

City Council Proceedings

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State of Minnesota

Counties of Scott & Le Sueur

City of New Prague



Special City Council Meeting

Monday, May 18, 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, Judy Ceplecha, Bruce Reimers, Patty Solheid, Glen Sticha, and Barb Ulschmid

Others Present Online: City Attorney Scott Riggs, City Engineer Chris Cavett, SEH, Central Plaza Committee Chair Kay Wilcox, Rotary Club Past President Dan Jacobson

City Administrator Mike Johnson recognized Judy Ceplecha for her 40+ years of employment with the City of New Prague and wished her well in her retirement years. Mayor Nickolay read the Resolution of Appreciation for Ms. Ceplecha. Police Chief Gareis presented the plaque to Judy recognizing her for her service to the City of New Prague as a Police Record's Technician in the Police Department. According to Police Chief Gareis, Judy has always been very professional, honest, customer friendly, committed to her job, and has always shown the highest level of integrity. Judy's work experience over the past 40+ years will be tremendously missed. Judy will be retiring on May 29, 2020 and we wish her well in her upcoming retirement years.

It was moved by Nickolay and seconded by Bass on the approval of RESOLUTION 20-05-18-01 *RECOGNIZING JUDY A. CEPLECHA*. All voted in favor, motion carried. (5-0)

City Administrator Mike Johnson presented a Resolution accepting a donation from the New Prague Rotary Club for a Verdin Rotary Clock to the City of New Prague. The proposed clock is a four dial faced clock, standing 12'8" in height, and is proposed to be erected in the southeast corner of the vacant city lot (proposed Central Plaza site) at the intersection of Main Street/Central Avenue. The clock is being donated to increase Rotary's exposure within our community and being a catalyst for improvements to the vacant corner lot (Central Plaza Site) and to be part of the overall downtown improvements associated with the TH #19 / Main Street Reconstruction Project occurring in 2020-2021.

The estimated value of the Rotary Clock is projected at about \$30,500. Funding of this Rotary donation is coming from the local New Prague Rotary Club, Reciprocal Donations from 5 other Rotary Clubs (Foundation Match) and a grant from Rotary District #5960. In order to receive the Rotary District grant, the New Prague Rotary has to provide verification that the City of New Prague will accept ownership and maintenance of the Verdin Clock being it will be donated. This verification from the City is needed for a presentation in June at a Rotary District Grant meeting in order to be able to obtain a Rotary District grant estimated at \$5,344.00.

For the City to accept the proposed Verdin Clock donation and agree to provide the on-going maintenance of the clock, City Administrator Johnson stated that the Council will need to approve by resolution. Per MN Statute 465.03 Gift to Municipalities, which states that a "City may accept a grant

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or devise of personal property and maintain such property for the benefit of its citizens with the terms prescribed by the donor". The Rotary Club would donate the actual clock, preparation of the clock base and installation of the clock. The City would be expected to provide the electrical connection at the base of the clock and will be worked out with the New Prague Electric Department. Mr. Dan Jacobson on behalf of the Rotary Club and Kay Wilcox were available to answer any questions.

It was moved by Ryan and seconded by Bass to approve *RESOLUTION #20-05-18-02 ACCEPTING DONATION OF VERDIN ROTARY CLOCK FROM NEW PRAGUE ROTARY CLUB*. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich presented the amended first reading of 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 are very common garage sale restrictions found in zoning ordinances and City Codes around Minnesota. Some cities 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 event 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.

After discussion, it was moved by Ryan and seconded by Seiler to approve the *INTRODUCTION OF ORDINANCE NO. 313 AMENDING SECTION 714 OF THE CITY OF NEW PRAGUE ZONING ORDINANCE PERTAINING TO GARAGE SALES*. All voted in favor, motion carried. (5-0)

Police Chief Jim Gareis presented to the Council the first reading Ordinance #314 amending Chapter 75 of the City of New Prague City Code Related to Motorized Golf Carts. 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.

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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. Based on the discussion at the May 4th Council Meeting, Chief Gareis received direction from the Council to expand the use of motorized golf carts from sunrise to 10:00 p.m. if equipped with the required equipment.

After discussion, the Council agreed that the Chief should also create updates to the Snowmobile/ATV Ordinance and a separate UTV Ordinance with the same sunrise to 10:00 p.m. timeframe of operation as the golf cart ordinance at a later date.

It was moved by Nickolay and seconded by Ryan to approve the *INTRODUCTION OF ORDINANCE NO. 314 AMENDING CHAPTER 75 OF THE CITY OF NEW PRAGUE CITY CODE RELATED TO MOTORIZED GOLF CARTS*. All voted in favor, motion carried. (5-0)

Utilities General Manager (GM) Bruce Reimers asked for the Council's review and approval of the proposed Electric Vehicle Charging Site Host Easement Agreement with New Prague Station, LLC. GM Reimers explained that the lack of public charging stations in most communities is a major barrier to consumers making the switch to electric vehicles because of "range anxiety", the fear they may not be able to reach destinations. In September of 2019, SMMPA, New Prague's wholesale power supplier decided to help remove that barrier by approving the installation of one DC fast charger and two level two chargers in every member community. The fast chargers will provide a low-cost charge while shopping, dining or conducting business in our community. SMMPA will be covering the purchase and future maintenance cost of the chargers. Ownership of the chargers will transfer to the local utility which will determine site selection and set the price at local 24-hour charging stations.

After discussion, it was moved by Seiler, seconded by Ryan to approve the Site Host Easement Agreement with New Prague Station, LLC for Electric Vehicle Charging Hubs. All voted in favor, motion carried. (5-0)

City Administrator Mike Johnson presented a License and Waiver Agreement (prepared by the City Attorney) between the City of New Prague and The Car Lot LLC at 401 Main Street West. The purpose of the Agreement is to assist the owner of The Car Lot LLC (Mr. Rob Krautkremer) by providing him with an alternate location to be used as a car dealership during the construction of the utilities/roadway for TH #19 / Main Street West. The other purpose of the Agreement is to assist the City and the contractor during the construction of the utility infrastructure (sanitary sewer and water) and the roadway reconstruction from having to maintain daily customer and vehicle access across the construction area to the used car dealership at 401 Main Street West. Indirectly, by providing an alternate location to The Car Lot LLC, they will be able to continue their current rental arrangement with SSA&M (property owner of the used car lot property) and minimize any loss of rental income to SSA&M. This will benefit the City in the upcoming

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condemnation action on the acquisition of the Temporary Easement from SSA&M, as there will not be the loss of rental income from The Car Lot LLC. Under the proposed Agreement, City Staff is recommending that the City allow The Car Lot LLC to utilize the vacant City owned parcel lot at 410 4th Avenue NW, or just south of the Fire/Ambulance building as a temporary used car dealership. In addition to the use of the property, City staff also proposed that the former emergency preparedness trailer (which has been declared surplus property) be provided for use as a temporary office at the site. The trailer would be provided as is, with no warranties, with connections provided for electrical power and water, along with coordinating connections for telephone and internet. The City would also be responsible for providing a portable toilet at the site. Estimated out of pocket expenses for the City should not exceed about \$600.00 for these items. Temporary orange fencing/stakes and installation of a temporary security light would be provided from existing materials on hand.

In return for being able to utilize the City's vacant gravel lot, The Car Lot LLC agrees to continue paying SSA&M for rent for the Main Street property and continuing to make utility payments (electric, water, sanitary sewer, telephone/internet and garbage/refuse) for services at that site, (Section 2.3). The Car Lot LLC also agrees to waive all claims for damages in the Condemnation Action that relate to the project and further agrees that they are ineligible for any relocation benefits because it will not be displaced from the Main Street property (Section 10.1). The term of this Agreement is likely to cover June-October and The Car Lot would likely return to their Main Street property in October in time for the roadway to be opened-up for winter.

It was moved by Bass and seconded by Seiler to approve the License and Waiver Agreement with The Car Lot LLC for 410 4th Avenue NW. All voted in favor, motion carried. (5-0)

City Engineer Chris Cavett provided a presentation on the TH #19 / Main Street Reconstruction Project which included updates on the Project Construction Schedule, Water Service and Sanitary Sewer Service Special Assessment Recommendations. Mr. Cavett provided details on the road construction which will start on Monday, June 8th and explained that the work will begin on the west side of town by the railroad tracks and continue east to Wells Fargo (2nd Avenue NW) with hopes (weather permitting), mill & overlay on Highway #19 west of Highway #21 and construction of the storm sewer around the perimeter of the Library at Memorial Park.

The scope of the Main Street Reconstruction project includes the proposed replacement of 100-year old water and sanitary sewer mains located in Main Street. The service laterals (water & sanitary sewer) require replacement at the same time and at a minimum must be replaced from the mains in the street, and up to the property line. In the case of downtown buildings, it is also advantageous that the water service laterals also be extended into the buildings where feasible to eliminate a mechanical splice in the service pipe on outside the building in an area under the downtown sidewalk. The project plans and details were structured to bid not only the minimum 1" domestic water service to the property line, but to also include unit

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pricing to extend the water service into the building as well as pricing to provide 6" fire suppression services to the property and into the building.

In the 2018 Feasibility Study, the costs for the water and sanitary sewer services were estimated based on best available information at the time. However, the work is unique and the recent increases in construction costs have resulted in the actual cost for water and sanitary sewer services to be higher than the original 2018 cost estimates. Staff and Engineering wish to provide the assessment rate information to the affected property owners to assist them in making final investment decisions for their properties. These recommended assessment rates would be used in the assessment roll to be prepared in the fall of 2021. There are NO proposed changes in the street assessment rates as were proposed in the original 2018 feasibility study.

After discussion, it was moved by Seiler and seconded by Nickolay to approve the proposed assessment rates, based on the actual costs determined by the low bid pricing and that these proposed assessment rates will be utilized in preparing the assessment roll which will be prepared in the fall of 2021. All voted in favor, motion carried. (5-0)

Emergency Management Director (EMD) Jim Gareis provided the Council with an update per the May 13th Governor's four Orders - No. 2053 - extended the peak time to June 12th; No. 2054 - talked about unsafe work conditions; No. 2055 - is about at risk populations; No. 2056 - is an executive order stating bars and restaurants can open June 1st with outdoor seating as long as a COVID plan is in place.

Discussion took place on what is being done to prepare for the opening of the City Hall and what mechanisms will be in place to do so. City Staff are talking about opening city facilities possibly sometime in June, will provide cleaning stations and have more hand sanitizers. Signage and directional stickers in the common area for customers. Will continue to keep cleaning procedures in place, while delivering service to the public. Will set up a barrier of glass to limit exposure to staff and customers.

City Administrator Mike Johnson talked about providing partial refunds to those with liquor licenses being the bars have been closed since March 17th. At some point the Council may need to provide direction. Staff and Council agreed to wait until the bars and restaurants can open-up and address it at that time.

After discussion, it was moved by Seiler, seconded by Nickolay to approve the Consent Agenda.

CONSENT AGENDA:

- A. May 4, 2020 Special City Council Meeting Minutes
 - B. Claims for Payment - May 18, 2020
- All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Shawn Ryan - 1. A resident shared their disappointment in the City Wide Clean Up changes and concerned how an elderly person is supposed to get

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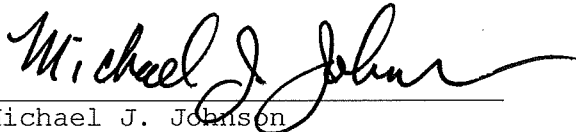
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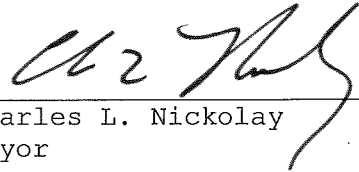
their throw aways to the off-site location and safely with the COVID pandemic? Ondich indicated Laker's Sanitation is offering a curbside pick up to those disabled or 65 years or older. These people can call the City Hall and leave their name and number and the City will forward those names to Laker's. Laker's will provide curbside pickup to these individuals on June 6th, have items out by 7:00 a.m.

Following discussion, it was moved by Nickolay, seconded Seiler to adjourn the meeting at approximately 8:31 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor