46-38:

- (a) Upon discovering a public nuisance under the provisions of this article the city administrator or designee shall serve a notice upon the owner of the property upon which the nuisance exists. Such notice shall be given by certified mail at the last known address as shown on the property tax records of the county. Such notice shall advise that a nuisance exists and require the property owner to abate the nuisance within a reasonable time, as established by the city administrator or designee and stated in the notice. Such time shall not be less than 14 days. Such notice shall also advise the property owner of the right to request a hearing before the city administrator or designee to contest the contents of the notice.
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emergency in which there is an immediate and direct threat to the public health or safety. The expense of such an emergency abatement shall be collected as a special assessment against the property upon which the nuisance was located. **Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.**



August 16, 2023

CE Case No: 20-002240

THOMPSON, DEAN G
19176 KENT ST NW
ELK RIVER, MN 55330-1178

**NOTICE OF VIOLATION
and
ORDER TO CORRECT**

Inspected on: August 16, 2023

This is to notify you that the City of Elk River conducted an inspection on the aforementioned premises on the above date. The attached report shows areas that do not comply with the applicable local, state, and/or federal law(s).

ORDER TO COMPLY: Since these conditions are contrary to law and pose a threat to the health, safety, and general welfare of the public and occupants, you are required to correct them upon receipt of this notice within the time, or by the date, specified on the attached page(s).

If a re-inspection discloses that the violations have not been corrected, and a written extension has NOT been requested or granted, you may be subject to further administrative and/or criminal penalties as provided for by law.

Once you have corrected the outstanding violation(s), please contact us to schedule a re-inspection.

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Graham Schultz
763.635.1067
GSchultz@ElkRiverMN.gov
Code Enforcement Official

Violations

THOMPSON, DEAN G
19176 KENT ST NW

Short Description: **Clean and Uncluttered Landscape**

Type: Land Use

Date Inspected:

Latest Inspection:

Correct/Address by: 08/30/2023

Ordinance: 30-934 (a) (2)

Full Description: (a) A General requirements. The following general requirements are applicable to all districts: (2) All landscaped areas shall be kept neat, clean and uncluttered.



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Short Description: **Permit Required**

Type: Land Use

Date Inspected:

Latest Inspection:

Correct/Address by: 08/30/2023

Ordinance: 30-860

Full Description: Construction permit is required before starting, starting work without a permit may result in a double permit fee.





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Requests for a hearing with the City Administrator must be made in writing within the timeframe noted above. The address for the City Administrator is 13065 Orono Parkway NW, Elk River, MN 55330.



Request for Action

To
City Council

Item Number
8.2

Meeting Date
March 18, 2024

Prepared By
Michael Hecker, Recreation Manager

Item Description
Trott Brook Farms Park Playground

Reviewed by:
Joe Stremcha
Cal Portner
Tina Allard

Action Requested

Approve, by motion, playground concept #3 to replace the playground at Trott Brook Park Playground.

Background/Discussion

On March 13, the Parks and Recreation Commission unanimously approved concept #3.

Staff worked closely with Flagship Recreation on three playground concepts to present to the neighbors of Trott Brook Farms Park. Staff mailed 510 postcards with a QR code stating “We want to hear from the members in your household which playground you prefer. Help us choose a great option by completing a quick survey online.” The survey closed on February 8 and the results are as follows:

- Option 1 - 11 votes
- Option 2 - 69 votes
- Option 3 - 75 votes

Financial Impact

\$125,000 is in the 2024 PIF for Flagship to install the new playground. This is for the playground installation, wood chips, geotextile fabric and a dumpster. Staff will be conducting the site prep and coordinating the demolition.

Mission/Policy/Goal

Attachments

- I. Playground Survey Results

The Elk River Vision

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



TROTT BROOK FARMS PLAYGROUND SURVEY

Conducted January 16, 2024 through February 8, 2024



510

Postcards mailed
to nearby
residents on
January 19



362

Webpage views
to view the
playground
options



244

QR code scans
to visit the
webpage and
take the survey



1,648

Event counts
clicking the
images and
survey link

The majority of webpage visits, QR code scans, and survey submissions were conducted on January 22 and 23.

POSTCARD SAMPLE



Trott Brook Farms Park is set to have a new playground installed in 2024-25.

We want to hear from the members in your household which playground you prefer. Help us choose a great option by completing a quick survey online:



Survey closes February 8, 2024

WEBPAGE SAMPLE

Trott Brook Farms Playground Survey

We want to hear from you!

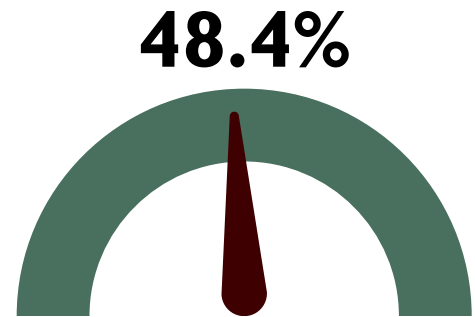
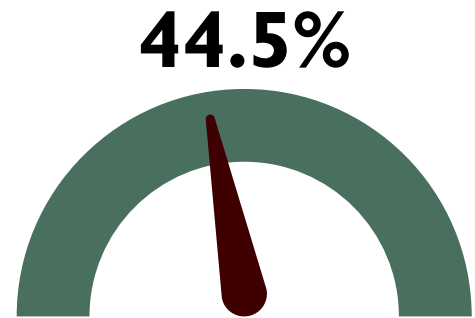
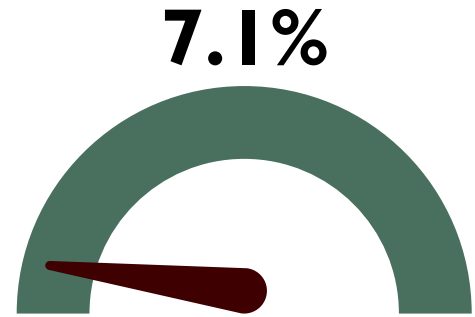
Trott Brook Farms Park is set to have a new playground installed in 2024-25. We want to hear from all members of your household which playground you prefer **by February 8, 2024**. Help us choose a great option by taking a look at the choices below and completing a short survey.

Listed below are three options with five images total to scroll through and view.

**VOTE FOR YOUR
FAVORITE
OPTION**

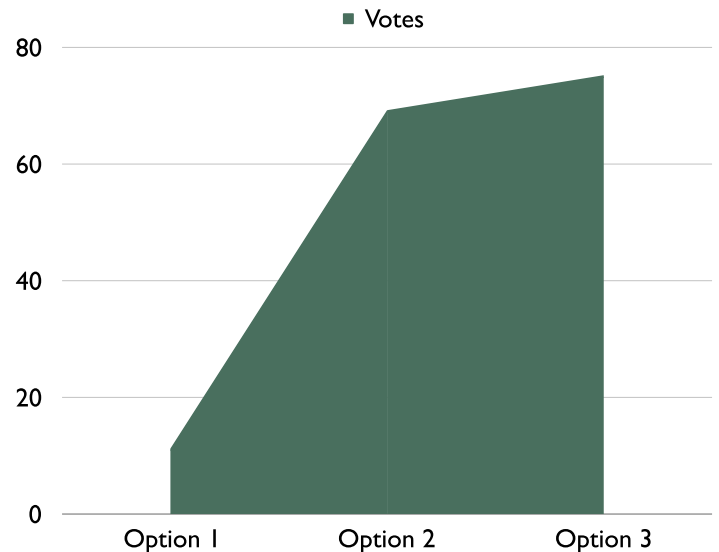
TROTT BROOK FARMS PLAYGROUND SURVEY

155 submissions were received



FINAL SURVEY RESULTS BY VOTES

OPTION 1	11
OPTION 2	69
OPTION 3	75





Request for Action

To
City Council

Item Number
10.1

Meeting Date
March 18, 2024

Prepared By
Cal Portner, City Administrator

Item Description
225th Avenue and Highway 169 Intersection
Concerns

Reviewed by:
Cal Portner
Justin Femrite
Tina Allard

Action Requested
Receive information, discuss, and provide staff direction, if deemed necessary.

Background/Discussion
Following a tragic fatal accident near the intersection of TH169 and 225th Avenue NW, a resident of a nearby neighborhood sent an email message to the City Council and city administrator asking for safety improvements to the area.

The Elk River Police Department reports there have been 18 accidents in the area over the past 10 years.

Financial Impact
N/A

Mission/Policy/Goal

Attachments
I. 225th Ave TH169 Concerns

The Elk River Vision

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



Portner, Cal

Subject: 225th Avenue & Highway 169 - Request for Safety Study

From: Melanie Curtis

Sent: Monday, March 4, 2024 2:49 PM

To: Dietz, John <John.Dietz@ElkRiverMN.gov>; Grupa, Cory <Cory.Grupa@ElkRiverMN.gov>; Westgaard, Matt <Matt.Westgaard@ElkRiverMN.gov>; Beyer, Mike <Mike.Beyer@ElkRiverMN.gov>; Wagner, Jennifer <Jennifer.Wagner@ElkRiverMN.gov>; Portner, Cal <CPortner@ElkRiverMN.gov>; 'calvin.portner@elkrivernm.gov' <calvin.portner@elkrivernm.gov>

Subject: 225th Avenue & Highway 169 - Request for Safety Study

Elk River Mayor John Dietz
Council Member Grupa
Council Member Westgaard
Council Member Beyer
Council Member Wagner
Elk River City Administrator Calvin Portner

My name is Melanie Curtis; I live with my family east of the Highway 169 corridor, north of Elk River, Minnesota. We live in a neighborhood of approximately 20 homes; the intersection at US Trunk Highway 169 and 225th Avenue NW is our primary access. As a parent with a young driver, I have been concerned about the safety of this intersection for years.

I am writing to you now because, on February 14th, an 8-year-old child tragically lost his life in a motor vehicle accident at this intersection. As a result, the child's family is irrevocably scarred. This tragedy underscores the need for a safety study on this corridor.

As you may be aware, MnDOT identifies Highway 169 as an important north-south arterial route. This particular intersection (225th Avenue NW) is also the location of the main entrance to the Elk River Landfill operated by Waste Management where countless semi-trucks enter and exit throughout the day. Over the years, this intersection has been improved including turning and acceleration lanes and a widened highway crossover.

In April of 2022, MnDOT began converting Highway 169 within the City of Elk River into a freeway to address the over-capacity intersections causing significant delays and safety issues on Highway 169 and all adjacent streets. The first two phases of this project are complete. All but one of the controlled intersections from the Mississippi River heading north have been removed; the last remaining controlled intersection is to be removed this summer. Highway 169's conversion to a freeway has resulted in the northbound traffic between Elk River and Zimmerman becoming a steady stream with very few openings to turn, enter traffic, or cross the divided highway safely. The unintended consequence of these improvements is increased volume and speeds on Highway 169 increasing the risk of hazards at the remaining uncontrolled intersections. There are 12 road intersections on Highway 169 between Elk River and Zimmerman which has the last remaining controlled intersection in the area at Highway 169 and Sherburne County State Aid Highway 4.

Recently Sherburne County announced that they are receiving \$24.7 million via the INFRA program (plus an additional \$18 million in local funding) to improve the Highway 169 & CSAH 4 intersection (Rural Safety and Mobility Interchange Project). According to Sherburne County, a benefit of this \$43 million project is the creation of a "Signal-Free Corridor" stating that the project to convert the CSAH 4 intersection to an interchange will eliminate the last remaining traffic signal on the 75-mile stretch of Highway 169 between Rogers and Lake Mille Lacs. What is not addressed by this project is that the intersection changes will likely produce a steady stream of high-speed traffic heading southbound, further exacerbating the safety issues on this roadway noted above.

My neighbors and I respectfully request a safety study of the roadway and intersections between Elk River and Zimmerman. We believe our request to be timely. The next opportunity to apply for the [USDOT Safe Streets and Roads for All](#) (SS4A) Grant begins this month.

Thank you for taking the time to read my letter. Please reach out to me to discuss this further.

Sincerely,

Melanie Curtis
10988 235th Avenue NW
Elk River, MN 55330

Copies of my letter have also been sent to the following:

Sherburne County Board of Commissioners via email
Mr. Andrew Witter, Sherburne County Public Works Director via email
Ms. Nancy Daubenberger, MnDOT Transportation Commissioner, US Mail
Mr. Mike Ginnaty, MnDOT District 3 Engineer via email
Deputy Geoffrey Dowty, Sherburne County Safe Roads Coalition via email



Request for Action

To
City Council

Item Number
10.2

Meeting Date
March 18, 2024

Prepared By
Ryan Sandhoefner, Engineer I

Item Description
Yale Street and Yale Court Accessibility

Reviewed by:
Justin Femrite
Cal Portner
Tina Allard

Action Requested

Discuss the potential street connection of Yale Court to Yale Street between 170th and 171st Ave.

Background/Discussion

A resident of Yale St inquired about providing access to the existing signal system on 171st Avenue by connecting Yale Ct to Yale St via a new 350' street segment. This topic was previously explored in 2006 when it was ultimately dismissed due to a lack of support from the community. With this connection being an early scoped phase for the northern segment of the Highway 10 Corridor Study, staff supports revisiting this topic to gauge the support levels of the City Council and the community.

Financial Impact
N/A

Mission/Policy/Goal

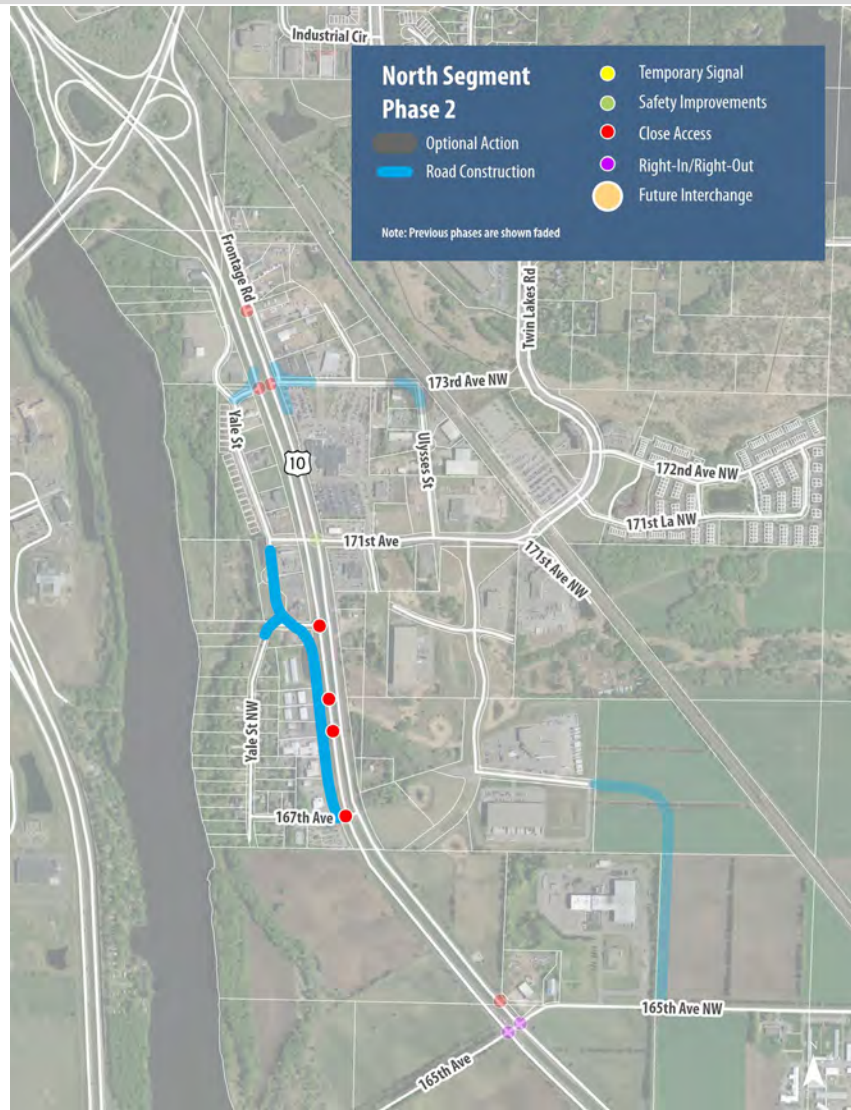
Attachments

1. Pages From Highway 10 Corridor Study
2. City Council Minutes 9-18-2006

The Elk River Vision

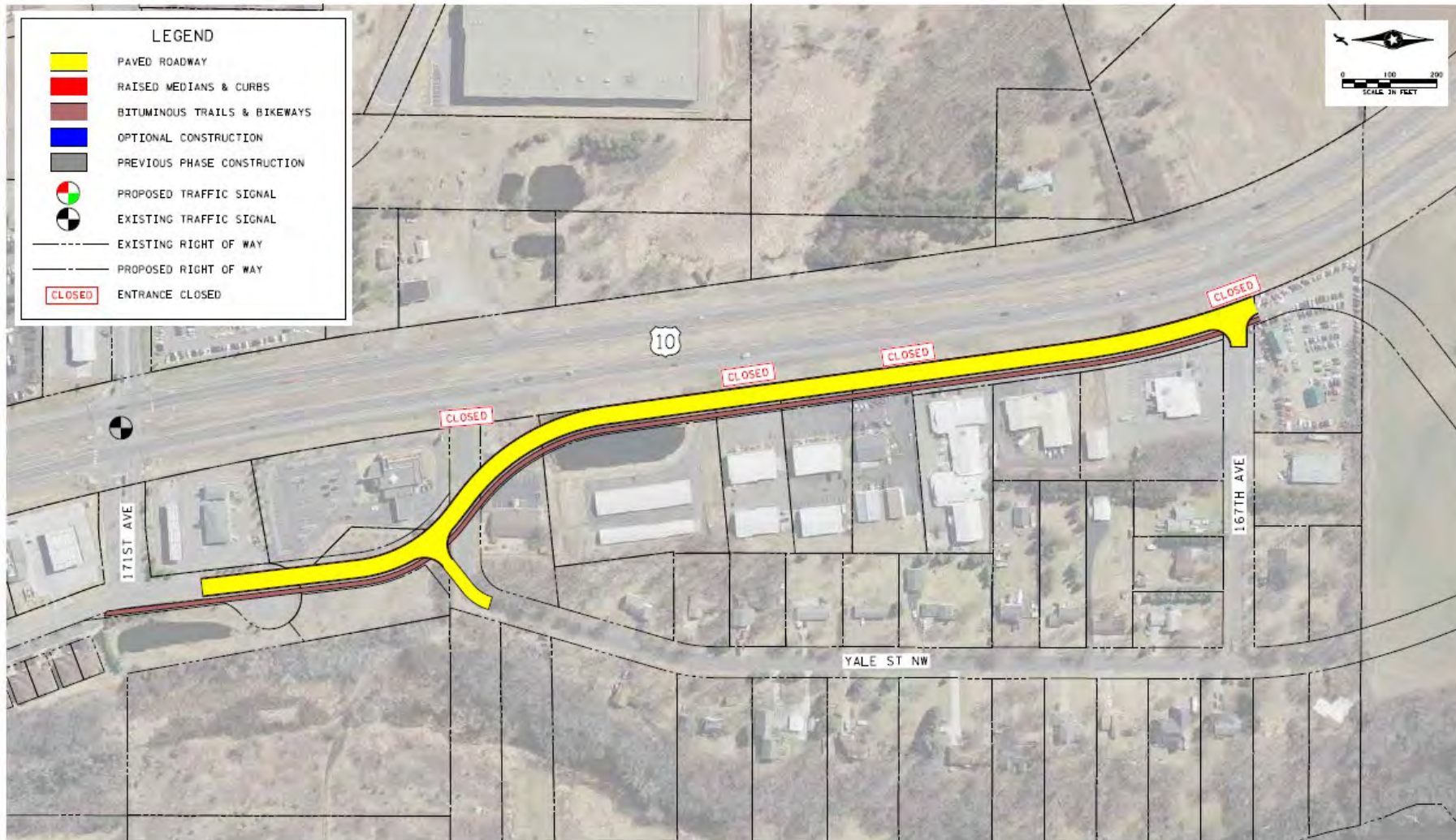
A welcoming community with revolutionary and spirited resourcefulness, exceptional service, and community engagement that encourages and inspires prosperity

North Segment – Phase 2 (1-5 years)



- Local roadway connection between Yale Street and 167th Ave
- Access closures on Highway 10

North Segment – Phase 2 (1-5 years)



Planning-level cost:
\$3.2 million

Added Note: Cost estimate for this phase involves the entire frontage road. At this time, only the connection of Yale Ct to Yale St is being considered so costs would be significantly lower.

**MEETING OF THE ELK RIVER CITY COUNCIL
HELD AT THE ELK RIVER CITY HALL
MONDAY, SEPTEMBER 18, 2006**

Members Present: Mayor Klinzing, Councilmembers Dietz, Motin, Farber, and Gumphrey

Members Absent: None

Staff Present: City Administrator Lori Johnson, Community Development Director Scott Clark, Planning Manager Jeremy Barnhart, Senior Planner Sheila Cartney, Planner Chris Leeseberg, City Engineer Terry Maurer, Parks and Recreation Director Bill Maertz, Police Chief Jeff Beahen, Environmental Administrator Rebecca Haug, Street Superintendent Phil Hals, City Attorney Peter Beck, and Recording Secretary Tina Allard

Also Present: Planning Commissioner Matthew Westgaard

1. Call Meeting To Order

Pursuant to due call and notice thereof, the meeting of the Elk River City Council was called to order at 6:30 p.m. by Mayor Klinzing.

2. Consider 9/18/2006 Agenda

The Council moved Item 3.3. after Item 6.4. Councilmember Motin added Prosecuting Attorney Update to Council Updates.

**MOVED BY COUNCILMEMBER MOTIN AND SECONDED BY
COUNCILMEMBER FARBER TO APPROVE THE AGENDA AS AMENDED.
MOTION CARRIED 5-0.**

3. Consider Consent Agenda

**MOVED BY COUNCILMEMBER GUMPHREY AND SECONDED BY
COUNCILMEMBER FARBER TO APPROVE THE FOLLOWING CONSENT
AGENDA:**

- 3.1 CHECK REGISTER.
- 3.2. PAY ESTIMATES AS OUTLINED IN THE STAFF REPORT.
- 3.4. REQUEST BY JEFF WARNER FOR PRELIMINARY PLAT (CRANBERRY RIDGE), PUBLIC HEARING-CASE NO. P 06-15- POSTPONED TO OCTOBER 16, 2006.
- 3.5. PART TIME RECREATION ASSISTANT PROMOTED TO FULL TIME ADMINISTRATIVE COORDINATOR.
- 3.6. \$24,450 FOR PURCHASE OF 2007 FORD PICKUP AND \$21,438.45 FOR PURCHASE OF A BOBCAT.
- 3.7. EXTEND TEMPORARY BUILDING INSPECTOR POSITION TO DECEMBER 29, 2006.

MOTION CARRIED 5-0.

4. Open Mike

Mr. Hals stated the Street Department has supplied six pieces of equipment to assist the City of Rogers with storm clean-up from a tornado. He asked for direction from Council regarding storm debris pickup for affected areas in Elk River.

It was the consensus of the Council that the Street Department pick up debris from residents affected by the storm.

Mayor Klinzing stated she drafted a letter to the Mayor of Rogers reiterating that Elk River is open to assist with clean up efforts.

The Council concurred with sending the letter.

George Anderson, 16783 Yale Street-Submitted a petition from residents of Mississippi Heights requesting Yale Street connect to Yale Court between 170th and 171st Avenue.

Councilmember Dietz noted that Yale Street would be considered under Item 6.2. later on this agenda.

Mayor Klinzing closed Open Mike.

5.1. Pinewood Golf Open Check Presentation to CAER

Mayor Klinzing presented a check in the amount of \$2,350 to CAER food shelf representative Margaret Longie. The funds were raised at the first annual Mayor and Council Pinewood Golf Open.

5.2. TH 169 Geometric and Environmental Study Update

Mr. Maurer introduced Dave Montebello and Mary Karlsson with the SRF Group, who will be completing the TH 169 Geometric and Environmental Study.

Mr. Montebello reviewed the project schedule for the Study. He stated a bulk of the time will be done on the scoping work. Mr. Montebello stated the cost of the study is dependent upon whether an EAW or an EIS is needed.

Councilmember Farber questioned if the project schedule could be more aggressive.

Mr. Montebello stated it could be expedited but depends on the affected businesses along TH 169. He stated the schedule for the environmental component could not be sped up due to public hearing/meeting requirements.

Mr. Maurer stated Elk River's cost is based on the city needing to complete an EAW. He stated if it is determined an EIS is required the city can cancel out of the Study at that point but will not get a refund.

5.3. Street Disruption Permit for Jackson Street and Main Street

Mr. Clark reviewed multiple downtown issues regarding street closures and employee parking as outlined in his staff report.

Councilmember Dietz questioned why First National Bank is using parking stalls in the city owned King Avenue parking lot when they have parking stalls in their own lot.

Mr. Clark stated First National Bank used to own a portion of property in the city-owned parking lot. He stated the bank has given the city an easement in exchange for 23 stalls dedicated to the bank.

Wendy Simonson, Kemper Drug- Stated she is opposed to the city closing parking stalls on Jackson Avenue during the busiest time of the year for retail. She suggested charging Flannery Construction a fee for each spot they need and to split those fees between the city and the affected businesses.

Fred McCoy, McCoy's Restaurant- Questioned why the Rivers Edge Park construction project couldn't wait until the Bluff Block project was completed. He suggested the city wait until spring to begin park construction. Mr. McCoy stated the street lights have gone out a few times downtown. He stated when he contacted Elk River Municipal Utilities they refused to come out until a later date. He stated when the lights are out it makes downtown look closed. He further expressed concern for the safety of customers and employees. He stated he would like to see a parking ramp and he is unsure if his business can survive the construction. Mr. McCoy questioned why the parking stalls in front of the park have to be eliminated.

Mr. Maertz stated the stalls are being eliminated due to safety concerns with the intersection and vehicles backing up into the intersection.

Chief Beahen stated the parking stalls are not legal.

Mary VanValkenberg- Stated she is disappointed that the city has a downtown parking issue. She stated the city assured business owners there would be extra parking downtown from day one of construction.

Keith Holme- Kemper Drug- Asked each Councilmember to comment on these issues.

Mayor Klinzing stated she is concerned about how downtown businesses are being affected by construction. She stated she is unsure how to solve these complex issues. She stated the city can't delay the projects; they need to be completed as soon as possible so as not to affect business owners any longer than necessary. She liked the idea of charging the construction company for any parking stalls that need to be closed. She suggested micro loans or grants for downtown businesses (that could prove hardship). Mayor Klinzing stated she doesn't know why the Rivers Edge Park project couldn't have been moved to a later construction date.

Councilmember Farber stated he has been against this project from the beginning. He stated the Council should consider a parking ramp.

**MOVED BY COUNCILMEMBER MOTIN AND SECONDED BY
COUNCILMEMBER FARBER TO APPROVE A STREET DISRUPTION**

PERMIT FOR THE CLOSURE OF MAIN STREET FROM OCTOBER 2 TO OCTOBER 23 PER THE CONDITIONS OUTLINED IN THE CSS BUILDERS AND FLANNERY CONSTRUCTION, INC. MEMO DATED SEPTEMBER 12, 2006 AND AS ILLUSTRATED ON THE STREET DISRUPTION MAP DATED SEPTEMBER 14, 2006 WITH THE FOLLOWING CONDITION:

1. NO EXCEPTIONS TO DEADLINE DATE.

Motion carried 5-0

MOVED BY COUNCILMEMBER GUMPHREY AND SECONDED BY COUNCILMEMBER MOTIN TO APPROVE A STREET DISRUPTION PERMIT FOR THE RECONFIGURATION OF JACKSON STREET FROM OCTOBER 30 TO NOVEMBER 27, 2006 PER THE CONDITIONS OUTLINED IN THE MEMO DATED SEPTEMBER 12, 2006 FROM FLANNERY CONSTRUCTION TO THE CITY OF ELK RIVER, AND AS ILLUSTRATED ON THE STREET DISRUPTION MAP DATED SEPTEMBER 14, 2006. Motion carried 5-0.

MOVED BY COUNCILMEMBER FARBER AND SECONDED BY COUNCILMEMBER GUMPHREY TO HAVE STAFF PRESENT TO THE CITY COUNCIL IN 45 DAYS A REPORT ON ALTERNATIVE RECOMMENDATIONS FOR EMPLOYEE PARKING ISSUES. Motion carried 5-0.

MOVED BY MAYOR KLINZING AND SECONDED BY COUNCILMEMBER GUMPHREY TO DIRECT STAFF TO DRAFT A MICRO LOAN OR GRANT POLICY FOR OFFERING ASSISTANCE TO DOWNTOWN BUSINESS OWNERS. Motion carried 5-0.

MOVED BY MAYOR KLINZING AND SECONDED BY COUNCILMEMBER FARBER TO DIRECT STAFF TO RESEARCH THE COST FOR DESIGNING AND CONSTRUCTING A PARKING RAMP. Motion carried 5-0.

Councilmember Motin expressed concern with the city moving forward on construction of a parking ramp because the city doesn't have the power of eminent domain over Elk River Meats.

Mayor Klinzing stated the city is only considering its feasibility at this point.

Mr. Maurer stated he has some parking ramp data that was completed prior to downtown construction that he will bring back to Council.

5.4. Presentation Regarding 193rd Avenue Corridor

Mr. Maurer reviewed the following:

- Project history for the 193rd Avenue corridor
- Two possible alignment options and the pros and cons of each
- Discussions he had with individual property owners
- Presented a new option based on input from agencies and property owners

Councilmember Gumphrey questioned why a proposed alignment wasn't considered south of the power lines.

Mr. Maurer stated due to new eminent domain laws the city should avoid an alignment cutting through a nursery business that is located in that area.

Mayor Klinzing questioned how the SAFETY LU funds would be utilized.

Mr. Maurer stated the funds would be used for road construction but could not be used for land acquisition. He discussed other funding options for land acquisition such as a state aid interest free loan or state aid bonds.

Craig Howse, 19276 Twin Lakes Road-Stated the road will not provide a benefit to the city. He stated residents will not go north on 193rd Avenue in order to go back south on TH 169. Mr. Howse stated he talked to the Planning Department prior to adding on to his home and was told there would be nothing coming near him for future development. He stated he had a pool design (which would be along the newly proposed road) is going to lose a pasture, and is concerned about water flow toward his property.

Gary Weaver, 1943 Auburn Street-Stated he is frustrated that this will be the only east-west road on this side of town. He stated 193rd Avenue is too narrow for making a through street and is concerned about safety. He further expressed concern with allowing commercial development along TH 169 when Mn/DOT will have to come in and pay more to take the land back for intersection developments.

Mayor Klinzing stated the city can't tell property owners what to do with their land near proposed intersections. She stated the city is working on a geometric study for TH 169 which will give them the information they need regarding intersection design so they can plan these areas for the future. She stated the city is initiating this study on their own because Mn/DOT isn't considering them in any future plans. Mayor Klinzing stated 193rd Avenue is not designed to be an east-west corridor but is one route in many that will eventually run east and west on this side of the city.

Councilmember Farber stated 193rd Avenue has always been planned as a through street.

Councilmember Dietz disagreed with Mayor Klinzing. He stated 193rd Avenue was designed as a collector street. He stated the Council needs to find the money to get more roads completed. He stated the 193rd Avenue alignment needs to be decided upon quickly so property owners aren't held up in any decisions they need to consider.

Councilmember Gumphrey concurred with Councilmember Dietz.

Marcia Moen, 19227 Tyler Street-Stated the Council needs to act quickly because property owners are living in limbo.

Dennis Galvin-Stated he would like this issue resolved as quick as possible so he can move on with decisions he needs to make. He requested the Council eliminate an alignment from two to one.

Mayor Klinzing closed the public hearing.

Mayor Klinzing stated the southerly green alignment should be eliminated.

The Council concurred.

It was the consensus of the Council to pursue following an alignment near the two northerly (green and purple in presentation) options presented by Mr. Maurer.

Councilmember Motin stated the options couldn't be eliminated to one until the city is able to determine whether Mr. Galvin wants to stay in his home. He stated the green alignment will not affect any homes but if Mr. Galvin plans on moving anyway the purple alignment may be even better.

Mr. Maurer stated everyone needs time to absorb the two final options approved tonight before any final decisions are made.

Jody Galvin-Stated regardless of the route chosen they will have to move so the city should take the northerly purple alignment.

MOVED BY COUNCILMEMBER DIETZ AND SECONDED BY COUNCILMEMBER FARBER TO ADOPT RESOLUTION 06-109 AUTHORIZING APPRAISALS AND NEGOTIATION AND ORDERING A PUBLIC HEARING FOR THE 193RD AVENUE CORRIDOR FROM WOODS AT HILLSIDE ESTATES 4TH ADDITION TO CSAH 13. Motion carried 5-0.

The Council took a 10 minute recess at 8:45 p.m.

6.1. Request by Bauerly Brothers, Inc. for Conditional Use Permit for Gravel Mining, Public Hearing-Case No. CU 06-20

Ms. Haug stated the applicant is requesting a conditional use permit to operate a hot mix asphalt plant and trucking operation. She reviewed the conditional use permit agreement.

Councilmember Gumphrey questioned how 225th Avenue will be maintained when trucks are pulling out of the plant.

Ms. Haug stated water trucks hose down the road and staff is requiring the applicant to pave 100' of their driveway in order to minimize the dirt on the road.

Councilmember Dietz questioned how the acceleration lanes for TH 169 would be laid out.

Ms. Haug stated they will be determined through the Mn/DOT permitting process.

Mayor Klinzing opened the public hearing.

Eileen Schultz, 1166 225th Avenue-Stated the intersection at TH 169 and 225th Avenue is already too congested to handle any additional trucks. She distributed photos of trucks making illegal maneuvers at the intersection because the intersection is not designed for this type of traffic. She suggested the applicant use 221st Avenue.

Councilmember Motin questioned why the applicant didn't consider 221st Avenue.

Jeff Lawson, 22715 Baldwin-Stated he is concerned about public safety at 225th Avenue and TH 169. He is concerned about who will have to pay for the improvements on TH 169. He

stated paving 100' of the applicant's driveway will not help with the maintenance of 225th Avenue.

John Quade, Bauerly Bros. representative- Stated this site is zoned as a mining overlay. He discussed the acceleration lanes. He stated there is no road to access 221st Avenue.

Steve Fischer, 11049 235th Avenue- Stated concerns with safety at the intersection. He stated trucks stack up at the intersection. He stated the road improvements should be completed prior to giving the applicant the conditional use permit.

Todd Erickson (Elk River Police Officer speaking as a resident)- Stated concerns with safety at the intersection. He stated the current deceleration lanes were designed for when TH 169 used to be 55 mph.

Bill David, Bauerly Bros. representative- Stated that the median at 221st Avenue is not large enough for certain sized trucks.

Mayor Klinzing closed the public hearing.

Councilmember Farber stated safety concerns with this intersection.

Councilmember Motin stated Section 3 (01) should state, "...25% of asphalt product is derived from the gravel operation conducted on site not later than December 31, 2021." He further stated the following language should be added to Section (10) c., "...prior to the operation of the hot mix asphalt plant."

Councilmember Gumphrey suggested a condition be added to the conditional use permit requiring water trucks to maintain 225th Avenue.

Mayor Klinzing added a Section (10) d. stating, "As deemed necessary by the City of Elk River and required improvements to 225th Avenue from the intersection of TH 169 to the entrance of the gravel pit area must be constructed prior to commencement of operation of the hot mix asphalt plant."

MOVED BY COUNCILMEMBER MOTIN AND SECONDED BY COUNCILMEMBER DIETZ TO APPROVE CONDITIONAL USE PERMIT CU 06-20 WITH THE CHANGES NOTED ABOVE. Motion carried 4-1. Councilmember Farber opposed.

6.2. Request by Scott Powell for Administrative Subdivision, Public Hearing-Case No. AS 06-01

Mr. Barnhart stated the applicant is requesting an administrative subdivision to re-subdivide two lots into four lots. He stated staff recommends Yale Street be extended through to connect it between 170th and 171st Street in order to allow traffic access to a signalized intersection at TH 10.

Mayor Klinzing opened the public hearing.

Kathy Raivala, 17201 Yale Street- Stated she represents the townhome association and they are opposed to Yale Street being connected due the test driving of cars from the nearby dealership and safety concerns with a nearby daycare.

Tom Lucas, 17115 Yale Street- Stated he is opposed to the Yale Street connection. He stated the cul-de-sac is good security for local businesses.

Gerald Jorgenson, 16831 Yale Street- Stated he is opposed to the Yale Street connection. He stated commercial and residential development should be kept separate.

Pam Larson, 17107 Yale Street- Stated opposition to the Yale Street connection.

George Anderson, 16783 Yale Street- Stated it makes sense to connect Yale Street. He suggested closing 167th Avenue by Broadway Bar in order to force drivers to use the controlled intersection and to limit test drives in the residential areas.

Deanna Baldwin, 17265 Yale Street- Stated opposition to a Yale Street connection but would not object to a walking trail extended through the same location.

Steve Rohlf, applicant representative- Stated he is opposed to the following points in the city engineer's memo:

- #1 If Yale Street is connected it will make one of his lots unusable and he will have to drop the plat.
- #2 This item can be addressed through the conditional use permit process and he stated if SuperAmerica comes in, they may want access from 171st Avenue.
- #3 He does not want to put in sewer and water at this point because he may combine lots in the future. He is willing to work with staff on another way to resolve this issue.
- #4 He would like the option of two at least two cross accesses on the cul-de-sac. Mr. Maurer stated it would depend on the type of the uses that will be on these lots.

Mayor Klinzing closed the public hearing.

Mayor Klinzing stated she is opposed to the Yale Street connection because it will bring traffic to an unsignalized intersection.

Councilmember Motin concurred with Mayor Klinzing but didn't see any issues with Yale Street being connected as a through street.

Councilmember Dietz stated he is not opposed to the Yale Street connection.

It was the consensus of the Council that staff work with the applicant regarding condition # 3 in the city's engineer's memo.

**MOVED BY COUNCILMEMBER MOTIN AND SECONDED BY
COUNCILMEMBER GUMPHREY TO ADOPT RESOLUTION 06-110
GRANTING FINAL PLAT APPROVAL FOR MISSISSIPPI RIDGE 2ND
ADDITION, CASE NO. AS 06-01 WITH THE FOLLOWING CONDITIONS:**

1. **CROSS ACCESS EASEMENTS SHALL BE PREPARED FOR ANY LOTS IN
A REMAINING CUL DE SAC.**

2. THIS FINAL PLAT APPROVAL SHALL EXPIRE ONE YEAR FROM THE DATE OF THIS RESOLUTION IF THE FINAL PLAT IS NOT RECORDED WITHIN THAT TIME.
3. ALL COMMENTS OF THE CITY ENGINEER IN A MEMO DATED SEPTEMBER 6, 2006 EXCEPT #1 BE ADDRESSED

Motion carried 4-1. Councilmember Dietz opposed.

- 6.3. Request by KKE Architects for Conditional Use Permit for Elk River Library, Public Hearing-Case No. CU 06-23

Mr. Leeseberg stated the Elk River Public Library is requesting a conditional use permit to construct a new Library facility. He reviewed the building design, signage, lighting, and landscaping.

Mayor Klinzing opened the public hearing. There being no one to speak to this issue, Mayor Klinzing closed the public hearing.

MOVED BY COUNCILMEMBER GUMPHREY AND SECONDED BY COUNCILMEMBER FARBER TO APPROVE CONDITIONAL USE PERMIT, CASE NO. CU 06-23 WITH THE FOLLOWING CONDITIONS:

1. THE BUILDING SHALL MEET ALL APPLICABLE BUILDING CODES.
2. THE BUILDING SHALL MEET ALL APPLICABLE FIRE CODES.
3. ALL BUILDING MATERIALS SHALL BE SIMILAR IN STYLE AND TYPE TO THOSE SHOWN ON THE DRAWING DATED JULY 20, 2006.
4. ALL LANDSCAPING SHALL BE INSTALLED AS SHOWN ON THE DRAWING DATED JULY 20, 2006.
5. ALL SITE PLAN AMENITIES SHALL BE AS SHOWN ON THE DRAWING DATED JULY 20, 2006.
6. ALL SITE LIGHTING SHALL MEET CITY ORDINANCE REQUIREMENTS.
7. SIGNAGE SHALL BE AS SHOWN ON THE ELEVATIONS DATED JULY 20, 2006.
8. MONUMENT SIGNAGE SHALL NOT BE TALLER THAN THE MONUMENT SIGN FOR THE CITY HALL/PUBLIC SAFETY CAMPUS (NOT TO EXCEED 20-FEET) AND SHALL BE LOCATED ON EITHER SIDE OF THE ENTRANCE DRIVE.
9. SIGN PERMITS SHALL BE OBTAINED FOR ALL SIGNS.
10. IF A COFFEE SHOP/CAFÉ GREATER THAN 1,800 SQUARE FEET IS DESIRED OR IN A SIGNIFICANTLY DIFFERENT LOCATION THAN AS SHOWN ON THE SITE PLAN DRAWING DATED JULY 20, 2006, THE

**APPLICANT SHALL APPLY FOR AN AMENDMENT TO THEIR
CONDITIONAL USE PERMIT.**

**11. SUPPORT SERVICES TO THE BUILDING SHALL OCCUR ONLY
BETWEEN THE HOURS OF 7:00 A.M. AND 10:00 P.M.**

Motion carried 5-0.

6.4. Request by 3 Way Properties for Conditional Use Permit for Outdoor Storage, Public
Hearing-Case No. CU 06-24

Mr. Barnhart stated the applicant is requesting a conditional use permit for fenced in outdoor storage. He provided an overview of the project and reviewed parking, landscaping and the Planning Commission's recommendation.

Mr. Clark stated it's not realistic to have certain applicants conform to the city's landscaping requirements because the applicant is making minor improvements to his site. He stated staff tried to take a pragmatic approach with a compromise on the landscaping plan.

Mayor Klinzing opened the public hearing. There being no one to speak to this issue, Mayor Klinzing closed the public hearing.

Councilmember Motin stated the storage equipment should be limited to equipment necessary for the excavating business.

**MOVED BY COUNCILMEMBER MOTIN AND SECONDED BY
COUNCILMEMBER FARBER TO APPROVE CONDITIONAL USE PERMIT,
CASE NO. CU 06-24 WITH THE FOLLOWING CONDITIONS:**

1. ALL COMMENTS OF THE CITY ENGINEER DATED SEPTEMBER 5, 2006, SHALL BE ADDRESSED.
2. THE FENCE AND OUTDOOR STORAGE AREA PRESERVE THE REQUIRED 30' FRONT YARD SETBACK FROM 161ST AVENUE ROW.
3. THE FENCE AND OUTDOOR STORAGE ARE TO PRESERVE THE REQUIRED 25-FOOT BUFFER (NO TOUCH, NO MOW) AREA ADJACENT TO THE WETLAND.
4. AT MINIMUM, THE FRONT APPROACHES WITHIN THE RIGHT-OF-WAY SHALL BE PAVED WITH EITHER CONCRETE OR ASPHALT.
5. A LANDSCAPING PLAN BE DEVELOPED THAT INCLUDES 5 OVER-STORY TREES IN THE FRONT YARD, 15 EVERGREEN TREES, AND IVY ADDED ALONG SIDE THE FENCED AREA. LANDSCAPING PLAN SHALL BE APPROVED BY STAFF.
6. THE PROPERTY SHALL INCLUDE A WELL FOR ON SITE WATER USAGE.
7. ONLY EQUIPMENT AND MATERIAL NECESSARY FOR THE OPERATION OF THE EXCAVATING BUSINESS MAY BE PERMITTED

TO BE STORED IN THE OUTDOOR STORAGE YARD. NO BOATS, FOOD TRAILERS, MODULAR HOMES, OR INOPERABLE VEHICLES.

- 8. A LETTER OF CREDIT IN AN AMOUNT UP TO \$50,000 SHALL BE PROVIDED AS A GUARANTEE FOR THE COMPLETION OF THE SITE IMPROVEMENTS. ESTIMATES OF IMPROVEMENTS TO INCLUDE LANDSCAPING, IVY, WETLAND PROTECTION AND SHALL BE APPROVED BY THE CITY ENGINEER.**

Motin carried 5-0.

- 3.3. Request by The Home Depot for a General Planning Permit for Outdoor Display, Case No. GP 06-11

Mr. Clark introduced Sheila Cartney, newly hired Senior Planner for the City of Elk River.

Ms. Cartney stated The Home Depot would like a general planning permit to allow the temporary storage of accessory structures in their parking lot. She noted the applicant is currently out of compliance with some of the conditions in their conditional use permit.

John Damas, applicant representative- Stated The Home Depot has outdoor storage displays of its accessory structures though out the country. He stated the storage location would be a permanent display taking approximately 40 parking stalls.

Mr. Beck stated if the applicant wants the display area to be permanent he has completed the incorrect application. He stated the applicant needs to apply for an amendment to their conditional use permit. Mr. Beck stated the general planning permit needs to be withdrawn or denied.

Councilmember Motin stated he didn't think it would be appropriate to have a permanent display of accessory structures in the parking lot.

Councilmember Farber stated the applicant should correct the items that are out of compliance with their conditional use permit.

Jeff Schneider, Store Manager- Stated they are working on cleaning up the items that are out of compliance.

MOVED BY COUNCILMEMBER FARBER AND SECONDED BY COUNCILMEMBER GUMPHREY TO DENY GENERAL PLANNING PERMIT, CASE NO. 06-11 BASED ON THE FOLLOWING FINDING:

- 1. THE APPLICANT INDICATED THE REQUEST IS FOR A PERMANENT DISPLAY; THEREFORE, A CONDITIONAL USE PERMIT IS REQUIRED.**
- 2. THE REQUEST WAS FOR A GENERAL PLANNING PERMIT.**

Motion carried 5-0.

7. Other Business

There was no Other Business.

8. Council Updates

Councilmember Motin stated an RFP for legal services has been drafted and will be presented to Council on October 2 for any comments.

9. Staff Updates

9.A. Deer Hunt in Parks

Mr. Maertz stated that after the Council approved the deer hunt the Parks & Recreation Commission had a chance to review it at their meeting. He stated the Commission recommends postponing the hunt to 2007 due to three issues: educating the public, timing with high school activities, and the permitting process.

Councilmember Dietz suggested the Police Department work with the Parks Department to resolve the issues and still have the hunt this year. Councilmember Dietz apologized to the Parks Commission for not sending this issue to them for review first. He stated the general public has commented that they are being discriminated against by not being allowed to hunt in the parks.

Chief Beahen stated the DNR has withdrawn from the process because they didn't want to create any conflict within the city. He wasn't sure the issues could be resolved in time for this year. He stated he and the DNR do not support the general public being involved with the hunt due to safety concerns. Chief Beahen stated further concerns with the city's liability and a general public open hunt. He stated they have a screening process in place and limit the hunt to known skilled hunters. He stated they were considering a group like the Handicap Hunters Association.

Councilmember Farber stated he disagrees with the Parks Commission recommendation. He stated the City of Fridley has their Police Department thin out the deer herds and donate the meat to local food shelves.

Chief Beahen stated it is common in metro area cities for law enforcement officers to thin out the herd with high powered rifles and finish within a few days.

Councilmember Gumphrey stated something should be done to control the deer population even if it is to have the officers take care of it.

The Council concurred and recommended donating the meat to an organization.

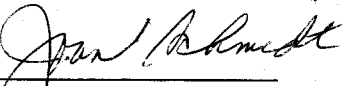
Chief Beahen stated he would contact the DNR and work with the Parks Department to try and work out an arrangement for thinning the deer population this year. He apologized for not involving the Parks Department in this process from the beginning.

Ms. Johnson stated the Council needs to discuss the YMCA at a future meeting. Staff will present a schedule and other project information at that time.

11. Adjournment

There being no further business, Mayor Klinzing adjourned the meeting of the Elk River City Council at 11:10 p.m.

Minutes prepared by Tina Allard



Joan Schmidt
City Clerk



Request for Action

To
City Council

Item Number
10.3

Meeting Date
March 18, 2024

Prepared By
Zack Carlton, Community Development Director

Item Description
Proposed Missing Middle Housing Legislation

Reviewed by:
Cal Portner
Tina Allard

Action Requested

Receive information and discuss proposed legislation regarding zoning and housing regulations.

Background/Discussion

The current legislative session has seen several bills pertaining to zoning and housing regulations. The bills generally reduce or eliminate a city's ability to regulate development within its community. Examples include a prohibition on material standards, reduced minimum parking requirements, reduced minimum lot sizes, and mandating additional housing types.

The additional housing types include a variety of smaller multifamily housing types like duplexes, triplexes, and townhomes, which have commonly been referred to as the "missing middle" housing types. They received this name as there have been fewer of these housing types built over the last few decades, and they are generally more affordable than single-family homes. The legislators proposing these bills believe that by mandating these housing styles throughout a city, developers will build more homes of these types, which may improve affordability.

Staff's goal is to make sure the City Council is aware of these bills and discuss options for conveying support or opposition to these bills to our representatives.

Financial Impact

None

Mission/Policy/Goal

Attachments

None

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Request for Action

To
City Council

Item Number
10.4

Meeting Date
March 18, 2024

Prepared By
Cal Portner, City Administrator

Item Description
Parks and Recreation Commission Ordinance and
Conflict of Interest in Multipurpose Facility Advisory
Commission Ordinance

Reviewed by:
Cal Portner
Joe Stremcha
Tina Allard

Action Requested
Receive information and provide staff direction.

Background/Discussion

Staff has reviewed ordinances for commissions and boards and attempted to simplify and improve the consistency of each commission ordinance that enables the commission and directs their duties. One result is operational bylaws, the basic meeting procedure and schedule, which have been removed from the ordinance and added to a new template for each commission to set and be approved by the council. This will allow for schedule changes that don't require an ordinance amendment.

The City Council reviewed these changes at their last regular meeting work session. At the time, we were missing the Park and Recreation Commission as we wanted the commission to review their assigned duties and ensure they were still applicable. The Park and Recreation Commission ordinance was last amended in 1982. The commission did not meet last month due to a lack of quorum. The commission did meet on March 13 and recommends several updates to the ordinance.

Secondly, Mayor Dietz inquired regarding our Conflict of Interest Ordinance and the setting of fees by the Multipurpose Facility Advisory Commission. The question was posed to the city attorney for direction.

Financial Impact
N/A

Mission/Policy/Goal

Attachments

1. Park Rec Ordinance Redline
2. Park Rec Ordinance Clean
3. Elk River MN Code of Ordinances Conflict of Interest
4. Memorandum - Campbell Knutson

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DIVISION 3. PARK AND RECREATION COMMISSION¹

Sec. 2-231. Established.

A park and recreation commission for the city is hereby established.

Sec. 2-232. Membership.

The Park and Recreation Commission shall consist of seven members appointed by the City Council. It is expected that a preference be given to city residents, but residency by itself shall not be a disqualification.

Sec. 2-233. Purpose.

The Park and Recreation Commission is established to review and make recommendations to the City Council on the development and organization of the city parks and recreation programs. The scope of the commission shall consist of advising the City Council on matters relevant to city parks and recreation functions. The commission shall participate in the planning for development and acquisition of parks and recreation programs.

Sec. 2-234. Powers and duties.

- (a) The Commission shall prepare, hold hearings on and recommend to the City Council such plans, programs, and policies it deems necessary to carry out the purposes of parks and recreation. Such powers shall include, but not be limited to, the study of and recommendation to the city council on the following:
- (1) Land acquisition for parks, trails, and recreation facilities, ~~and recreation purposes~~.
 - (2) Plans for and major improvements in city parks, trails, and recreation facilities.
 - (3) Rules and requirements for conduct of and in parks, trails, and recreation facilities.
 - (4) Plans and programs relating to the design and programming of city parks, trails, and recreation facilities.
 - ~~(5) Proposed amendments in the recreation section of the city growth management plan.~~
 - ~~(5)~~ Development of a comprehensive city park, trail, and recreation plan and ~~makeing~~ making recommendations ~~for plan on the implementation of this plan.~~
 - ~~(6)~~ Collaborate with city staff and local experts to create a comprehensive natural resources management plan.
 - (7) ~~Assisting in with~~ the promotion of city parks, trails, and recreation facilities.
 - (8) ~~Conducting periodic inspections of city parks and reviewing~~ Provide feedback on existing situations and ~~makeing~~ making recommendations on improvements of city parks, trails, recreation facilities, and recreation programs.
 - ~~(9) Discourageing the vandalism of city parks.~~
 - ~~(9)~~ Collaborate ~~Working~~ with ~~a variety of external~~ organizations ~~in to~~ ensuring the offering of an appropriate array of recreation opportunities for the youth and adults of the city.
 - ~~(10)~~ Collaborate with city staff ~~Work with the city administrator or his/her designee~~ to ensure the proper maintenance and development of city parks and park recreation facilities.

(112) Collaborate with ~~Work with the~~ city staff in ensuring that appropriate park properties are obtained by the city during the city development platting process.

(123) Any other plans and programs as may be assigned by the city Council from time to time.

- (b) The commission shall not be considered a park board under state law and shall have no powers to acquire or lease land, employ personnel, or enter ~~into~~ contracts or leases, or any similar powers authorized for a park board by state law.

Sec. 2-235. Meetings.

The park and recreation commission shall meet regularly each month as established per their bylaws.

Sec. 2-236. Reports.

The park and recreation commission's reports, conclusions and recommendations shall be made to the City Council as may be requested. Its reports, conclusions and recommendations are purely advisory, and the final determination and responsibility shall be with the City Council.

Secs. 2-237—2-249. Reserved.

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 - (3) Rules and requirements for conduct of and in parks, trails, and recreation facilities.
 - (4) Plans and programs relating to the design and programming of city parks, trails, and recreation facilities.
 - (5) Development of a comprehensive city park, trail, and recreation plan and make recommendations for plan implementation.
 - (6) Collaborate with city staff and local experts to create a comprehensive natural resources management plan.
 - (7) Assist with the promotion of city parks, trails, and recreation facilities.
 - (8) Provide feedback on existing situations and make recommendations on improvements of city parks, trails, recreation facilities, and recreation programs.
 - (9) Collaborate with external organizations to ensure the offering of an appropriate array of recreation opportunities for the youth and adults of the city.
 - (10) Collaborate with city staff to ensure the proper maintenance and development of city parks and recreation facilities.
 - (11) Collaborate with city staff in ensuring that appropriate park properties are obtained by the city during the city development platting process.
 - (12) Any other plans and programs as may be assigned by the City Council from time to time.

- (b) The commission shall not be considered a park board under state law and shall have no powers to acquire or lease land, employ personnel, or enter contracts or leases, or any similar powers authorized for a park board by state law.

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Secs. 2-237—2-249. Reserved.

Sec. 2-132. Intent of division; conflicts of interest prohibited.

The credibility of the local government rests heavily upon the confidence which citizens have in public officials and employees to render fair and impartial services to all citizens without regard to personal interest and/or political influence. Thus, city officials and employees must scrupulously avoid any activity which suggests a conflict of interest between their private interests and city responsibilities. Officials and employees of the city, or their family members, shall not engage or have financial interest in any business or other activity which could reasonably lead to a conflict of interest with the official's or employee's primary city responsibilities. Family members of an official or employee shall be deemed to be the official's or employee's spouse, parents, children, siblings, father-in-law, mother-in-law, brothers-in-law, and sisters-in-law and the lineal descendants of any of them. Examples of activities which are not in accordance with this policy include, but are not limited to, the following:

- (1) Entering into any sale, lease, or contract in violation of Minn. Stats. §§ 471.87—471.89;
- (2) Acceptance by a local official of any gift from an interested person in violation of Minn. Stats. § 471.895;
- (3) Activities which require the official or employee to interpret city codes, ordinances, or regulations which such activity involves matters with which the official or employee has business and/or family ties;
- (4) Consulting activities carried out within the city if such consulting involves talents or skills primarily related to the official's or employee's city work responsibilities;
- (5) Using an official's or employee's authority, influence, or city position for the purpose of private or personal financial gain;
- (6) The use of city time, facilities, equipment, or supplies for the purpose of private or personal financial gain;
- (7) Entering into a business transaction when it involves using confidential information gained in the course of employment;
- (8) Accepting other employment or public office where it will affect the official's or employee's independence of judgment or require use of confidential information gained as a result of city duties;
- (9) Conducting personal business while working regularly scheduled hours; and
- (10) Accepting rebates or procuring any financial gain through the bidding process or employment of outside personnel.

(Ord. No. 99-33, § 2(220.00), 12-20-1999)

MEMORANDUM



CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

FROM: JARED SHEPHERD, CAMPBELL KNUTSON, P.A.
DATE: MARCH 18, 2024
RE: POTENTIAL CONFLICT OF INTEREST MFAC

FACTS

In 1996, to help manage the ice rink, the City created an advisory Arena Commission. The commission membership included members of the city council, as well as designated seats for representatives of groups that frequently used the ice rink such as the school district. As the ice rink grew over the years to include new types of facilities, the commission expanded to include designated members representing these new uses, and, in 2020, the City established the Multipurpose Facility Advisory Commission (MFAC) to replace the Arena Commission. Current membership on the MFAC includes designated seats representing facility users, ice uses, the city council, the school district, the senior center, and two at-large members.

At the same time as its uses and membership expanded, the MFAC also expanded its duties, which currently include recommendations about use fees and discounted rates.

QUESTION PRESENTED

Does the scope of the MFAC, with representatives from user groups advising on the fees their own groups will be required to pay, create a likely conflict of interest for Commission Members?

ANALYSIS

State law prohibits public officers from participating in contracts with the city (such as a rental agreement for using city facilities) if the officer has any personal financial interest. Minn. Stat. § 471.87. Years after creating the MAFC structure, the City also enacted a conflict of interest ordinance that is stricter than statutes. City code § 2-132 aims to protect the “credibility of local government” by prohibiting any financial or business interest in matters city officials and employees oversee in an official capacity. The city code directs employees and officials to be cautious, and to avoid any activity which even “suggests a conflict of interest.” City Code § 2-131 explicitly states that commission members are subject to these requirements

The MFAC currently advises on both the base rates and any potential discount rates for use of the City’s facility. MFAC members, however, explicitly represent certain groups that will be responsible for paying those rates. There is clear logic in having facility users—who will be most familiar with the facility and what services are needed—provide input on how best to operate the facility. But their inclusion on a City commission could create the appearance that certain groups have been given the power to set their own terms. This is especially true given the City Council’s more recent directions to have the facility become revenue-neutral. As the facility needs to raise

more money to cover its operating cost, any discount given to one group will need to be made up by fees paid by others. This at least creates the appearance of a direct conflict over what base rates and discounts the MFAC recommends.

RECOMMENDATION

We recommend altering the MFAC to remove the user groups. This change will prevent the appearance of a conflict of interest or a conflict, in factor, that is institutionally-created for Commission members. User groups should be, of course, still welcome and able to submit suggestions and apply for discounted rates. But this change would clarify that they are doing so on their own behalf as facility users, and that no user group is being given unfair access to the City's decision-making process.



Request for Action

To
City Council

Item Number
10.5

Meeting Date
March 18, 2024

Prepared By
Cal Portner, City Administrator

Item Description
Ordinance: Park Trail Closure

Reviewed by:
Cal Portner
Justin Femrite
Tina Allard

Action Requested
Receive information and provide staff direction.

Background/Discussion

Each spring, as the weather warms and the frost begins to leave the ground, our stewards at Woodland Trails Regional Park post "Trail Closed" signs at entrance points to the sod trails to protect the grass from damage while in a fragile state. Allowing a disrupted start to the growth of the grass is important as the mature tree canopies in the summer shade the grass and slow its growth.

We have had park users disobey the stewards' signs, which has resulted in potential conflicts between users and stewards trying to protect the park.

The Council should consider an ordinance prohibiting use of the trails that can be enforced by the police department.

Financial Impact
N/A

Mission/Policy/Goal

Attachments

1. 10.5 att1 D Anderson Email
2. 10.5 att2 PIC Trail damage

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Subject: RE: Green trail closure at Woodlands

Cal,

I am writing this note to let you know that you will likely be hearing about me and how bad I am.

Background; This spring, as we have for the past 25 years or so, we barricade and post the green trails on the east side of the GNT as closed. The trails are generally closed until spring green up. We do this because the trail surface can be very soft as the trail surface transitions from frozen to green. We have seen many of the freeze-thaw cycles this season due to our weird winter. Foot traffic on the soft surface, especially in shady areas where there is little or no turf, damages the trail surface. Because of the steep slopes and highly erodible soils, it is important to maintain the trail surface. Spring damage poses one of our most significant challenges for our maintenance efforts.

When we were out cutting dead trees along the trails on the morning of February 27th, we noticed significant damage to the trail surface, even though the trail was already closed. The trails were frozen at the time. Photo attached.

Since then, we have worked to identify and educate trail users on the issue.

Yesterday, Mike N encountered two women entering the closed trail and they completely ignored his efforts to educate on why they should not be on the trails and kept on walking. Wayne was working near the biathlon range and again encountered them and had a similar exchange. I was in the parking lot this morning when they were returning from their walk. I approached them to have chat about the trail closure and reasons why. They got wigged out and said they plenty of taxes and that they can walk anywhere they want. It is amazing how those in the wrong work hard to create a narrative that they are the victims. I sent Joe a photo of them on the trail and photo's of their license plates for identification.

During the summer and fall, we work hard to keep the trail surface in as good of condition as possible for both summer and winter uses. The vast majority of trail users appreciate and respect those efforts and abide by the closures.

Let me know if you have any suggestions both on how to better protect the trails and how to handle those who choose not to abide by trail closures. It used to be so easy, but not any more.

Thanks

Dave

 In the interests of the environment, please print only if necessary and recycle.

CONFIDENTIAL COMMUNICATION: This e-mail and any attachments accompanying this transmission may contain confidential information that is subject to the terms of the confidentiality agreement between you and Cretex Companies, Inc. or may contain privileged information, and are intended for the sole use of the intended recipient. If you are not the intended recipient, please notify the sender of the error in transmission and immediately delete or destroy the e-mail, all attachments, and any copies thereof. Thank you.





Request for Action

To
City Council

Item Number
10.6

Meeting Date
March 18, 2024

Prepared By
Cal Portner, City Administrator

Item Description
Council/Staff Annual Retreat Discussion Topics

Reviewed by:
Cal Portner
Joe Stremcha
Tina Allard

Action Requested
Discuss and provide staff direction for the annual retreat.

Background/Discussion
The Council has selected Monday, April 29th for their annual retreat with staff. We will begin at 1 p.m. in the EOC and can expect to finish at approximately 7 p.m.

We will review the city vision, values, mission statement, city goals, discuss 2025 budget parameters, and various other topics.

This discussion is intended to build the agenda for the meeting. Please take some time to think of possible discussion items.

Staff would like some direction on the following topics:

- 1) MN Affordable Housing Aid Grant Use
- 2) MN Public Safety Aid Grant Use
- 3) SWOT Analysis, staffing models, and job description revisions.
- 4) Master Planning: Parks and Fire Station #1
- 5) Northbound Capital Improvement Plan

Financial Impact
N/A

Mission/Policy/Goal

Attachments
None

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Memorandum

To: Mayor and City Council

From: Lori Stich, Finance Manager

Date: March 18, 2024

Subject: February 2024 Monthly Financial Report

This report is designed to provide summary information regarding the overall level of revenues and expenditures in the General Fund, the Multipurpose Facility Special Revenue Fund, and the Enterprise Funds. These funds provide an important picture of the city's financial health.

For the month of February, actual revenues (excluding property taxes and transfers in) and expenditures should run about 17% of the annual budget. It is natural for some of the items to vary from month to month, such as exceeding budget for Supplies but being below budget for Services. This is not considered serious as long as the total expenditure budget amount is not overspent. Significant variances from budget are highlighted below accompanied with a general discussion for the variance.

GENERAL FUND

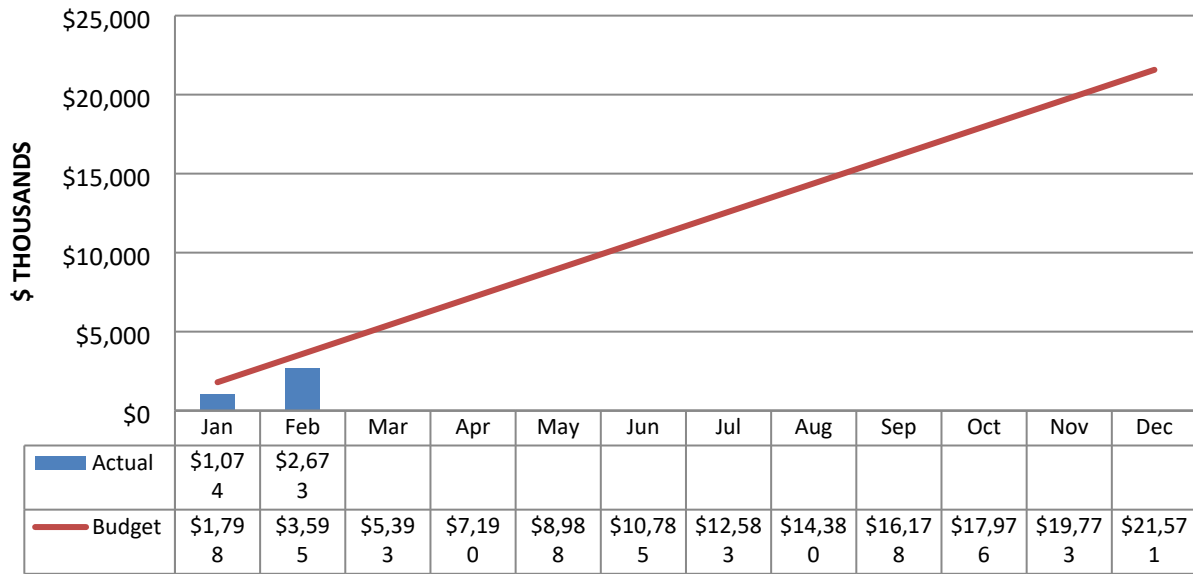
Revenues:

- Property taxes, our largest revenue source, are received in July and December.
- License & permit collections are 6% of budget estimates and consist primarily of building-related permits.
- Charges for services are about 33% of estimates with plan check fees, first-half Otsego fire contract, and recreation fees making up the majority of collections.
- Transfers in consist of ERMU's 4% January monthly electric revenues. The remaining transfers in will be recorded mid-year.

Expenditures:

- Total departmental expenditures are about 12% of budget and most departments are within or below budget estimates.

2024 Monthly Expenditures



MULTIPURPOSE FACILITY

Through the end of February, revenues of \$375,134 exceed expenditures of \$206,007 by \$169,127. The majority of February collections consist of facility rentals, hockey game admissions, recreation fees and concessions while expenditures are primarily attributable to personal services.

ATTACHMENTS

- General Fund Revenue & Expense Report
- Multipurpose Facility – Budget to Actual
- Enterprise Funds – Budget to Actual
- Cash Report – All Funds

CITY OF ELK RIVER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

101-GENERAL FUND

FINANCIAL SUMMARY

16.67% OF YEAR COMPLETED

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE	PRIOR FY YTD BALANCE
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REVENUE SUMMARY

General Fund	21,570,600.00	547,201.64	773,820.68	3.59	20,796,779.32	526,937.89
TOTAL REVENUES	21,570,600.00	547,201.64	773,820.68	3.59	20,796,779.32	526,937.89
	=====	=====	=====	=====	=====	=====

EXPENDITURE SUMMARY

General Government

City Council	213,550.00	10,474.92	33,696.75	15.78	179,853.25	20,147.93
Communications	485,300.00	34,356.26	55,560.12	11.45	429,739.88	50,907.03
Administrative Services	721,850.00	54,562.30	84,889.68	11.76	636,960.32	80,314.14
Human Resources	426,550.00	24,315.70	37,767.15	8.85	388,782.85	37,525.92
Elections	75,500.00	404.57	4,679.57	6.20	70,820.43	(86.32)
Finance	800,750.00	52,346.84	106,028.78	13.24	694,721.22	109,498.07
Information Technology	731,500.00	48,314.64	85,609.33	11.70	645,890.67	102,839.90
Legal	275,000.00	18,381.78	18,381.78	6.68	256,618.22	23,313.73
Community Development	0.00	30.09	34,231.61	0.00	(34,231.61)	56,175.52
Planning	485,100.00	35,435.07	54,425.73	11.22	430,674.27	28,856.09
Building Maintenance	1,085,250.00	69,414.65	124,427.79	11.47	960,822.21	120,295.70
TOTAL General Government	5,300,350.00	348,036.82	639,698.29	12.07	4,660,651.71	629,787.71

Public Safety

Police Administration	1,175,550.00	67,381.98	248,147.09	21.11	927,402.91	208,856.63
Patrol	3,780,150.00	350,919.97	494,421.39	13.08	3,285,728.61	487,984.59
Investigations	1,430,850.00	91,727.07	136,119.27	9.51	1,294,730.73	148,317.58
Police Support Services	945,800.00	60,717.19	94,405.56	9.98	851,394.44	79,492.23
Police Reserves	16,550.00	149.99	149.99	0.91	16,400.01	1,490.00
Public safety building	229,500.00	5,949.46	13,168.09	5.74	216,331.91	8,274.69
Fire Administration	1,332,800.00	99,867.55	158,910.70	11.92	1,173,889.30	120,250.01
Fire Operations	630,450.00	42,930.40	67,263.93	10.67	563,186.07	83,844.18
Emergency Management	34,750.00	386.29	386.29	1.11	34,363.71	382.05
Building Safety	625,500.00	47,519.82	75,538.37	12.08	549,961.63	72,467.49
Code Enforcement	126,000.00	9,304.69	15,335.69	12.17	110,664.31	14,291.91
Environmental	101,700.00	6,550.49	10,172.21	10.00	91,527.79	9,867.72
TOTAL Public Safety	10,429,600.00	783,404.90	1,314,018.58	12.60	9,115,581.42	1,235,519.08

Public Works

Street Maintenance	1,742,150.00	135,662.06	205,817.92	11.81	1,536,332.08	162,439.38
Snow Removal	411,150.00	39,108.83	122,105.97	29.70	289,044.03	127,512.92
Equipment Services	397,300.00	28,853.55	47,444.39	11.94	349,855.61	38,612.14
Engineering	489,150.00	36,909.87	58,189.83	11.90	430,960.17	55,794.13
TOTAL Public Works	3,039,750.00	240,534.31	433,558.11	14.26	2,606,191.89	384,358.57

101-GENERAL FUND
FINANCIAL SUMMARY

16.67% OF YEAR COMPLETED

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE	PRIOR FY YTD BALANCE
Culture & Recreation						
Parks Department	1,743,700.00	99,878.15	173,500.80	9.95	1,570,199.20	80,031.35
Parks & Rec Admin	621,100.00	44,362.23	72,842.89	11.73	548,257.11	70,316.15
Recreation Programs	181,550.00	9,262.51	10,457.94	5.76	171,092.06	10,261.90
Farmers Market	9,500.00	396.55	414.68	4.37	9,085.32	191.83
Sr Citizen Programs	<u>196,000.00</u>	<u>15,356.93</u>	<u>25,108.46</u>	<u>12.81</u>	<u>170,891.54</u>	<u>21,589.53</u>
TOTAL Culture & Recreation	2,751,850.00	169,256.37	282,324.77	10.26	2,469,525.23	182,390.76
Economic Development						
Economic Development	0.00 (	11,956.81)	561.63	0.00 (	561.63)	21,342.51
Energy City	<u>49,050.00</u>	<u>2,105.15</u>	<u>3,210.26</u>	<u>6.54</u>	<u>45,839.74</u>	<u>3,090.85</u>
TOTAL Economic Development	49,050.00 (	9,851.66)	3,771.89	7.69	45,278.11	24,433.36
General						
TOTAL EXPENDITURES	21,570,600.00	1,531,380.74	2,673,371.64	12.39	18,897,228.36	2,456,489.48
	=====	=====	=====	=====	=====	=====
REVENUES OVER/(UNDER) EXPENDITURES	0.00 (	984,179.10)	(1,899,550.96)		1,899,550.96	(1,929,551.59)

CITY OF ELK RIVER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

101-GENERAL FUND

16.67% OF YEAR COMPLETED

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE	PRIOR FY YTD BALANCE
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REVENUES

General Fund

=====

Taxes

101-3-0000-3111 Current Ad Valorem Taxes	14,917,700.00	0.00	(3,325.92)	0.02	14,921,025.92	0.00
101-3-0000-3112 Delinquent Ad Valorem Taxes	0.00	0.00	2,573.46	0.00	(2,573.46)	0.00
101-3-0000-3121 Gravel Tax	225,000.00	34,469.95	34,469.95	15.32	190,530.05	0.00
101-3-0000-3131 Penalties/Interest	0.00	0.00	752.46	0.00	(752.46)	0.00
TOTAL Taxes	15,142,700.00	34,469.95	34,469.95	0.23	15,108,230.05	0.00

Licenses & Permits

101-3-0000-3211 Liquor License	82,000.00	80.00	80.00	0.10	81,920.00	40.00
101-3-0000-3212 THC License	4,000.00	0.00	400.00	10.00	3,600.00	400.00
101-3-0000-3213 Cigarette License	4,000.00	0.00	450.00	11.25	3,550.00	0.00
101-3-0000-3214 Rental License	65,000.00	1,800.00	3,700.00	5.69	61,300.00	6,080.00
101-3-0000-3216 Mining License	26,000.00	0.00	0.00	0.00	26,000.00	0.00
101-3-0000-3217 Garbage Hauler License	2,500.00	0.00	395.00	15.80	2,105.00	765.00
101-3-0000-3218 Other Business License/Permit	16,000.00	1,270.00	2,440.00	15.25	13,560.00	4,270.00
101-3-0000-3229 NPDES Permit	23,000.00	0.00	175.00	0.76	22,825.00	0.00
101-3-0000-3231 Building Permit	600,000.00	21,067.00	35,884.90	5.98	564,115.10	81,524.25
101-3-0000-3232 Plumbing/Heating Permit	160,000.00	5,846.15	11,768.65	7.36	148,231.35	7,570.85
101-3-0000-3233 Permit Surcharge	700.00	907.38	1,607.51	229.64	(907.51)	3,582.73
101-3-0000-3235 Animal License	0.00	0.00	50.00	0.00	(50.00)	560.00
101-3-0000-3237 Other Non-Business Lic/Permit	25,000.00	1,646.19	1,996.19	7.98	23,003.81	1,380.00
TOTAL Licenses & Permits	1,008,200.00	32,616.72	58,947.25	5.85	949,252.75	106,172.83

Intergovernmental Rev

101-3-0000-3311 Federal Grant	0.00	0.00	0.00	0.00	0.00	308.70
101-3-0000-3322 MV Credit	6,000.00	0.00	0.00	0.00	6,000.00	0.00
101-3-0000-3323 Fire State Aid	230,000.00	0.00	0.00	0.00	230,000.00	0.00
101-3-0000-3325 Police 2% Aid	340,000.00	0.00	0.00	0.00	340,000.00	0.00
101-3-0000-3326 Police Training Reimb	35,000.00	0.00	0.00	0.00	35,000.00	0.00
101-3-0000-3329 State Crime Prevention Grant	48,000.00	9,317.08	9,317.08	19.41	38,682.92	0.00
TOTAL Intergovernmental Rev	659,000.00	9,317.08	9,317.08	1.41	649,682.92	308.70

Charges for Services

101-3-0000-3412 Planning & Zoning Fees	25,000.00	1,825.00	4,325.00	17.30	20,675.00	2,062.50
101-3-0000-3413 Plan Check Fee	250,000.00	12,310.17	19,928.37	7.97	230,071.63	51,428.49
101-3-0000-3415 Special Assessment Search	500.00	0.00	0.00	0.00	500.00	30.00
101-3-0000-3417 Copies	1,500.00	24.03	250.53	16.70	1,249.47	100.74
101-3-0000-3430 Lockout Fees	3,500.00	180.00	320.00	9.14	3,180.00	580.00
101-3-0000-3431 Police Services	45,000.00	10.00	5,020.00	11.16	39,980.00	2,145.00
101-3-0000-3432 School Liaison	183,000.00	0.00	86,123.00	47.06	96,877.00	82,810.50
101-3-0000-3434 Animal Impound Fee	500.00	50.00	50.00	10.00	450.00	50.00
101-3-0000-3436 Fire Contracts	400,000.00	211,205.50	211,205.50	52.80	188,794.50	192,635.00
101-3-0000-3437 Fire Services	3,000.00	0.00	0.00	0.00	3,000.00	(300.00)
101-3-0000-3451 Street Services	35,000.00	2,317.50	6,037.50	17.25	28,962.50	995.00
101-3-0000-3452 Engineering Services Reimb	20,000.00	0.00	0.00	0.00	20,000.00	0.00

CITY OF ELK RIVER
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: FEBRUARY 29TH, 2024

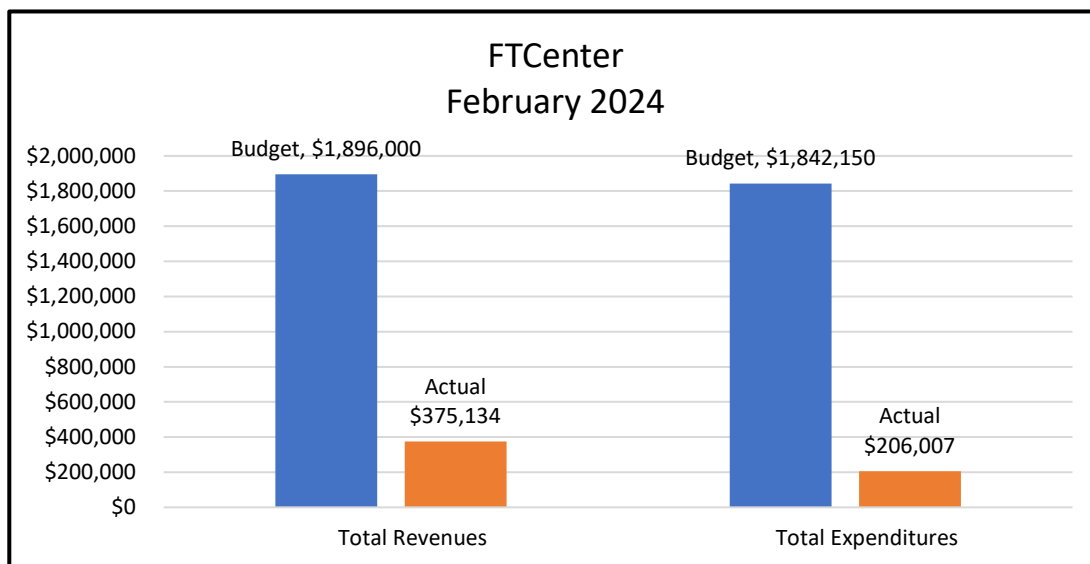
101-GENERAL FUND

16.67% OF YEAR COMPLETED

REVENUES	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	% OF BUDGET	BUDGET BALANCE	PRIOR FY YTD BALANCE
101-3-0000-3461 Recreation Fees	50,000.00	2,802.63	7,494.04	14.99	42,505.96	2,175.00
101-3-0000-3462 Sr Center Activities	43,000.00	2,163.12	10,071.16	23.42	32,928.84	11,045.35
101-3-0000-3463 Farmer's Market	12,000.00	4,205.00	11,830.00	98.58	170.00	18,800.00
101-3-0000-3469 Elk RiverFest	20,000.00	1,380.00	3,500.00	17.50	16,500.00	1,450.00
101-3-0000-3472 Park Use Fee	40,000.00	4,751.50	7,614.00	19.04	32,386.00	6,012.50
101-3-0000-3483 Sewer Inspection Fee	15,000.00	350.00	780.00	5.20	14,220.00	345.00
101-3-0000-3484 Contractor License Check	1,200.00	50.00	110.00	9.17	1,090.00	50.00
TOTAL Charges for Services	1,148,200.00	243,624.45	374,659.10	32.63	773,540.90	372,415.08
Fines & Forfeits						
101-3-0000-3510 Court Fines	150,000.00	11,253.44	22,042.49	14.69	127,957.51	10,381.16
TOTAL Fines & Forfeits	150,000.00	11,253.44	22,042.49	14.69	127,957.51	10,381.16
Special Assessments						
Other Revenue						
101-3-0000-3621 Interest Income	150,000.00	111,883.84	148,257.81	98.84	1,742.19	36,277.77
101-3-0000-3625 Refunds & Reimbursements	145,000.00	(16,342.00)	4,134.50	2.85	140,865.50	(1,069.57)
101-3-0000-3626 Contributions	25,000.00	0.00	0.00	0.00	25,000.00	0.00
101-3-0000-3629 Miscellaneous Revenue	10,000.00	(183.28)	1,431.06	14.31	8,568.94	1,703.13
TOTAL Other Revenue	330,000.00	95,358.56	153,823.37	46.61	176,176.63	36,911.33
Other Financing Sources						
Transfers In						
101-3-0000-3921 Transfers	0.00	0.00	0.00	0.00	0.00	748.79
101-3-0000-3926 Transfer-Capital Outlay Reserv	89,000.00	8,500.00	8,500.00	9.55	80,500.00	0.00
101-3-0000-3942 Transfer-WWTS	175,000.00	0.00	0.00	0.00	175,000.00	0.00
101-3-0000-3943 Transfer-Liquor	1,000,000.00	0.00	0.00	0.00	1,000,000.00	0.00
101-3-0000-3944 Transfer-Garbage	250,000.00	0.00	0.00	0.00	250,000.00	0.00
101-3-0000-3945 Transfer-Utilities	1,400,000.00	112,061.44	112,061.44	8.00	1,287,938.56	0.00
101-3-0000-3946 Transfer-Stormwater	135,000.00	0.00	0.00	0.00	135,000.00	0.00
101-3-0000-3948 Transfer-EDA	46,000.00	0.00	0.00	0.00	46,000.00	0.00
101-3-0000-3949 Transfer-HRA	37,500.00	0.00	0.00	0.00	37,500.00	0.00
TOTAL Transfers In	3,132,500.00	120,561.44	120,561.44	3.85	3,011,938.56	748.79
TOTAL General Fund						
	21,570,600.00	547,201.64	773,820.68	3.59	20,796,779.32	526,937.89
TOTAL REVENUE						
	21,570,600.00	547,201.64	773,820.68	3.59	20,796,779.32	526,937.89
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**CITY OF ELK RIVER
MULTIPURPOSE FACILITY - BUDGET TO ACTUAL
MONTH ENDED FEBRUARY, 2024**

	Current Budget	Year to Date Actual	% of Budget
Revenues:			
Ice Rental	\$893,500	\$93,481	10.46%
Admissions	45,000	71,625	159.17%
Dry Floor Events/Craft Shows	7,000	0	0.00%
Facility Rental	244,400	40,699	16.65%
Advertising/Naming Rights/Sponsorships	178,000	14,383	8.08%
Recreation fees (Skating/Hockey)	290,000	81,825	28.22%
Concessions/vending	229,000	70,845	30.94%
Other Revenues (interest, etc.)	9,100	2,276	25.01%
Total Revenues	\$1,896,000	\$375,134	19.79%
Operating expenses:			
Personal services	\$900,650	\$131,503	14.60%
Supplies	159,800	58,154	36.39%
Other service charges	661,300	16,349	2.47%
Capital Outlay	120,400	0	0.00%
Total Expenditures	\$1,842,150	\$206,007	11.18%
Revenues over/(under) expenditures	\$53,850	\$169,127	



**CITY OF ELK RIVER
ENTERPRISE FUNDS - BUDGET TO ACTUAL
MONTH ENDED FEBRUARY, 2024**

	Liquor			Sewer			Garbage			Stormwater		
	Current Budget	Year to Date Actual	% of Budget	Current Budget	Year to Date Actual	% of Budget	Current Budget	Year to Date Actual	% of Budget	Current Budget	Year to Date Actual	% of Budget
Sales and cost of sales:												
Sales	\$ 8,161,000	\$ 1,136,630	13.93%									
Cost of sales	(6,028,000)	(505,297)	8.38%									
Gross profit	2,133,000	631,333	29.60%									
Operating revenues:												
User charges	-	-	-	\$ 2,630,000	\$ 439,086	16.70%	\$ 2,009,800	\$ 319,781	15.91%	\$ 630,000	\$ 106,787	16.95%
Delinquency collections	-	-	-	1,000	-	0.00%	-	117	-	-	19	-
Other	9,000	340	3.78%	180,000	20,120	11.18%	-	-	-	-	(9,158)	-
Total operating revenues	9,000	340	3.78%	2,811,000	459,206	16.34%	2,009,800	319,898	15.92%	630,000	97,648	15.50%
Operating expenses:												
Personal services	1,070,500	142,644	13.32%	863,500	105,256	12.19%	45,550	5,350	11.75%	-	-	-
Supplies	28,100	3,568	12.70%	324,600	24,763	7.63%	23,400	-	0.00%	1,000	-	0.00%
Other service charges	355,950	39,674	11.15%	972,410	50,222	5.16%	1,773,250	144,485	8.15%	453,600	49,255	10.86%
Depreciation *	100,000	-	0.00%	1,705,000	-	0.00%	-	-	-	495,000	-	0.00%
Total operating expenses	1,554,550	185,885	11.96%	3,865,510	180,241	4.66%	1,842,200	149,836	8.13%	949,600	49,255	5.19%
Operating income (loss)	587,450	445,788	75.89%	(1,054,510)	278,965	-26.45%	167,600	170,062	101.47%	(319,600)	48,393	-15.14%
Nonoperating revenues (expenses):												
Interest income	125,000	14,634	11.71%	125,000	38,938	31.15%	8,000	3,504	43.80%	25,000	8,212	32.85%
Interest expense/agent fees	-	-	-	(82,800)	(42,918)	51.83%	-	-	-	-	-	-
Total nonoperating revenues (expenses)	125,000	14,634	11.71%	42,200	(3,980)	-9.43%	8,000	3,504	43.80%	25,000	8,212	32.85%
Income (loss) before contributions & transfers	712,450	460,421	64.63%	(1,012,310)	274,985	-27.16%	175,600	173,566	98.84%	(294,600)	56,605	-19.21%
Contributions - connection fees	-	-	-	1,000,000	870	0.09%	-	-	-	-	-	-
Transfers out	(1,250,000)	-	0.00%	(175,000)	-	0.00%	(58,000)	-	0.00%	(175,000)	-	0.00%
NET INCOME (LOSS)	(537,550)	460,421	-85.65%	(187,310)	275,855	-147.27%	117,600	173,566	147.59%	(469,600)	56,605	-12.05%
Items reclassified to balance sheet at year end:												
Bond Proceeds				-	-	-						
Capital Outlay	(91,000)	-	-	(173,000)	-	-	-	-	-	-	-	-
Bond Payment (Payoff 2014B Refunded Debt)	-	-	-	(520,000)	(520,000)	-	-	-	-	-	-	-
Revenues over/(under) expenditures	(628,550)	460,421		(880,310)	(244,145)		117,600	173,566		(469,600)	56,605	

* Recorded at year-end

FUND	ACCOUNT#	ACCOUNT NAME	BEGINNING BALANCE	CURRENT ACTIVITY	CURRENT BALANCE
<u>CLAIM ON CASH</u>					
002-1010	Cash - Section 125		9,785.84 (	4,071.82)	5,714.02
101-1010	Cash - General Fund		8,064,178.39 (	1,139,253.61)	6,924,924.78
211-1010	Cash - Library		230,991.97 (	5,892.64)	225,099.33
219-1010	Cash - Federal COVID Fund		1,527,641.28 (	113,680.45)	1,413,960.83
221-1010	Cash - Multipurpose Facility		(351,660.15)	84,846.68 (	266,813.47)
225-1010	Cash - Park Dedication		1,504,944.75 (	25,351.00)	1,479,593.75
228-1010	Cash - Landfill		179,325.05 (	658.25)	178,666.80
231-1010	Cash - Landfill Const Debris		846,349.77	0.00	846,349.77
240-1010	Cash - Micro Loan Fund		1,139,048.94 (	569.90)	1,138,479.04
242-1010	Cash - State DEED		447,750.87	3,138.13	450,889.00
245-1010	Cash - Development Fund		1,200,299.11	0.00	1,200,299.11
290-1010	Cash - Capital Outlay Reserve		3,105,506.16 (	14,026.26)	3,091,479.90
291-1010	Cash - Insurance Reserve		(58,449.90) (	16,138.79) (	74,588.69)
292-1010	Cash - Govt Bldgs Reserve		4,656,085.12	2,849.37	4,658,934.49
294-1010	Cash - Drug Forfeiture		6,525.06	77.32	6,602.38
296-1010	Cash - GRE Reserve		835,308.74	0.00	835,308.74
301-1010	Cash - 2020A GO CIP Bonds		499,648.61 (	466,236.25)	33,412.36
302-1010	Cash - 2021A GO CIP BONDS		327,707.35 (	307,802.50)	19,904.85
333-1010	Cash - 2020B (2010/2012) Bonds		157,210.96 (	348,847.50) (	191,636.54)
343-1010	Cash - 2019A Sales Tax Bonds		7,278,287.83	319,033.17	7,597,321.00
401-1010	Cash - Pavement Mgmt		3,890,960.73	388,061.20	4,279,021.93
403-1010	Cash - Street Improvement		544,604.15	0.00	544,604.15
406-1010	Cash - City Wide Trunk Util		1,449,468.12 (	89,146.00)	1,360,322.12
410-1010	Cash - Equipment Replacement		2,037,618.73	39,250.00	2,076,868.73
411-1010	Cash - Technology Replacement		35,195.17	7,439.48	42,634.65
420-1010	Cash - Active ER		1,495,597.38	2,785.83	1,498,383.21
421-1010	Cash - PS Building/Fire Sta 3		906,662.26	3,450.44	910,112.70
440-1010	Cash - Park Improvement		324,917.13 (	16,941.33)	307,975.80
462-1010	Cash - TIF #22 Downtown Redev		1,342.75	0.00	1,342.75
463-1010	Cash - TIF #23 Pref Powder		63,200.08	0.00	63,200.08
465-1010	Cash - TIF 25 Jackson Hills		18,300.30	0.00	18,300.30
466-1010	Cash - TIF #26 Shoot Steel		14,266.64 (	11,885.44)	2,381.20
467-1010	Cash - TIF #27 Delta Apartment		1,398.28	0.00	1,398.28
602-1010	Cash - Wastewater Treatment		10,155,912.95 (	454,980.34)	9,700,932.61
603-1010	Cash - Liquor		3,816,663.45	94,167.82	3,910,831.27
605-1010	Cash - Garbage		913,816.04	9,421.50	923,237.54
607-1010	Cash - Storm Water		2,141,961.62	4,755.13	2,146,716.75
801-1010	Cash - Interest		0.00	25,331.02	25,331.02
821-1010	Cash - Developer Escrow		<u>1,043,774.74</u>	<u>5,218.50</u>	<u>1,048,993.24</u>
TOTAL CLAIM ON CASH			60,462,146.27 (	2,025,656.49)	58,436,489.78
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CASH IN BANK - POOLED CASH

999-1000	A/P BANK ACCOUNTS		213,560,503.32 (	623,162.19)	212,937,341.13
999-1001	PY BANK ACCOUNT		(181,480,546.61) (	1,402,494.30)	(182,883,040.91)
999-1002	POOLED INVESTMENTS		<u>28,382,189.56</u>	<u>0.00</u>	<u>28,382,189.56</u>
SUBTOTAL CASH IN BANK - POOLED CASH			60,462,146.27 (	2,025,656.49)	58,436,489.78