

# City Council Proceedings

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State of Minnesota  
Counties of Scott & Le Sueur  
City of New Prague

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City Council Meeting  
Monday, March 16, 2020

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

Staff Present: Mike Johnson, Jim Gareis, Bruce Reimers, Glen Sticha, and Barb Ulschmid

Mayor Nickolay began the meeting with a request to table agenda items #3 (requested not being in attendance) & #9 (postponed due to the heavy content already on the agenda). These items will be rescheduled at a later date. Also, requested to add three items to the end of the agenda within item 9a: State of Emergency items which included: 1. Mayor's Statement & Determination, 2. Formal Mayoral Declaration No. 2020-1, 3. Resolution Enacted Pursuant to MN Statutes Section 12.29 Extending the Period of a Mayor-Declared Local Emergency. All three recommended by the City Attorney's Office. Emergency Preparedness Director Jim Gareis will also be talking about these actions in conjunction with what the City is recommended to put into place. It was moved by Nickolay, seconded by Seiler to approve the Agenda as amended. All voted in favor, motion carried. (5-0)

City Administrator Mike Johnson informed the Council that the City had received a new application for a 3.2% Off-Sale Malt Liquor license from Coborn's, Inc. dba as Coborn's #2038 at 200 Alton Avenue SE, New Prague. The applicant is proposing that this liquor operation/business would begin operating approximately by Wednesday, April 1, 2020. The license period is scheduled to run from the time of issuance and will expire March 31, 2021. The applicant has paid all license fees and has provided proof of financial responsibility. Property taxes and Utility bills for the property are current. City Administrator Johnson introduced Coborn's Liquor Store Manager, Tara Duering and is available to answer any questions.

Mayor Nickolay opened the Public Hearing at approximately 6:02 p.m. on the Issuance of 3.2% Off-Sale Malt Liquor License for Coborn's, Inc. dba as Coborn's #2038 located at 200 Alton Avenue SE. Mayor opened the floor for public comment, there wasn't any.

It was moved by Seiler and seconded by Ryan to close the Public Hearing at approximately 6:06 p.m. All voted in favor of the motion. Motion carried. (5-0)

It was moved by Nickolay and seconded by Bass to approve the Issuance of 3.2% Off-Sale Malt Liquor License to Coborn's, Inc. dba as Coborn's #2038 subject to State approval. All voted in favor of the motion. Motion carried. (5-0) Mayor extended his congratulations to Coborn's #2038.

City Engineer Chris Cavett provided an update on the TH#19/Main Street 2020 CIP project and bidding process which was scheduled to open to contractor bids on March 6, 2020. However, due to feedback received from contractors during the last week before the bid opening, it became apparent that there was a risk of receiving high bids or few bids or even no bids had it remained structured as a one year project as it was proposed. As a result, the project bid opening was postponed until Thursday, April 2, 2020 as a two year project (2020-2021). This will allow the project team time to regroup and revisit the project phasing and project schedule. Contractors originally

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passing on the bid have now expressed renewed interest in the project if it is being considered as a two year project.

Mr. Cavett explained that the project management team is now recommending the project be completed over two construction seasons (2020-2021) in an effort to receive the most competitive bids prices from contractors. Allowing for flexibility in construction over a two-year period reduces contractor risk and should provide cost savings to the City of New Prague and MnDOT. There also appears to be an opportunity to relook at access into the downtown during construction and to reduce some of the impacts that an intense one-year project might have had on the community.

The contractor will have requirements for what work is to be completed in each construction season, but also have some flexibility to accelerate work as weather and schedule allow. Once the contractor has been selected, specifics of the project work such as phasing of the work will be available after April 20th.

Recommended 2020 work would include the west and east ends of the project, leaving the core downtown open and accessible to traffic from the County roads and side streets. Under that scenario, the 2021 work would focus on the main downtown segment, and with the east and west ends of the project having been completed in 2020, access and mobility into the downtown during the 2021 season should be closer and easier than if the work was taking place over one construction season. The core downtown between 1<sup>st</sup> Ave NW and Lincoln Avenue will likely be untouched in 2020 and open for Dozinky 2020. By 2021, it would seem reasonable that the same core downtown area would be substantially complete by September 2021. A two year plan would not see a need of the previously proposed incentive, nor is MnDOT in support of contributing to an incentive under the new plan. The detour would be in place during two construction seasons but would be re-opened during the winter suspension.

The phasing scenario is what is being proposed in the revised construction contract and project addendum. An addendum with the proposed phasing and schedule changes is proposed to go out to contractors on Tuesday, March 17<sup>th</sup> for their preparation of the proposed April 2, 2020 bid opening.

In the meantime, the project management team will provide a webinar vs meeting in person for businesses and property owners on March 24, 2020 at 5 p.m. to bring them up to speed with the proposed project schedule changes, answer any questions and receive comments on the proposed changes. A public open house for the larger community will be scheduled in late April or early May once a contractor is on board.

After discussion, it was moved by Wolf, seconded by Bass to approve the TH19/Main Street 2020 Improvement project's proposed phasing and schedule changes. All voted in favor, motion carried. (5-0)

The TH19/Main Street 2020 Improvement Project is currently out for bids with the Bid Opening now rescheduled for Thursday, April 2, 2020 at 10:00 a.m. A Limited Use Permit (LUP) needs to be approved and executed by the City prior to beginning construction. The LUP allows the City to place and maintain

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"City-Owned amenities" on MnDOT right-of-way. City-owned amenities consist of landscaping, colored concrete, decorative street lighting, stone seat walls, trash receptacles, bike racks, etc. which will be the City's responsibility to maintain.

The LUP will be reviewed and may be renewed every 10 years, so long as MnDOT determines that the facilities are "compatible with safe and efficient operation of the highway", the facilities are in good condition and repair, and the City will need a resolution passed to approve the LUP for an additional term.

After discussion, it was moved by Nickolay, seconded by Seiler to approve *RESOLUTION #20-03-16-01 APPROVING LIMITED USE PERMIT FOR AMENITIES AGREEMENT (LUP #4003-0002) WITH STATE OF MN - DEPARTMENT OF TRANSPORTATION*. All voted in favor, motion carried. (5-0)

Regarding the Ambulance Service Agreement with North Memorial Health, Mayor Nickolay thanked all those involved in providing input throughout this process and would like to move forward in making a decision. The Mayor asked each councilmember for their comments. Nickolay suggested that the Council should move forward in renewing the North Memorial Contract for three years vs. the five years as originally proposed and go out for competitive bids for the next contract. Each Councilmember provided comment and agreed with Mayor Nickolay's suggestion.

After discussion, it was moved by Nickolay, seconded by Seiler to approve the renewal of North Memorial's Ambulance Service Contract for a term of three years (May 1, 2020 to March 31, 2023), not 5 years. All voted in favor, motion carried. (5-0)

It was moved by Nickolay, seconded by Bass to approve the North Memorial Ambulance Lease Agreement for three years (May 1, 2020 to March 31, 2023) at the Emergency Service Facility. All voted in favor, motion carried. (5-0) Mayor thanked everyone for their feedback and congratulations to North Memorial Ambulance and looking forwarding to another three years.

Additional discussion took place between the City Administrator Johnson and the Council on planning out when to begin the process of competitive bidding for the next Ambulance Agreement prior to May 1, 2023 renewal.

Planning/Community Development Director Ken Ondich presented a rezoning request from Chart Inc. which is the second reading and adoption of Ordinance #310 amendment. At the March 2, 2020 City Council Meeting, a Comprehensive Plan Amendment was approved and the first reading of this rezoning ordinance was held to rezone two properties owned by Chart Inc. in the Plat of Chart Inc. 2<sup>nd</sup> Addition, located at the north end of 1<sup>st</sup> Avenue NW.

Chart Inc. initiated the process of the Comprehensive Plan Amendment and Rezoning based on their need for more exterior storage and desire to utilize land they own that has been largely unused since they purchased and platted it in 2012.

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Chart has proposed that the following lots be re-guided in the City's Comprehensive Plan and rezoned:

1. Outlot A, Chart Inc. Second Addition, according to the plat thereof, Scott County, MN (From RM Medium Density Residential to I-1 Light Industrial - 3.87 acres)
2. Outlot B, Chart Inc. Second Addition, according to the plat thereof, Scott County, MN (From RL-90 Single Family Residential to I-1 Light Industrial - 3.99 acres)

Minnesota Statute 462.357, Subd. 2 requires a two-thirds majority of the Councilmembers to vote for the rezoning of land from residential to industrial which means 4 of 5 members of the Council must vote in the affirmative if this rezoning is to be approved. Any time property is rezoned, it must be completed by ordinance. Upon approval, will be published after tonight's meeting and become effective on March 26, 2020.

After discussion, it was moved by Seiler, seconded by Ryan to approve *ORDINANCE #310 REZONING TWO PROPERTIES TO THE I-1 LIGHT INDUSTRIAL ZONING DISTRICT IN THE PLAT OF CHART INC. SECOND ADDITION, AS PROPOSED BY CHART INC., NEW PRAGUE, MINNESOTA*. Mayor Nickolay took role call from each Councilmember; Bass, Ryan, Seiler, Wolf, and Nickolay and each voted aye, no nays, and was passed 5-0.

Planning/Community Development Director Ken Ondich presented the introduction of a Zoning Ordinance #311 amending Section 607 through 608 and also adding Section 744 of the City of New Prague Zoning Ordinance Relating to RH High Density Residential Density and Building Appearance Standards from the Planning Commission. Initial discussion took place at the January 22, 2020 Planning Commission meeting regarding allowed densities in the RH High Density Residential Zoning District. The Planning Commission asked staff to research area cities and report back at the February meeting. Staff researched area cities during February and recommended increases to the density allowed as well as building aesthetic requirements for buildings with 5 or more units. The Planning Commission discussed the issues and developed an amending ordinance which was reported at the February 26, 2020 meeting and followed with a public hearing on the proposed language.

At the public hearing, Marv Deutsch stated that he had discussed the changes with staff and was in agreement with the changes, except that he wanted to see an increase in the allowed building height above 50'. Discussion at the meeting about height related to the 75' reach on a ladder truck, but that the reachable height depended on how close to a building the truck could get. The Planning Commission felt the height limit should not be adjusted above the 50' limit with variances to be considered on a case by case basis. The amending ordinance was approved by the Planning Commission with a 4-0 vote and has been forwarded to the Council for their approval.

A summary of the proposed changes include: Increased density in the RH District from 22 units per acre to 32 units per acre; Decrease sq.ft. per lot per unit from 2,000 sq.ft. to 1,300 sq.ft.; Decrease open space per unit from 400 sq.ft. to 300 sq. ft.; Add building design requirements for buildings with 5 or more units.

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The Council had several concerns about the proposed changes that included the decreased size of units, each being a 400 sq.ft. unit with a double stall garage? Can there be a mix of units and not all efficiency units? There were also concerns on the Fire Suppression system. Director Ondich suggested tabling the introduction of this ordinance and check with the City Attorney for additional details plus do some additional research and get back to the Council at the next meeting on April 6, 2020.

Planning/Community Development Director Ken Ondich presented a Resolution approving a Variance request (#V2-2020) that was heard at the February 26, 2020 Planning Commission Meeting. The applicant, Michael Weinandt is proposing to reduce the wetland setback from 50' to the edge of the existing conservation easement (no less than 30' to the wetland edge) to allow for a future home to be constructed of a similar size to those on neighboring lots. The lot was platted in 2018 (which is also when the conservation easement was established).

There were four public comments received during the Planning meeting. Three of the four comments received specifically stated their opposition to the variance request, but the reason for the opposition was due to the applicant's history of upkeep on this and other properties, versus the specific variance criteria under review. The Planning Commission's main concern was that there was not a specific house plan for the lot and rather a generic split level home foot print that was used for the basis of the review. Staff did note that a similar variance has been issued in the past by the City without specific house plans (most recently a lot on 7<sup>th</sup> Street NE in Bohemia Acres).

The Planning Commission recommended denial of the variance request on an unanimous vote of 4-0 based on the finding that no actual house plan was submitted for evaluation with the variance request.

Following the meeting, staff discussed the recommendation with the City Attorney and City Staff continues to recommend approval of the variance with the findings contained in the staff report. Staff also met with the applicant who submitted pictures and a revised home footprint for consideration at the Council meeting including a more specific house (with deck) that would be constructed). Mr. Michael Weinandt was present at the meeting to address any questions or concerns.

After discussion, it was moved by Bass, seconded by Nickolay to approve *RESOLUTION #20-03-16-02 APPROVING THE NEW PRAGUE CITY COUNCIL APPROVING VARIANCE (#V2-2020) FOR REDUCTION FROM THE REQUIRED 50' WETLAND SETBACK TO THE EDGE OF THE EXISTING CONSERVATION EASEMENT FOR POND 2<sup>ND</sup> ADDITION, LOCATED ALONG 7<sup>TH</sup> STREET NE, NEW PRAGUE, MINNESOTA.* All voted in favor, except Seiler and Wolf who voted no. Motion carried. (3-2)

Director Ondich shared that the staff has been working with Laker's New Prague Sanitary Inc. and Scott County Environmental Services on the 2020 City-Wide Clean-Up Day and Recycling Program Agreement with Scott County. As staff relayed to the City Council in 2019, Laker's was seeking changes to get away from curb side pick-up due to a lack of staffing and a large influx of items being dropped off on residents' curbs that was from outside of City

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Limits. In addition to the changes Laker's was seeking for the clean-up event, the grant funding criteria from Scott County has also changed for 2020. While the City is eligible for more funding than in previous years (\$1,844.15 in 2020 versus \$1,580 in 2019), the City is required to provide more specific proof that the funding is being used only for recycling of items and not for landfilling. Laker's will be able to track what is being recycled by having collection bins for recyclable items.

For the above reasons, the proposed 2020 City-Wide Clean-Up Day is recommended to change as follows:

- Occur on one single day - June 6, 2020 from 6:30 a.m. to Noon
- No curbside pick-up will occur
- All items must be brought to 302 2<sup>nd</sup> Street NW (city owned gravel lot north of the mill)
- Items collected at the drop off site will be general refuse, cardboard, scrap metal, vehicle batteries, plastics, clean wood and co-mingled recycling, all at no cost
- Photo ID and Utility Bill will be checked by Laker's Staff to verify city residency
- Document shredding will still be offered on clean-up day at the City Hall South Parking Lot at no cost (available from 9 a.m. to Noon)
- As in years past, electronics, appliances, etc., must be disposed of elsewhere as noted on the flyer.

It is noted that there is a \$1,000 city wide clean up budget line item in the 2020 budget, but this is only used for costs associated with printing the flyers and other minor costs for the city's own clean up items that must be properly disposed of. The grant will cover all other costs of the clean-up event. The Recycling Program Agreement was included within the meeting packet for the Council's review. The City has entered into nearly identical agreements with Scott County as in past years which requires signature by the Mayor and City Administrator so that grant funds can be received.

It was moved by Nickolay, seconded by Seiler to approve the Recycling Program Agreement with Scott County. All voted in favor, motion carried.  
(5-0)

At 8:14 p.m. the City Council and Staff took a break and resumed at 8:21 p.m.

City Administrator Mike Johnson explained that he has been working with the City's Emergency Preparedness Manager, Police Chief Jim Gareis on the recent news of the Corona Virus (COVID-19) pandemic and how this will impact the City. City Administrator Johnson reviewed with the Council three documents that are being recommended by the City Attorney that include: (1) Mayor Nickolay's Statement and Determination Regarding Conducting Meetings by Telephone or Electronic Means to try to eliminate bringing people together; (2) City of New Prague Mayoral Declaration No. 2020-1 which is declaring a local emergency and invoking all emergency plans; (3) Resolution Enacted Pursuant to Minnesota Statutes Section 12.29 Extending the Period of a Mayor-Declared Local Emergency.

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Emergency Management Director (EMD) Jim Gareis explained that these three documents need to be approved to put the Emergency Plan in place and allow the City of New Prague to start addressing any local issues pertaining to COVID-19. EMD Gareis and City Administrator Johnson have been in communications with surrounding cities in how they are handling this situation. At this time there are no known cases in Scott or Le Sueur Counties. This will allow the City to mitigate setting up policies and procedures for employees to avoid as much human contact as possible and be safe (close public buildings, no in person meetings, employee work shifts, etc.) Looking at following this Emergency Plan until April 20<sup>th</sup> and at that point determine if we can discontinue the State of Emergency. Gareis and the City Administrator will work with employees to ensure they can use their sick and PTO hours should they need to be quarantined for up to 14 days. If employees are low on these hours, they will have the option to go into negative hours.

There are communications taking place regarding the closing of the City Hall and other City businesses. Walz has ordered all bars, country clubs and non-essential businesses to be closed as of Tuesday, March 17<sup>th</sup> at 5 p.m. How can these business offer their services in a drive through fashion? Mayor would like additional information on business closures and exemptions. Staff will be available at the office to assist residents via phone and computer. The State will be ordering bars, restaurants, and country clubs to close on Tuesday, March 17<sup>th</sup> at 5 p.m. and many other local events that involve bringing in large groups. Key is being proactive vs reactive. Key importance is that the residents of New Prague are safe and protected.

Three Emergency Plan items needing approval to take action include:

1. Mayor Charles L. Nickolay's Statement and Determination Regarding Conducting Meetings by Telephone or Other Electronic Means. This approval includes but is not limited to City Council meetings, and meetings of all boards, committees, and commission of the City, shall be conducted by telephone or other electronics means because it is not practical or prudent to hold those meetings in person or by interactive television. All such meetings must comply with the requirements in Minnesota Statutes, Section 13D.021. Will be in effect until April 20<sup>th</sup>. This can be revoked at any time and will be revisited on April 20<sup>th</sup> on how to proceed at that point. In the case of an Emergency notice it can be less than the required three day notice. No Council action required.
2. Read the Mayoral Declaration No. 2020-01 to the City Council and Staff. As the Mayor of the City of New Prague, Minnesota, the Mayor declared that a Local Emergency exists effective as of 9:00 p.m. on March 16, 2020 in the City of New Prague, Minnesota.
3. It was moved by Ryan, seconded by Bass to approve *RESOLUTION #20-03-16-04 ENACTED PURSUANT TO MINNESOTA STATUTES SECTION 12.29 EXTENDING THE PERIOD OF A MAYOR-DECLARED LOCAL EMERGENCY*. All voted in favor, motion carried. 5-0

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After discussion, it was moved by Ryan, seconded by Bass to approve the Consent Agenda.

## CONSENT AGENDA:

- A. March 2, 2020 Regular City Council Meeting Minutes and March 2, 2020 Special City Council Meeting Minutes
  - B. Claims for Payment - March 16, 2020
  - C. Snow and Ice Removal Maintenance Agreement with MN Department of Transportation and *RESOLUTION 20-03-16-03 APPROVING MNDOT AGREEMENT NO. 1036500 FOR SNOW AND ICE REMOVAL MAINTENANCE FOR 2020 THROUGH JUNE 30, 2022.*
  - D. Approval of Liability of Coverage Waiver Form with League of MN Cities - City Admin. Johnson
  - E. Approve Promotion to Police Records Technician for Jessica Thorp
- All voted in favor. Motion carried (5-0).

## Miscellaneous Items:

Ken Ondich - Provided Shawn Ryan with an update on the Auto Recycling business inquiry.

Mike Johnson - Pointed out three other items in the packets that included: Gary Carlson with League of MN Cities release on the Final 2020 Property Tax Levy Data levied by local Government; Comment letter from Moody's on annual update; Presidential Nomination Primary election results from March 3, 2020.

Bruce Wolf - Also commented on the Moody's Investor's Service report and how that was good for the City. Already know that the Fitness Center and Golf Course will be closed. To be mindful of the City's budget, revisit the budget midway through the year and keep a watchful eye on things.


Chuck Nickolay - Brought up the Compost Site to Glen how this area will be monitored to control who is using this site. Glen will follow up the Council on this at a later date. Lastly, Happy Birthday to City Administrator Mike Johnson!

Following discussion, it was moved by Nickolay, seconded Seiler to adjourn the meeting at approximately 9:07 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:



Michael J. Johnson  
City Administrator

  
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Charles L. Nickolay  
Mayor