

**1) CALL TO ORDER**

The meeting was called to order by Mayor Julius at 6:00 p.m.

Members Present: Mayor Julius, Councilmembers Timmerman, Berg, Novak and Styles

Members Absent:

Also Present: City Administrator/Clerk Terry, Senior Planner Christianson, City Attorney Poehler, City Engineer Revering, Police Chief Juell, Deputy Clerk Jirak, Patrick Fischer, Gene Meger, Jodi Lucast, Larry Schofield, Sheri Schofield, Kristy Thompson, Jonathon Carlson, Jami Carlson and Veda Kanitz

**2) PLEDGE OF ALLEGIANCE**

Mayor Julius led the Council and audience in the Pledge of Allegiance.

**3) ADOPT/APPROVE AGENDA**

City Administrator/Clerk Terry advised the Council of a revised agenda; two Consent Agenda items were added. Consent Item 6k. Approve Compensation for Permanent Easement for Saint Nicholas Catholic Church and Consent Item 6l. Master Contract between the State of Minnesota and City of Elko New Market have been added to the agenda.

**MOTION** by Councilmember Timmerman, second by Councilmember Novak to approve the revised agenda.

**APIF, MOTION CARRIED**

**4) PRESENTATION, PROCLAMATIONS AND ACKNOWLEDGEMENTS (PP&A)**

Recognition of Service – Chief Brady Juell

City Administrator/Clerk Terry thanked Police Chief Juell for his service and dedication to the City of Elko New Market during his tenure. Terry continued by providing a background of Juell’s achievements and wished him success in his new position.

Mayor Julius read responses from the community posted to his Facebook page regarding Chief Juell’s resignation. Julius mentioned the impact Chief Juell will be leaving to the City of Elko New Market and thanked him for his service to Elko New Market.

Councilmember Berg mentioned the many times Chief Juell went out of his way to help him in different situations and thanked him for his service to the City of Elko New Market.

Mayor Julius on behalf of the City Council presented Police Chief Brady Juell with a plaque in appreciation of his five years of service with the City of Elko New Market.

Police Chief Juell addressed the Council, City Administrator/Clerk Terry, Staff members and the community and thanked each for giving him the opportunity to serve as Police Chief.

**5) PUBLIC COMMENT**

Jodi Lucast, 26501 Xerxes Trail, approached the podium and stated to Chief Juell that she will miss him. Lucast provided a brief background of herself and raised her concerns about

construction noise and vibrations caused by Niagara's grading permit impacting families in New Market Township. She criticized the heavy police presence and unfair portrayal of residents as villains, with Niagara seen as the victim. Lucast expressed her concerns regarding the need for public forum discussions on important matters and criticized the City's lack of accountability regarding water quality issues. Lucast called for improved communication and transparency from the City to foster community growth and urged tangible actions to support residents and local businesses and address grading timeframes.

Mayor Julius responded to Lucast's concerns by affirming Niagara's progress without plans for further votes, acknowledging community concerns but stating that Niagara will proceed pending an appropriation permit. He defended increased police presence citing personal safety concerns and challenged Lucast's claims against business discussion outside Council Meetings. Julius acknowledged frustrations with well mitigation and site issues, committing to address them. Julius further stated that he appreciated Lucast's contributions to the community but stressed the need for productive conversations with tangible outcomes.

Mayor Julius thanked Ms. Lucast and welcomed the next speaker to the podium.

Veda Kanitz, 9830 247<sup>th</sup> Street E in New Market Township, addressed concerns she had about water quality stemming from the recent pump test and Minnesota State Statute 103G.287, emphasizing the DNR's responsibility to assess potential water quality before issuing permits for increased water usage. She urged caution in development plans, stressing the City's duty to ensure clean water for residents. Kanitz mentioned subdivision 2, 3 and 5 of the statute, asking for due consideration to water quality, future generations and regional groundwater use. She expressed her concern about immediate water quality issues affecting residents.

Mayor Julius acknowledged the ongoing Council discussions regarding potential issues related to Niagara. He stressed the importance of mitigating concerns like well interference and affirmed the City's commitment to addressing any evidenced negative impacts on water quality.

Mayor Julius thanked Ms. Kanitz and welcomed the next speaker to the podium.

Larry Schofield, 11550 Deuce Road, expressed his increasing distress over the construction activities. He noted the placement of a construction office directly facing his home, impacting privacy. Schofield raised concerns about the proposed changes to permitted grading hours, citing recent violations of the existing 6:00 pm ordinance. Schofield described the noise and traffic disturbances caused by construction activities at the Niagara site and urged the council to consider these impacts when making changes to the ordinance.

Mayor Julius thanked Mr. Schofield and welcomed the next speaker to the podium.

Kristy Thompson, 25831 Pillsbury Avenue, New Market Township, expressed her concerns over the visible changes at the Niagara project site, including the installation of gates, structures and surveillance cameras. She asked whether the Niagara construction site aligns with her initial understanding that only grading work was permitted.

City Staff explained what is typically allowed with a grading permit, including temporary construction trailers.

Mayor Julius thanked Ms. Thompson and welcomed the next speaker to the podium.

Jonathan Carlson, 26126 Pillsbury Avenue, expressed gratitude to Chief Juell for his service. He had questions regarding the upcoming discussion on operation hours for construction activities and expressed concerns about the Niagara construction site's proximity to residential areas. Carlson expressed his disappointment on the decision regarding Niagara's silos height. Carlson stated, in his opinion, the need for ordinances prioritizing people's protection and asked for due consideration of the concerns that were raised.

City Administrator/Clerk Terry explained that the item addressing the hours of operation for grading will come up later in the meeting.

Mayor Julius thanked Mr. Carlson and welcomed the next speaker to the podium.

Jami Carlson, 26126 Pillsbury Avenue, expressed her concerns about the construction of a berm to buffer construction noise. She expressed her confusion over the decision-making process regarding the driveway's placement across from Mr. Schofield's property and shared her account with water contamination, expressing frustration over the lack of response from city officials. She mentioned her concern regarding the necessity of a water plan before permitting Niagara to draw from the aquifer. Carlson concluded and reflected on the values of character, integrity, and legacy urging Councilmembers to consider the long-term impact of their actions on the community and future generations.

City Staff and Consultants explained the construction of the pad, the berm and the rerouting of the driveway once the project is complete.

Mayor Julius acknowledged potential community criticisms and concerns regarding the Council's decisions with Niagara and stated the importance of staying focused on responsibilities despite differing opinions. He expressed his commitment to addressing water quality issues and assured Ms. Carlson that water quality is being taken seriously and will continue to be addressed. Mayor Julius thanked Ms. Carlson.

City Engineer Revering asked Ms. Carlson to please forward the email she sent earlier and handed her his business card.

## **6) CONSENT AGENDA**

Councilmember Berg asked for clarification on Consent Agenda item 6i. R& F Properties, LLC regarding allowing townhomes. Senior Planner Christianson confirmed the recommendation to allow townhomes was within this development.

Councilmember Berg inquired on Consent Agenda item 6h. Approve Professional Services Agreement for Hazardous Materials Abatement at 641 Main Street regarding the high cost of

asbestos removal. City Administrator/Clerk Terry stated that the structure has a higher asbestos level than is acceptable for normal disposal.

**MOTION** by Councilmember Timmerman, second by Councilmember Berg to approve the Consent Agenda.

- a. Approve Minutes of the April 25, 2024 City Council Meeting
- b. Approve Minutes of the May 9, 2024 City Council Meeting
- c. Approve Payment of Claims and Electronic Transfer of Funds
- d. Adopt Resolution 24-34 Approving Outdoor Concerts and Events Permit for CCEC for Fire Rescue Days Parade and Other Events
- e. R & F Properties, LLC
  - i. Adopt Resolution 24-35 Approving Comprehensive Plan Amendment
  - ii. Adopt Ordinance No. 295 Approving Amendment to Zoning Ordinance to Create Mixed Use Zoning District
  - iii. Adopt Summary Ordinance No. 296 (295)
- f. Approve Pop Up Party Rental Agreement for Community Picnic
- g. Approve Tree and Bench Donation Program
- h. Approve Professional Services Agreement for Hazardous Materials Abatement at 641 Main St.
- i. 2024 Old New Market Reconstruction Project
  - i. Approve Change Orders No. 1 and No. 2 - 2024 Old New Market Reconstruction Project
  - ii. Approve Pay Estimate No 1 - 2024 Old New Market Reconstruction Project
- j. Approve Pay Estimate No. 1 - 2024 Pavement Rehabilitation Project
- k. Approve Compensation for Permanent Easement for Saint Nicholas Catholic Church
- l. Master Contract between the State of Minnesota and City of Elko New Market
  - i. Repeal May 9, 2024 Motion to Approve State of Minnesota Master Partnership Contract
  - ii. Adopt Resolution 24-36 Approving State of Minnesota Master Partnership Contract

**APIF, MOTION CARRIED**

## 7) PUBLIC HEARINGS

None.

## 8) GENERAL BUSINESS

### Appointment of Interim Chief of Police/Emergency Management Director

Administrator/Clerk Terry advised the Council of his recommendation to appoint Sergeant Craig Bell as the interim Chief of Police/Emergency Management Director. Terry provided Sergeant Bell's background and his qualifications for the appointment of Interim Chief of Police/Emergency Management Director.

Council discussion included discussions regarding the five-month interim timeframe allowing the Council to appoint Bell permanently to the position, decide on another approach to filling the position or adjust the term of the interim period. City Administrator/Clerk Terry and Police Chief Juell recommended this timeframe as it allows for the optimal time for professional growth and training for Sergeant Bell.

**MOTION** by Councilmember Novak, second by Councilmember Styles to appoint Sergeant Craig Bell as the Interim Chief of Police/Emergency Management Director, effective June 8, 2024. The interim position shall be exempt and shall receive a salary of Grade 18, Step 4 in the adopted 2024 Salary Schedule.

**APIF, MOTION CARRIED**

Appointment of Old Police Department Building Study Advisory Committee

City Administrator/Clerk Terry reminded Council that at the April 3, 2024 City Council meeting, Council directed Staff to form a steering committee for the repurposing of the Old Police Department Building. After a brief Council discussion, Council agreed to the three respondents that answered the survey to be included in the Old Police Department Building Advisory Committee. Councilmember Styles volunteered to represent the Council on this committee with Councilmember Novak being her backup.

**MOTION** by Councilmember Timmerman, second by Councilmember Berg to appoint respondents of the survey representatives to the Old Police Department Building Study Advisory Committee.

**APIF, MOTION CARRIED**

Water System Studies Proposals

City Administrator/Clerk Terry advised the Council of three proposals for engineering services related to the City's potable water system that includes a Water System Study Update, a Well Study (siting and design) and a Water Tower Study (siting and design). Terry explained each proposal and commented that the Study Update will inform the need for the other proposals and should be started first.

After Council discussion, it was determined to approve the Water System Study Update at this time and bring the other proposals back to Council as they are needed.

Councilmember Berg stated the possibility of grants or some sort of funding may be available from the State to help offset some of this cost.

**MOTION** by Mayor Julius, second by Councilmember Timmerman to authorize the proposal for Engineering Services for the Water System Update Study and not authorize proposals for the well and water tower at this time.

**APIF, MOTION CARRIED**

**9) REPORTS**

a) Administration

Discussion on Permitted Hours of Operation for Construction, Grading and Hauling Activities

Senior Planner Christianson provided an overview of the City Code Title 5-5-2 dealing with City noise, construction activities and hours of operation. This is the section of the code that City Staff has always referred to regarding construction noise and enforcement of construction noise. Based on a resident complaint received by the Police Department, Staff realized that there is a conflict in the code. Zoning Ordinance from City Code Title

11-11-8 addresses specifically grading operations subject to grading permits issued through the City. The code states that earthwork and hauling operations should be performed from 7:00 am to 6:00 pm Monday through Saturday and prohibited on specific holidays. Niagara was quickly advised that grading operations needed to comply with the most conservative timeframe within both sections of the ordinance which would be 7:00 am to 6:00 pm until the timeframe can be rectified. Staff sought Council direction on the conflicting hours of operation related to Construction and Grading Activities contained in the City Code.

Council discussion included the proposed changes to construction and grading time restrictions, focusing on consolidating regulations and ensuring a balance between completing projects efficiently and maintaining quality of life for neighbors. Further discussion included environmental concerns, the difference between noise generated from grading and noise generated from general construction and how they related to these Ordinances, the practicality and enforcement challenges of having different regulations, exemptions for extenuating circumstances, the role the Planning Commission plays in this process, whether or not to hold a public hearing and whether or not to include Sundays and holidays.

Councilmembers ultimately agreed on uniform hours for construction activities of 7:00 am to 7:00 pm during the weekday and between the hours of 9:00 am to 7:00 pm on weekends and holidays; except in case of urgent necessity in the interest of public health and safety, in which case the City Administrator may grant a permit for such work for a period of not to exceed three days. Earthwork and hauling operations shall be performed between the hours of 7:00 am and 7:00 pm Monday through Saturday. Such activity is also prohibited on the following holidays: New Year's Day, Memorial Day, July 4<sup>th</sup>, labor Day, Christmas Eve Day and Christmas Day. Exceptions short periods was to also be considered.

- b) Public Works  
No report.
- c) Police Department  
No report.
- d) Engineering  
City Engineer Revering updated Council that every time it rains is another delay for the street reconstruction project.
- e) Community Development  
Senior Planner Christianson updated Council that the Planning Department has been out doing their spring code enforcement. Christianson updated Council about the upcoming Planning Commission Meeting.
- f) Parks Department  
Draft Parks & Recreation Commission Minutes of May 8, 2024 Meeting included in packet.

g) Community & Civic Events Committee (CCEC)  
No report.

h) Other Committee and Board Reports

i) Scott County Association for Leadership and Efficiency (SCALE)  
No report.

1. Executive Committee  
No report.

2. Service Delivery Committee  
City Administrator/Clerk Terry updated Council on the last Service Delivery Committee Meeting he attended.

ii) I35 Solutions Alliance  
No report.

#### **10) DISCUSSION BY COUNCIL**

Councilmember Berg questioned if there were any updates to the municipal cannabis. City Administrator/Clerk Terry provided an update to the Council on municipal cannabis.

#### **11) ADJOURNMENT**

**MOTION** by Councilmember Timmerman, second by Mayor Julius to adjourn the meeting at 8:25 p.m.

**APIF, MOTION CARRIED.**

Respectfully submitted by

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Lynda Jirak, Deputy Clerk