

City Council Proceedings

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Counties of Scott & Le Sueur
City of New Prague



City Council Meeting
Monday, February 7, 2022

Mayor Duane Jirik called the meeting to order at approximately 6:00 p.m. with the following members present: Bass, Jirik, Ryan, Seiler, and Wolf.

Staff Present at Meeting: Joshua Tetzlaff, Jim Gareis, Ken Ondich, Matt Rynda, Steve Rynda, and Barb Ulschmid (on-line)

Others Present: Scott County Commissioner Barb Weckman Brekke, County Commissioner Lezlie Vermillion, Central Plaza Representatives: Dennis Dvorak and Kay Wilcox. Others Present On-Line: City Engineer Chris Cavett and SEH Senior Landscape Architect Karyn Luger

Mayor Jirik called the meeting to order and asked if there were any additions/updates to the Council Agenda, there being none, motion by Seiler, seconded by Bass to approve the Agenda. All voted in favor. Motion carried (5-0).

Mayor Jirik asked if there were any comments on the Consent Agenda. After discussion, motion by Bass, seconded by Wolf to approve the CONSENT AGENDA as follows:

- A. January 18, 2022 City Council Meeting Minutes
- B. Claims for Payment: \$681,248.94 (February 7, 2022)
- C. LG220 MN Lawful Gambling for Exempt Permit for New Prague Clay Target Club on May 26, 2022 involving a raffle at the American Legion Clubroom, 300 Lexington Avenue South, New Prague
- D. LG220 MN Lawful Gambling for Exempt Permit for Ducks Unlimited New Prague Chapter 263 on March 4, 2022 involving a raffle at the American Legion Clubroom, 300 Lexington Avenue South, New Prague
- E. Purchase of Plow Truck

All voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided details on the Columbus Avenue (CSAH 15) 2022 CIP, specifically on the Second Street Realignment Option to deal with the offset intersection of 2nd St NE and Columbus Ave. This was not part of the original scope of work for the feasibility phase and to avoid a delay in the completion of the feasibility study and subsequent public hearing, it was decided to look into the 2nd Street intersection during the final design process. City Engineer Cavett explained the additional design work needed to refine the preferred concept, confirmation of property impacts, documentation of easements necessary to complete the realignment, prepare easement descriptions and exhibits, easement valuation.

After discussion, motion by Seiler, seconded by Ryan to *APPROVE COLUMBUS AVE N (CSAH 15) - 2022 STREET & UTILITY IMPROVEMENT PROJECT AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT - 2ND ST REALIGNMENT*. All voted in favor. Motion carried (5-0).

Karyn Luger, Senior Landscape Architect with SEH presented the final layout plans and specifications for the Central Plaza Construction & Landscaping Project. Looking for the Council's approval to move ahead so the project can be advertised for bids. The bidding documents will be sent to a select group of qualified local contractors. In addition, the project

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will also be advertised on the SEH and QuestCDN websites. Bids are proposed to be opened at 11:00 a.m. on Thursday, March 10, 2022, with consideration of award by the City Council at the City Council meeting on March 21, 2022. The goal of the Central Plaza project is to create a new space downtown for the community and create framework for future art to be incorporated into the space. Staff and City Attorney Riggs have been working with the owner of Pioneer Saloon on the 18" encroachment issue. The budget of this project was also discussed.

After discussion, motion by Bass, seconded by Ryan on RESOLUTION #22-02-07-01 APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENT FOR BIDS FOR CENTRAL PLAZA LANDSCAPE IMPROVEMENT PROJECT. All voted in favor. Motion carried (5-0).

District 1 Commissioner Barb Weckman Brekke and County Administrator Lezlie Vermillion presented additional details on Scott County's Continuation of the Transportation Sales Tax and addressed concerns brought up at the January 18, 2022 City Council meeting where after discussion, the Council voted 3-2 to table the matter until they were able to hear from County Reps concerning the sales tax increase and why no projects were taking place in and around New Prague.

In May 2015, Scott County voted 4 to 1 to add a .5% sales tax and a \$20 vehicle excise tax. This tax increase, the overall sales tax in Scott County retail establishments from 6.875% to 7.375%. For purchasing vehicles, the tax rate would remain 6.5% but a \$20 excise tax would be added. According to the County, this was done to fund regional transportation projects County-wide. The tax was originally to be in place from October 1, 2015 to December 31, 2022, or until all projects identified in the plan were completed. At the end of 2021, City Staff were informed that the County board was considering extending the .5% sales tax and \$20 vehicle excise tax another ten years. The presentation shared there were still a few projects to be completed from the original list, as well as other desires to continue collecting and using the tax for regional transportation purposes.

With transportation being a regional objective, and good transportation facilities servicing not only the communities they are directly located in but also residents across the County who use them (approximately 50% of New Prague residents commute to northern Scott County or north of the river). Staff recommended support for the continued implementation of the .5% sales tax and \$20 excise tax.

After discussion, motion by Wolf, seconded by Bass to APPROVE RESOLUTION #22-02-07-02 SUPPORTING SCOTT COUNTY'S CONTINUATION OF THE TRANSPORTATION SALES TAX. Bass, Jirik, Seiler and Wolf voted in favor. Ryan opposed. Motion carried (4-1).

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PUBLIC INVITED TO BE HEARD ON MATTERS NOT ON THE AGENDA:

On behalf of the Central Plaza Committee:

Kay Wilcox - Reminded the Council and Staff should the bids come under the projections, the extra money can be used towards the Plaza up to three years beyond the project's completion.

Dennis Dvorak - Shared his ideas on "relief" art for the east wall of Pioneer Saloon.

City Administrator Josh Tetzlaff presented the background information on the updated Liquor License Fee Proposal. In 2021, the City Council voted to reduce liquor license fees in half (50%) to assist business owners affected by the COVID-19 pandemic. The intention stated at the time was that his reduction was temporary. Back on December 14, 2021 and in accordance with the requirements of MN Statutes 340A.408.3a, the City Council voted to hold a public hearing regarding liquor license fees to discuss ending the temporary reduction of the fees and a good opportunity to examine the overall liquor license fees. Staff did a comparison of New Prague's liquor fees vs surrounding communities. In doing so, proposed three liquor license fees to be increased, (haven't been increased since 2003): On-Sale Liquor increase from \$2,700 to \$3,000; Off-Sale Liquor increase from \$100 to \$150; and On-Sale Wine/Strong Beer from \$400 to \$500. Liquor license fees discussion took place between Council and Administrator Tetzlaff.

Mayor Jirik proposed to open the Public Hearing at 7:36 p.m. No public comment was received, Mayor closed Public Hearing at 7:37 p.m.

Administrator Tetzlaff presented the next agenda item, the 2022 Fee Schedule Amendment. When the 2022 fee schedule was approved by the staff in January 2022, the City Council asked staff to take another look at the fee schedule to ensure that the fees accurately reflected the 6% levy increase. Staff took another look at the fees. In consulting with the City Attorney, staff was advised caution with just raising all fees across the board, as the fees are expected to cover the costs of businesses and are not designed to be a source of revenue for cities. The fees that were proposed to change were those that haven't been changed for many years. The fee increases included: the cost of wanting a special meeting called; the cost of maps and copies; the cost of a few liquor licenses; and the cost of special finance for projects.

After discussion, motion by Bass, seconded by Seiler to APPROVE RESOLUTION #22-02-07-03 AMENDING THE ADOPTED 2022 OFFICIAL FEE SCHEDULE. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich requested approval of a resolution covering a variance request initially presented at the December 15, 2021 Planning Commission meeting, was tabled in order to have staff discuss options with the applicant which would not require a variance. Consulted with the City Attorney regarding legal precedent for granting a variance. Options were provided to the applicant and the City Attorney noted that each variance should be reviewed on its own merits, but

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granting a variance can set a practical precedent opening the door for similar requests. At the January 26, 2022 meeting, the applicant, Thomas Wood and his contractor Brian Otto requested approval to keep a partially constructed front deck on his home at 21.5' from the front property line versus the ordinance requirement of 30'. The Planning Commission explained that they could not recommend approval and suggested that the applicant utilize one of the options that didn't require a variance. The Planning Commission denied the variance request with a unanimous vote of (5-0) based on the three findings listed with the resolution.

After discussion, motion by Seiler, seconded by Wolf to APPROVE RESOLUTION #22-02-07-04 DENYING VARIANCE (#V5-2021) FOR REDUCTION FROM THE REQUIRED 30' FRONT SETBACK TO 21.5' TO ALLOW FOR A FRONT DECK LOCATED AT 207 3RD STREET SW, AS PROPOSED BY THOMAS WOOD, NEW PRAGUE, MN. All voted in favor. Motion carried. (5-0).

Director Ondich requested that the City Council adopt a resolution supporting the authority of local elected officials and city staff to make land use decisions in their communities. Housing industry groups have recently attached city land use tools such as zoning and planned use developments and have incorrectly claimed that these basic regulatory functions are prohibiting the building of more affordable housing stock when it is actually market factors such as labor costs, land and materials that are creating the issues that we see today. In 2021, the City Council adopted a related resolution supporting "Legislation Authorizing Infrastructure Development Fees" which were also related to the housing costs discussion. The League of MN Cities created a model resolution which staff has tailored for adoption here in New Prague. If adopted, City staff would provide a copy to the League as well as our legislators (Draheim, Pfarr).

Motion by Ryan, seconded by Bass to APPROVE RESOLUTION #22-02-07-05 SUPPORTING HOUSING AND LOCAL DECISION-MAKING AUTHORITY. All voted in favor. Motion carried (5-0).

Administrator Tetzlaff explained that at the November 1, 2021 City Council meeting the City Council voted to increase the pension benefit for volunteer firefighters from \$3,750 to \$4,150 and was unaware at the time that a resolution needed to be passed for the bylaws to be changed. Also, within the resolution, the firefighters approved increasing their terms for officers from one year to three years. This is how the department has operated for a number of years, but the bylaws did not reflect these updates. A resolution with the updates has been included so operations and bylaws more closely reflect each other.

Motion by Jirik, seconded by Seiler to APPROVE RESOLUTION #22-02-07-06 AMENDING THE BYLAWS OF THE NEW PRAGUE VOLUNTEER FIREMEN'S RELIEF ASSOCIATION. All voted in favor. Motion carried (5-0).

Fire Chief Steve Rynda shared that due to the retirements of Nick Smith, Jeremy Tikalsky, and Keith Rynda, the Fire Department was in need of filling three positions. After interviewing 5 applicants, Luke Zweber,

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Zach Meyer, and Chase Buthe were recommended to fill the three Fire Department's appointments. Motion by Ryan, seconded by Wolf on the *APPOINTMENT OF LUKE ZWEBER, ZACH MEYER AND CHASE BUTHE TO THE NEW PRAGUE FIRE DEPARTMENT WITH AN EFFECTIVE START DATE OF FEBRUARY 15, 2022 PENDING THE SUCCESSFUL COMPLETION OF BACKGROUND CHECKS AND DRUG SCREENINGS*. All voted in favor. Motion carried (5-0).

Director Ondich explained that Chad Lunder, the former Building Official's last day with the City was on January 14, 2022. On January 18, 2022, the City Council appointed Scott Sasse as "Temporary Building Official" with a pay increase to Grade 14, Step 1. The temporary appointment was to last until a formal appointment was made for the Building Official position. Staff posted the Building Official position internally for 5 business days and received one application from the City's current Building Inspector, Scott Sasse. Mr. Sasse has been with the City since August of 2016 as both Building Inspection Intern (nearly 8 months) and Building Inspector (nearly 5 years). His application was reviewed and met the position's qualifications and essential requirements, particularly because he already has his Building Official certification from the State of MN as well as being able to immediately gain the MN Municipal "Reserved Projects" Delegation from the State of MN (which is required within 24 months of hire per the job description). Director Ondich recommended the hiring of Scott Sasse to the Building Official position. This appointment will create a vacancy for the Building Inspector position and staff will immediately post the opening in order to hire a replacement.

After discussion, motion by Seiler, seconded by Bass to *APPROVE THE APPOINTMENT OF SCOTT SASSE TO THE BUILDING OFFICIAL POSITION WITH AN EFFECTIVE START DATE OF TUESDAY, FEBRUARY 8, 2022, PAY GRADE 14, STEP 2 ON THE CITY'S COMPENSATION PLAN AT \$40.65/HR*. All voted in favor. Motion carried (5-0).

Director Ondich presented a Municipal Delegation Agreement for Building Code Administration on Public Buildings and State Licensed Facilities for "Reserved Projects". In 2014, a new law was passed which was initiated by the League of MN Cities, Association of MN Building Officials, and local building officials throughout the state. This law clearly defined a process by which municipalities, upon request, can be delegated authority to provide code review and inspection services for certain state-licensed facilities and public buildings. With the "Reserved Inspection Delegation" the City is able to collect 25% of their typical plan review fee and 100% of their normal permit fees for these projects that may otherwise be handled by state inspectors. These projects can bring in additional revenue while fitting into current staffing capabilities.

An application has been made to the Department of Labor and Industry and they have provided a "Municipal Delegation Agreement" for Council's approval which is required per Section 6.04 of the City Charter.

Motion by Wolf, seconded by Seiler to *APPROVE THE MUNICIPAL DELEGATION AGREEMENT FOR BUILDING CODE ADMINISTRATION ON PUBLIC BUILDINGS AND STATE*

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LICENSED FACILITIES FOR "RESERVED PROJECTS". All voted in favor. Motion carried (5-0).

Administrator Tetzlaff shared that Councilmember Bass submitted her resignation on the Joint Powers Committee pending the finding of her replacement. Administrator Tetzlaff mentioned Public Works Director Matt Rynda offered to fill that position. Can have another Councilmember or City Staff serve on this committee which already includes Councilmember Seiler and Planning/Community Development Director Ken Ondich.

Motion by Seiler, seconded by Ryan to *APPOINT PUBLIC WORKS DIRECTOR MATT RYND A TO THE JOINT POWERS COMMITTEE*. All voted in favor. Motion carried (5-0).

Administrator Tetzlaff and Council reviewed their schedules and set up a Vision/Goal Setting Meeting involving Council and Management. The Special Council Meeting is scheduled for Thursday, March 10th beginning at 4:30 p.m. to 7:00 p.m. in the City Hall Council Chambers.

Public Works Director Matt Rynda explained that the City of New Prague is seeking assistance from Bolton & Menk to provide engineering services to comply with the new National Pollutant Discharge Elimination System (NPDES) Permit. The City received notice for the new permit in December 2021 and will be filing for extensions and variance requests due to the cost and infrastructure needed to comply with the new chloride (salt) limits. Director Rynda hopes to get a 10-15-year variance which would give the City time to plan exactly how they are going to navigate and get to the end goal of meeting these new chloride limits being set. The estimated fee for this scope of work is \$5,000 or less. This amount is already budgeted and would be billed hourly.

After discussion, motion by Seiler, seconded by Wolf to *APPROVE AGREEMENT WITH BOLTON & MENK FOR ASSISTANCE WITH NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT*. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich provided an overview of the Annual Commercial Building Audit for 2022, 2021 Growth Statistics for the City, and the 2022 Lot Inventory for Commercial, Industrial and Residential properties.

Administrator Tetzlaff explained that the City's Ambulance Contract with North Memorial is expiring in April 2023. Staff and Council decided they would like to move forward with sending Ambulance RFP's to North Memorial and Mayo Ambulance. Administrator Tetzlaff set up a draft of the proposal for the Council's review which included the timeline of the process, information regarding submittals, and basic information about what is being looked for.

After discussion, motion by Ryan, seconded by Seiler to *APPROVE MOVING FORWARD WITH SENDING THE AMBULANCE RFP TO BOTH NORTH MEMORIAL AMBULANCE AND MAYO AMBULANCE*. All voted in favor. Motion carried (5-0).

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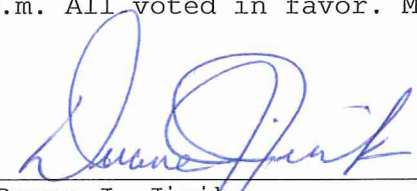
MISCELLANEOUS:

1. Meeting Minutes approved - (Utilities, Golf, and Planning)
2. Scott County Association for Leadership & Efficiency (SCALE) - 2022 Priorities. SCALE Meeting is next Friday, February 18, 2022.
3. League of MN Cities (LMC) - Council asked when the next meeting was. Administrator Tetzlaff said he would find out and get back to Council with meeting details.
4. Ryan - Inquired about the plowing of the sidewalks on 1st Avenue. Why east side gets plowed, and the west doesn't? Discussed some options.
5. Jirik - Asked when the city's census numbers on the signs get updated. Ondich provided feedback.
6. Wolf - Expressed some concerns on attaching a "feature" to the east wall of Pioneer Saloon vs a mural. Staff will contact the City Attorney on this and legal ramifications. 2. Handicap signs on Main Street, where does the handicap spot begin and end? Could the City paint the curb to mark where the parking spot begins and ends? Staff said the sign is the start of the parking spot.
7. Seiler - Shared concerns from residents on: 1. Mail fraud; 2. Post Office building plans/concerns; and 3. Shortage of parking spots by the Post Office.
8. Gareis - Started advertising for two Police Officer positions.

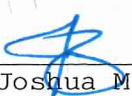
Closed Meeting - Council decided to table the Closed Meeting regarding the City Administrator's review and reschedule for the end of the next City Council meeting on February 22, 2022. Administrator Tetzlaff to provide a form for the Council to fill out and submit to the Mayor to compile. After discussion, motion by Seiler, seconded by Ryan. All voted in favor. Motion carried (5-0).

There being no additional business, motion by Ryan, seconded by Seiler to adjourn the meeting at approximately 9:05 p.m. All voted in favor. Motion carried (5-0).

ATTEST:



Duane J. Jirik
Mayor



Joshua M. Tetzlaff
City Administrator

