

City Council Proceedings

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

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Special City Council Meeting
Monday, May 4, 2020

Conducted via GoToMeeting due to the COVID-19 Pandemic which is preventing attendance at the regular meeting location.

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

Staff Present Online: Mike Johnson, Ken Ondich, Jim Gareis, Bruce Reimers, Patty Solheid, Glen Sticha, and Barb Ulschmid

Others Present Online: Ebdon Eick & Meyers, LLC CPAs Brad J. Faltevesek and Erin Ensad. Paul Busch, American Legion Post 45 and DaleLyn Means, Veteran's Memorial Committee Chair.

City Auditors Brad J. Faltevesek and Erin Ensad from Abdo Eick & Meyers, LLP., presented to the City Council the 2019 Annual Financial (Audit) Report. The audit findings were presented and reviewed as it pertains to the General Fund, Other Governmental Funds and Enterprise Funds. After discussion, it was moved by Seiler and seconded by Nickolay to accept the 2019 Annual Financial (Audit) Report. All voted in favor of the motion. (5-0)

City Administrator Mike Johnson presented to the Council a request to approve a Limited Use Agreement with the American Legion Post 45 for a Veteran's Memorial at Memorial Park. Following the adoption and publication of Ordinance No. 312 Authorizing Veteran's Memorial Pursuant to MN Statutes, Section 416.01, the City is now in a position to enter into an Agreement with the American Legion Post 45 for the purpose of contracting and maintaining a Veteran's Memorial in the City's Memorial Park. The "Limited Use Agreement" prepared by the City Attorney's Office grants a nonexclusive limited use license to the Legion, over across the Limited Use Area, solely for the purpose of constructing and maintaining the Memorial and in exchange for the Legion's covenants and promises contained in this Agreement.

City Administrator Johnson explained that the Legion is solely responsible for all costs and expenses associated with constructing, maintaining, lighting, and repairing of the Memorial and the City shall in no way be responsible for any said costs and expenses. The Legion has agreed to provide the City with the final design specifications of the Memorial prior to installation, which shall be subject to the City's review and approval, in its sole discretion. The initial term of the Agreement is for 25 years and shall automatically renew for 5-year terms unless otherwise terminated in accordance with terms within the agreement.

The only change proposed to occur with the site in Memorial Park is that it is now proposed to go from a 60'x60' site to a 60'x 74' site. The site is proposed to be located adjacent to the easterly edge of the sidewalk currently going to the existing drinking fountain that is located east of the library.

City Staff recommended that the Council approve the agreement (including the proposed site as amended) with the understanding that the "Final Design" comes back to the Council for review and approval prior to beginning construction. The anticipated construction timeframe is scheduled for after

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Memorial Weekend, all pending any COVID-19 restrictions. Paul Busch was online to answer any questions. Councilmember Wolf asked Mr. Busch about who will be maintaining the Memorial and Mr. Busch assured there were plenty of volunteers stepping up to take care of this task.

After discussion, it was moved by Seiler and seconded by Bass on the approval of the Limited Use Agreement with the American Legion Post 45 on Veteran's Memorial at Memorial Park. All voted in favor, motion carried. (5-0) Mayor commended Paul Busch and DaleLyn Means on the good job and efforts in funding this new memorial and looking forward to the completion of this project.

Public Works Director Glen Sticha reviewed the bids received for the 2020 Street Seal Coating Project:

<u>Company:</u>	<u>Per Square Yard:</u>
Allied Blacktop Company, Maple Grove, MN	\$1.048/sq. yd.
Pearson Brothers, Inc., Hanover, MN	\$1.10/sq. yd.

Street seal coating consists of applying a hot emulsified asphalt product which is immediately covered by small granite aggregate. Seal coating is a preventative maintenance program that is designed to extend the life of the street. Staff recommended the Council approve the low bid from Allied Blacktop Company. Seal coating operations would be expected to start sometime after June 1, 2020.

After discussion, it was moved by Nickolay and seconded by Ryan to approve the seal coating bid with Allied Blacktop Company at a cost of \$1.048 per square yard and approved doing 117,804 square yards for \$123,458.59. All voted in favor of the motion. Motion carried. (5-0)

Public Works Director Glen Sticha reviewed the bid received for the 2020 Trail Seal Coating Project:

<u>Company:</u>	<u>Total Cost:</u>
Bargen Incorporated, Mountain Lake, MN	\$13,500.00

The 2020 Parks Department budget allocated \$15,000.00 towards trail seal coating. Bargen Inc. quoted a product called RePLAY which is a soy-based (environmental-friendly) asphalt rejuvenator and sealant that does not contain any petroleum. New Prague has used RePLAY for sealcoating since 2012 and it is performing as we were told it would. Gopher State Sealcoat has a product called Road Guard, which is similar to the Slurry Seal used prior to using RePLAY. This sealcoat would give the walking paths a rich, black finish but requires a 20-24 hour cure time compared to RePLAY which is a clear product and requires less than 3 hours to cure. In the past, history has proven that the Slurry Seal has a tendency of flaking off in spots and causes the paths to have a rough and grit finish which the rollerbladers do not like. Since we have been using RePLAY, we have not noticed any flaking or discoloration. Mr. Sticha indicated that asphalt is used to do patch work on the trails where needed.

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After discussion, it was moved by Bass, seconded by Wolf to approve the trail seal coating bid with Bargaen Inc. at a cost of \$13,500.00 using RePLAY to perform the 2020 Trail Seal Coating Project. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich presented to the Council the first reading to zoning ordinance #313 amending Section 714 of the City of New Prague Zoning Ordinance Pertaining to Garage Sales. A summary of the proposed changes/amendments included: listing garage sales as a permitted home occupation; providing for a definition of garage sales being for the sale of secondhand goods with items offered for sale not obtained for the purpose of resale or consignment; limiting the time period of garage sales to 72 consecutive hours; limiting garage sale events to a total of 3 per calendar year per property. All very common garage sale restrictions found in zoning ordinances and City Codes around Minnesota. Some cities actually limit garage sales to no more than 2 per year, but 3 is the most common number of events allowed. This ordinance was initially brought forth at the March 25th Planning Commission meeting where a public hearing was held and no public comment was received. After discussion, the Council agreed to update the ordinance to allow a total of 4 garage sales. One City-Wide/Community-type garage sale and three other garage sales per year. The Council feels 4 sales per year is plenty and asked Ken Ondich to make those changes and reintroduce at the May 18, 2020 City Council Meeting.

Police Chief Jim Gareis presented to the Council the possible expansion of the use of golf carts on our roadways within the City of New Prague, while balancing the need for public safety for all the citizens. The City of New Prague has had ordinances that have been in effect for many years regarding motorized golf carts and snowmobile/ATV. From time to time it is important to review our ordinances to determine if changes are necessary to better serve our citizens, while balancing the need for public safety.

The City of New Prague enacted its ordinance Chapter 75: Motorized Golf Carts on February 16, 2010. At that time there was a desire to have better access to the golf course by driving your own cart to the course. It was determined by the Council, that the request was valid and city staff developed an ordinance, in compliance with state statute, to present for adoption. Since the adoption of the ordinance, over ten years ago, there has been very few public safety issues or concerns.

Last year there was a request by a citizen to review our ordinance for a possible change to extend the use of the golf cart beyond "sunrise to sunset". Police Chief Gareis indicated that he can see the desire to utilize the cart if equipped with "original equipment headlights, taillights, and rear-facing brake lights". This desire also must be weighed against public safety concerns of unintended use of expanding the time of use. A safety concern Chief Gareis shared is if the intent of the expansion is to allow the golfer to have more time after finishing their round of golf to be at the clubhouse. This may be to spend more time with friends, other golfers, or teammates to socialize. The unintended use may involve others using their golf cart for general use to go socialize, go downtown, or simply drive around after sunset. The Chief also shared concerns of individuals using golf carts as sober shuttles for bar closing time. These issues would cause

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public safety concerns that may need to be mitigated regarding the use of golf carts on our roadways.

Regarding the recreation vehicles, Chief Gareis asked the Council what they wanted to do regarding snowmobiles, ATV's and UTV's use on City Streets or to just get out of town. Additionally, to hold further discussions related to updates on our current ordinance regarding snowmobiles and ATV's - Chapter 73: Snowmobiles and All-Terrain Vehicles (passed 12-5-2005). The general consensus of the Council was that they didn't want ATV's and UTV's being driven recreationally on City Streets.

After discussion, the Council agreed that the Chief should create updates to the Golf Cart Ordinance and Snowmobile/ATV/UTV Ordinance for review and further discussion at a future City Council meeting.

Administrator Mike Johnson presented the proposed Labor Agreement for 2020-2021 with Law Enforcement Labor Services, Inc. and the City's Police Union for the Council's review and approval. The Agreement contains several date changes as well as changes to the following sections: Overtime and Premium Pay (compensatory time balances); Holidays (language changes); Vacations (new vacation schedule and language changes); Sick Leave (language changes); Severance (policy change); Insurance (date changes); Wages (Court Appearance language); Uniform Allowance (increase in annual allowance); Duration (2 years-2020-2021); and Schedule "A" for wages (2020 @ 3.00% and 2021 @ 2.75%).

City Administrator Johnson shared that the Police Union has already reviewed the Final Agreement and has approved it prior to this Council meeting.

It was moved by Nickolay and seconded by Seiler to approve the 2020-2021 Labor Agreement with Law Enforcement Labor Services, Inc. and the City's Police Union. All voted in favor, motion carried. (5-0)

City Administrator Johnson presented the proposed Memorandum of Understanding (MOU) between the City and Law Enforcement/Labor Services, Inc. and the City's Police Union and for the Council's review and approval.

As part of adopting and implementing the proposed 2020-2021 Labor Agreement, the City had a couple of goals related to compensatory time which included:

1. Reduce the maximum compensatory hour balance at anytime for each employee to not exceed 140 hours (down from 240 hours).
2. Reduce the year end carry over balance of compensatory time to a maximum of 80 hours (down from 240 hours). Have been able to move towards these new balances in the proposed 2020-2021 Labor Agreement, but the Union has asked for a phase-in of meeting the requirements with a date of May 1, 2021.

The current compensatory time balance in effect on May 4, 2020 would become the maximum compensatory balance on the books until the new 140-hour maximum limit is reached. The year end maximum balance of 80 hours on December 31, 2020 would be moved to May 1, 2021.

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The reasoning behind this request is that the Agreement is not being signed until May 4, 2020, the current COVID-19 situation that has affected scheduling and use of compensatory time by the employee, and the City's desire to allow utilization of compensatory time versus having to pay to bring down compensatory balances to the 140 hour limit all at one time. The estimated impact of doing this at the present time is about 300 hours, or \$11,000.

The Union has reviewed the MOU and is in agreement with the City.

After discussion, it was moved by Seiler and seconded by Wolf to approve the MOU with Law Enforcement Labor Services, Inc. and the Police Union. All voted in favor, motion carried. (5-0)

Emergency Management Director (EMD) Jim Gareis provided the Council with a timeline of COVID-19 closures for the state and city. What are we doing to open up the City Hall and what mechanisms will be in place to do so. Continue to keep cleaning procedures in place, while delivering service to the public. Set up a barrier of plexiglass to limit exposure to staff and customers. Will continue to monitor the situation the next two weeks until the Governor provides further direction by or before May 18th.

Regarding the Consent Agenda, the Mayor mentioned Item C regarding the Memorial Day Parade has been taken off the agenda because the parade has been cancelled. The program will be provided on the radio (KCHK) and the Honor Guard will do the 21-Gun Salute at each of the cemeteries.

After discussion, it was moved by Ryan, seconded by Seiler to approve the Consent Agenda with the deletion of item 9.C. on the Memorial Parade request.

CONSENT AGENDA:

- A. April 20, 2020 Special City Council Meeting Minutes and Special (Closed) City Council Meeting Minutes
 - B. Claims for Payment -May 4, 2020
 - C. Memorial Day Parade on May 25, 2020 - Request for Assistance and Road Closures for American Legion Post 45. - *Parade has been cancelled due to COVID-19 precautions. However, the program will be aired on KCHK radio and the Honor Guard will visit each cemetery and do the 21-gun salute.*
 - D. Release of Property from Developer's Agreement - Prague Estates 1st Addition Convenience Store Development.
- All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Glen Sticha - Provided an update per the biosolids fire at the Waste Treatment facility. Did run the bagger system and is working.

Mike Johnson - As of 4 p.m. this afternoon, City Staff heard from the MN Dept of Transportation Office of Civil Rights. Their indication is that SM Hentges & Sons, Inc. has met the DBE good faith requirements on this project. As a result, they have been cleared to move ahead and begin working on the Main Street project. Still have contract work ahead and will take a

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couple weeks to get everything in compliance between the City and SM Hentges. Set up partnering meeting to take a look at what is likely involved in the contract. What portion of the project will be completed this year? Construction will likely begin after Memorial Day Holiday Weekend.

Chuck Nickolay - Provided an update on the marketing efforts taking place at the New Prague Golf Club and how business is going thus far. Off to a good start for the situation at hand. Also, asked Mike and had discussion on what the County is doing with the delinquent percentages on property taxes, due on May 15th. Would help determine revenue on the budget side. Payment period extended from May 15th to July 15th with no penalties.

Ken Ondich - Shared that the transition on the technology conversion will take place tomorrow. Changing over to the new network cabling. The network and internet will be down from 9 a.m. to 11 a.m. Golf Course's system will be closed during this time as well. Big event, will have CTS staff on-site to work through this process and looking forward to the new system to be up and running.

Following discussion, it was moved by Nickolay, seconded Ryan to adjourn the meeting at approximately 8:36 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor