



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

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

**Members Absent:** None

**Staff Present:** City Administrator Calvin Portner, Business Services Director/Assistant City Administrator Joe Stremcha, Public Works Director/Chief Engineer Justin Femrite, Senior Planner Chris Leeseberg, Engineer I Ryan Sandhoefner and Deputy City Clerk Jolene Richter

**Others Present:** City Attorney, Jared Shepherd

**1. CALL MEETING TO ORDER**

The meeting was called to order at 6:11pm.

**2. PLEDGE OF ALLEGIANCE**

**3. CONSIDER AGENDA**

**Moved by Councilmember Wagner and seconded by Councilmember Beyer to approve the agenda. Motion carried 5-0.**

**4. CONSENT AGENDA**

**Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve the Consent Agenda. Motion carried 5-0.**

**4.1 Minutes**

**The March 4, 2024, Closed Meeting Minutes.  
The March 4, 2024, Regular Meeting Minutes.**

**4.2 Check Register**

**The check register outlined in the staff report for the period ending March 18, 2024.**

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

**Elect not to waive the statutory tort limits for liability insurance, per Resolution 13-**

**34.**

**4.4 Pay Estimates**

**The pay estimates detailed in the staff report.**

**4.5 Lease Agreement: GLG Elk River, LLC - Spikes**

**The Parking Lot Lease Agreement, 24-06, with GLG, Elk River, LLC/Spikes and Houles.**

**4.6 2024 Equipment Replacement Fund Purchase - Cat Compact Track Loader**

**The 2024 Street Maintenance Division equipment replacement purchase for a Caterpillar 255 Compact Track Loader with an HM316 Forestry Mulching attachment for \$90,370, as scheduled in the Capital Improvement Plan.**

**5. OPEN FORUM**

No one appeared for Open Forum.

**6. PRESENTATIONS, AWARDS, AND RECOGNITION**

**6.1 City of Elk River Volunteer of the Month**

Mayor Dietz presented the March Volunteer of the Month award to Jackie Sadowski. He highlighted the following:

- St. Andrew's Fall Festival co-chair or Committee member, 2008-2023
- Parish Council member, 2017-current
- St. Andrew's sacristan/Eucharistic minister, 2019-present
- United Way event coordinator of 11 years
- Conference coordinator for Women in New Evangelization
- Worked on Fall BBQ committee at Federal Cartridge

**7. PUBLIC HEARINGS**

**7.1 Simple Plat Of Thompson Third Addition**

Mr. Leeseberg presented the staff report.

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

**Moved by Councilmember Wagner and seconded by Councilmember Westgaard to adopt Resolution 24-17 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.**

**Motion carried 5-0.**

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

Mr. Leeseberg presented the staff report.

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

**Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve 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.**

**Motion carried 5-0.**

- 7.3 Conditional Use Permit: Cargill, Agricultural Research Facility (Dairy Barn) - 10700 165th Ave NW
- Mr. Leeseberg presented the staff report.

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

**Moved by Councilmember Beyer and seconded by Councilmember Wagner to approve 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.

**Motion carried 5-0.**

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

Mr. Leeseberg presented the staff report.

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

There was a discussion regarding the possible odor from the facility. Mark Doherty, Vice President of Vireo Health was present, and he stated each cultivation room would be a room within a room and have a positive-pressure HVAC system. This system would allow them to direct the air in the facility where they want it to go and through that, if they have to exhaust any air, they would be able to scrub the air, clean it up, and remove any odor before it is released.

**Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve 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.

**Motion carried 5-0.**

7.5 Ordinance Amendment: Commercial Signage Along Highway 169

Mr. Leeseberg presented the staff report.

Mayor Dietz opened the public hearing. There being no one to speak to this issue, Mayor Dietz continued the public hearing to the April 15, 2024, City Council meeting.

**Moved by Councilmember Beyer and seconded by Councilmember Wagner to continue Item 7.5 Ordinance Amendment: Commercial Signage Along Highway 169 to the April 15, 2024, City Council meeting. Motion carried 5-0.**

8. GENERAL BUSINESS

8.1 Resolution: Hazardous Property Order

Mr. Shepherd presented the staff report.

**Moved by Councilmember Westgaard and seconded by Councilmember Grupa to approve Resolution 24-18 ordering repair or removal of hazardous conditions at 19176 Kent Street NW. Motion Carried 5-0.**

8.2 Trott Brook Farms Park Playground

Mr. Stremcha presented the staff report.

Councilmember Westgaard asked how it would be funded. Mr. Stremcha stated it would come out of the Park Dedication Fund, which has \$125,000 allocated in the Capital Improvement Plan and the project came in at \$118,000.

**Moved by Councilmember Westgaard and seconded by Councilmember Wagner to approve playground concept #3 to replace the playground at Trott Brook Park Playground. Motion carried 5-0.**

9. MOTION TO ADJOURN REGULAR MEETING

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

The regular meeting adjourned at 6:36 p.m. Mayor Dietz called the work session to order at 6:41 p.m.

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

10.1 225th Avenue and Highway 169 Intersection Concerns

Mr. Femrite presented the staff report, explaining the safety concerns regarding this intersection, historic planning, limitations, and timelines around potential future improvements.

Mr. Femrite explained the long-term vision of the I69 corridor and referred to a 2008-2012 study both from the EAW and Geometric Alignment that was done for the Highway I69 corridor from the Mississippi River/Highway I01/Highway I0 to the interchange in Zimmerman. That study called for ultimate improvements along the Hwy I69 corridor to go to freeway style, where all the at-grade intersecting points would be eliminated and would change to access controls to future interchanges. The future interchange location identified in that study in the northern part of Elk River would put it just south of 225th Avenue more closely located to 221st Avenue which would then include and require connections for frontage road improvements through the general mining area and once those mining areas are reclaimed the system of local roadway would get reconstructed. MnDOT has further reviewed the existing configuration in this location and committed to a safety audit of these connections in this part of the corridor as a starting point. Mr. Femrite further stated that it is within the local governing body to be able to support MnDOT and push for more funding and MnDOT's controls to improve the safety of the corridor. There is little we can do on the local level to fund the level of full interchanges and bear the costs. We need to look to our federal and state partners to put more money towards those programs.

Mayor Dietz asked in order for change to happen would it have to rise up on MnDOT's Radar somehow and if so inquired how that could be done. He further asked do they have a plan in place and a time frame. Mr. Femrite responded that it is in the planning document that guides future decisions. There are a lot of economics around it and it is hard to say when it would be ready.

Councilmember Grupa asked if there is anything that can be done in the meantime. Mr. Femrite answered that would be part of the safety audit for MnDOT to identify what could be done now.

Todd Curtis, 10988 235<sup>th</sup> Ave NW, noted he had a conversation with MnDOT they stated they would probably not support a J-turn but possibly install an acceleration lane and a cable barrier north of the landfill. Mr. Curtis also expressed his safety concerns and concerns regarding the fast speed of traffic.

Martin Loso, 11125 233<sup>rd</sup> Ave NW, is concerned regarding the road's decline as it approaches 225th. He stated when going westbound from 225<sup>th</sup> it is a steep slope and is dangerous especially in slippery conditions.

Ben Fisher, 11139 235th Ave NW, father of the child who passed away in the recent car accident at this intersection suggested Waste Management change their entry/exit access point to the landfill from that intersection. He expressed concerns regarding going southbound from that intersection especially with a lot of commercial and ERX traffic, noting there is not a good way for traffic to travel southbound from the intersection.

Mayor Dietz stated the landfill will be closed by the end of 2030 and he is not sure if they would do anything regarding their traffic.

Councilmember Westgaard asked if about Waste Management's long-term plans regarding the Livonia Township site and whether they intend to still use this access point.

Mayor Dietz asked staff to talk with Waste Management and Livonia Township about the landfill

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expansion.

Erin Fischer, 11139 235th Ave NW, whose son passed away in the car accident in this intersection, stated she appreciates everyone looking at the matter and the safety concerns. She stated there is always a different safety situation that you have to handle when using this intersection. She does think the acceleration lane would be a good short-term fix. She further stated the hill is a safety concern along with many other concerns regarding this area.

Mayor Dietz expressed his condolences and gave their neighborhood credit to speak up to MnDOT regarding this issue.

The Council stated they did bring the issue to the State Representatives as well.

Todd Curtis, 10988 235<sup>th</sup> Ave NW, added that some of the haulers get to the landfill before 6:00 a.m. and they stack up in the turn lane and causes problems. The Council direct staff to talk to the landfill about this issue.

#### 10.2 Yale Street and Yale Court Accessibility

Mr. Sandhoefner presented the staff report.

The Council discussed the potential street connection of Yale Court to Yale Street between 170th and 171st Ave.

Mayor Dietz asked how it would be funded. Mr. Sandhoefner answered Municipal State Aid funds.

Councilmember Westgaard asked about the land acquisition. Mr. Sandhoefner said the City of Elk River owns the land already.

Councilmember Westgaard questioned if more traffic would be going down Yale Street by only doing part of the project.

Councilmember Wagner agreed and stated she did not see the benefit of only doing part of the project.

The Council directed staff to get neighborhood input first then bring it back to the Council.

#### 10.3 Proposed Missing Middle Housing Legislation

Mr. Portner presented the staff report.

The Council discussed proposed legislation regarding zoning and housing regulations and the limitations it would make for the city level to make decisions on housing development. The Council asked staff what they recommended. Staff recommended not supporting it.

The Council does not see how these housing regulations would benefit the city.

The Council directed staff and the city attorney to draft a letter to representatives noting we do

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not support the proposed legislation.

#### 10.4 Parks and Recreation Commission Ordinance and Conflict of Interest in Multipurpose Facility Advisory Commission Ordinance

Mr. Portner presented the staff report.

The Council directed staff to bring the ordinance back to the Parks and Recreation Commission with a clean copy to go through again, then bring it back to the Council at the April 15, 2024, City Council meeting.

The Council discussed the conflict of interest regarding the fee schedule and whether the Multipurpose Facility Advisory Commission (MFAC) should be recommending fees and voting on contracts. They also discussed the purpose of the commission and the make-up of the members, whether they should be representatives from the various groups or all at-large representatives.

There was discussion regarding contracts and fees in general whether there should be contracts or negotiations at all or just set rates.

The Council asked the city attorney if any contract and fee decisions could be removed from the duty of the MFAC and have those decisions be recommended by staff and go directly to the Council. The city attorney stated that is what he would recommend along with more training for the Commission on the purpose and rules of the Commission.

#### 10.5 Ordinance: Park Trail Closure

Mr. Portner presented the staff report.

The Council discussed and agreed to set an ordinance regarding trail closures and being able to enforce the ordinance during the trail closure.

#### 10.6 Council/Staff Annual Retreat Discussion Topics

Mr. Portner presented the staff report and suggested the following topics to be discussed at the retreat:

- 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

The Council reviewed and discussed the topics to be reviewed at the retreat, agreed to the list, and decided to add the following to the list: Interior Design at the Furniture and Things Community Event Center and a summary of the ARPA funds.

## II. MOTION TO ADJOURN

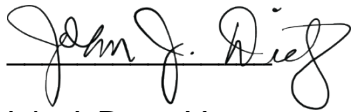
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**Moved by Councilmember Beyer and seconded by Councilmember Grupa to adjourn the meeting of the City Council. Motion carried 5-0.**

**The meeting adjourned at 8:08 p.m.**

**Minutes prepared by Jolene Richter.**

## 12. INFORMATION

### 12.1 February Financial Reports



John J. Dietz, Mayor



Tina Allard, City Clerk