

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, June 1, 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, Glen Sticha, and Barb Ulschmid

Others Present Online: Holy Trinity Representatives: Co-Pastor Ben Hilding and Council President Karla Klingfus.

It was moved by Bass, seconded by Nickolay to approve the Agenda. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich presented a Resolution asking for approval to amend Conditional Use Permit #C1-2004 to allow a 3,100 sq. ft. office addition to the existing religious institution located at 1300 E. Main Street (Holy Trinity Evangelical Lutheran Church) in the B-2 Community Commercial Zoning District. This request was approved at the May 27, 2020 Planning Commission meeting.

While the addition itself is very straightforward, most of the discussion and report is concerning a 2004 development agreement between the City and Church regarding the closure of their access to TH19 (Main Street) and the construction of 1<sup>st</sup> Street SE. A finding in the staff report (and resolution) covers the staff recommendation with input from both the City Engineer and MnDOT supporting the condition as written.

At the public hearing, two public comments were received, both of which were from Holy Trinity representatives (Co-Pastor Ben Building and Council President Karla Klingfus), both of whom noted that they were in agreement with the conditions of the amendment to the conditional use permit as listed in the staff report. The unanimous recommendation for approval followed the eight findings and five conditions in the staff report. Director Ondich mentioned the Development Agreement Amendment would be placed on the June 15<sup>th</sup> City Council agenda.

It was moved by Nickolay, seconded by Bass to approve RESOLUTION #20-06-01-01 AMENDING CONDITIONAL USE PERMIT #C1-2004 TO ALLOW A 3,100 SQ. FT. OFFICE ADDITION TO THE EXISITING RELIGIOUS INSTITUTION IN THE B-2 COMMUNITY COMMERCIAL ZONING DISTRICT, AS PROPOSED BY HOLY TRINITY EVANGELICAL LUTHERAN CHURCH. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich presented the second reading of Ordinance #313 Amending Section 714 of the City of New Prague Zoning Ordinance Pertaining to Garage Sales. City Staff have been dealing with some complaints in residential areas about homes that have numerous garage sales per year (monthly or more spring through fall). The complaints are related to concerns about traffic and noise from the activity generated by garage sales. On at least a couple of occasions, the garage sales appear to be selling "new" or "unused" items that were mostly likely purchased for this purpose of resale, rather than being the legitimate resale of used goods.

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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 plus one additional event associated with the city-wide garage sale event. This ordinance was initially brought forth at the March 25<sup>th</sup> Planning Commission meeting. Also, a public hearing took place at the April 22, 2020 meeting and no public comments were received. At the May 18, 2020 City Council Meeting, the City Council held the first reading and introduction of the ordinance.

After discussion, it was moved by Ryan and seconded by Seiler to approve the *ADOPTION 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 Adoption of Ordinance #314 amending Chapter 75 of the City of New Prague City Code Related to Motorized Golf Carts. 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 a 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. Based on the discussion at the May 4<sup>th</sup> 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.

It was moved by Nickolay and seconded by Bass to approve the *ADOPTION 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)

Planning/Community Development Director Ken Ondich presented the amended first reading of Ordinance #315 Amending Section 734 of the City of New Prague Zoning Ordinance Pertaining to Wetland Setbacks. The City has seen a recent influx of variance applications for wetland setbacks to structures with three being issued by the City Council for the construction of new homes in the last year alone. Looking back to 2002, the City had issued six variances for structure setbacks to variances.

During the review of the two variance requests for new homes in early 2020, the City Council asked staff to look into an amendment that would allow homes and structures to be located up to, but not encroaching into wetland buffers and easements that were previously established to protect the

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wetland. The reason for this is wetlands with already established buffers or easements have the necessary protection in place and do not need the more general 50' setback to structures from wetland edges to provide protection between the structure and wetland area.

A summary of the proposed changes/amendments included: Allow structures to be located up to the edge of already established wetland easement buffers (which are typically at a minimum of 40'); Allow structures to be located up to the edge of already established wetland conservation easements (between 25' and 65' depending on the wetland assessment rating); and Keep the blanket 50' setback to structures in all situations where a buffer easement or conservation easement is not already in place and a wetland assessment has not yet been conducted.

The Planning Commission conducted a "concept review" of the suggested zoning ordinance amendments at their April 22, 2020 meeting which was followed by a public hearing at the May 27<sup>th</sup> Planning Commission meeting and no public comments were received. The Planning Commission voted 3-0 to recommend that the Council approve the amendments. Director Ondich noted the City Engineer Chris Cavett and Sr. Biologist Deric Deuschle, both of SEH, are in support of the proposed amendments.

After discussion, it was moved by Ryan and seconded by Seiler to approve the *INTRODUCTION OF ORDINANCE NO. 315 AMENDING SECTION 734 OF THE CITY OF NEW PRAGUE ZONING ORDINANCE PERTAINING TO WETLAND SETBACKS*. All voted in favor, motion carried. (5-0)

Director Ken Ondich presented a Park Board recommendation to purchase a Zip Line for Memorial Park. At the Park Board Meeting on May 12, 2020, the Park Board voted 6-0 to forward a recommendation that the City Council select Northland Recreation in the amount of \$18,606 for the zip line including installation and Franek Concrete and Masonry in the amount of \$9,800 for the concrete sidewalk surround to be paid for from the Park Equipment Fund.

As further background, in 2019, staff had initially planned to purchase and install a 100' long zip line in Memorial Park. The project was ultimately delayed to 2020 to increase the budget to \$30,000 to cover a sidewalk surround and woodchips for the zip line area in addition to the zip line itself. Staff obtained two quotes for the zip line including the installation which included: Minnesota/Wisconsin Playground for \$20,131.38 and Northland Recreation for \$18,606.00 (low quote). The quotes for concrete included Steve Rynda Construction and Landscape for \$10,825 and Franek Concrete and Masonry for \$9,800 (low quote).

The project total is \$29,956.50 (including \$1,550.50 for wood fiber surfacing which was already purchased for the project in bulk) which is just under the \$30,000 budgeted amount in the Park Equipment Fund.

The project would begin after July 4<sup>th</sup> which would give ample time for the contractor to complete the storm line project in memorial Park which starts on June 8<sup>th</sup> which is associated with the Main Street project.

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It was moved by Ryan and seconded by Nickolay to approve the purchase of the Zip Line for Memorial Park at an estimated cost of \$29,956.50. All voted in favor, motion carried. (5-0)

City Administrator Mike Johnson shared with the Council a request by the Legion Pavilion Company, Inc. (dba Park Ballroom) requesting a temporary deferment of their July 1, 2020 special assessment payment. The amount of the deferred payment is \$7,083.72 and they are asking for a 60-90 day deferral up to or prior to October 1, 2020 due to the COVID-19 pandemic which has caused them some revenue issues. The Legion is down to their last three (3) payments under the Lease Agreement with the City which are scheduled for July 1, 2020, January 1, 2021 and July 1, 2021.

After consultation with the City Attorney's Office, the City Council can simply by motion approve the 90-day deferral from July 1, 2020 to October 1, 2020. The Legion has consistently made payment of their special assessments on time since January 2007. City Staff would recommend approval of the lease repayment extension request from July 1, 2020 to October 1, 2020 with no change in the payment amount of \$7,083.72. The current interest rate in the amortization schedule for special assessments is 5.0%. The deferral of the payment is estimated to amount to about \$89.27 in interest.

It was moved by Nickolay and seconded by Bass to approve the Lease Repayment Extension Request from the Legion Pavilion Company, Inc. All voted in favor, motion carried. (5-0)

Emergency Management Director (EMD) Jim Gareis provided the Council with COVID-19 order update. Stated there really isn't anything new except City Administrator Mike Johnson is busy working with bars and restaurants per the Governor's Executive Order stating bars and restaurants could open as of June 1<sup>st</sup> with outdoor seating as long as a COVID plan is in place. Working with local businesses to assure they have the appropriate plans in place to open to the public.

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. Tomorrow, glass windows will be installed at the three front desk locations at the City Hall. Department Heads are meeting two times weekly to come up with a reopening plan. Other city departments continue to work with each and their teams. If they must work together, masks are worn. The Chief met with Kurt at the New Prague Golf Course. Can now begin selling alcohol again at the Golf Course. Mr. Ruehling has been working on his COVID Plan and has everything ready to go. Waiting to hear when the Governor moves to Phase 3 and what will begin opening.

Ryan inquired about the UTV ordinance. Discussion between Police Chief Gareis and Councilmembers on various questions/concerns and Police Chief Gareis is working on and will bring forth to the Council at the June 15<sup>th</sup> council meeting.

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

CONSENT AGENDA:

- A. May 18, 2020 Special City Council Meeting Minutes
  - B. Claims for Payment - June 15, 2020
- All voted in favor. Motion carried (5-0).

Miscellaneous Items:

Mike Johnson - Provided an update on the TH #19 / Main Street Reconstruction Project and how this will be communicated to the public. Recommended people use the new text option created by SEH.

Jim Gareis - Regarding the activity taking place in the Metro area, continue to monitor the events taking place. Meeting with Chiefs of Scott County to make sure we have the resources we need in case there are any problems that come our way. Not able to send any officers up to Minneapolis for mutual aid.

Glen Sticha - Main Street construction will begin Monday, June 8<sup>th</sup>. The road will be closed at 7<sup>th</sup> avenue to through traffic and also at Hwy 21 to through traffic. It's going to be a hard close (foot traffic only) at 2<sup>nd</sup> Ave NW, SW or by Wells Fargo and Hwy 21. Could be a hard close at 1<sup>st</sup> Ave NW, SW and trying to convince SM Hentges to leave this one block and the rest of main street open and be a soft close (can access businesses by using a side street. Provided additional details on the upcoming road construction. Also, talked about seal coating details for certain streets within the City.

Bruce Wolf - Provided an update on the Main Street Marketing Committee and items they are coordinating to promote local businesses during construction.

Chuck Nickolay - Provided an update on the marketing efforts at the New Prague Golf Club and the increase of golf rounds, up 1500 from last year.

Following discussion, it was moved by Nickolay, seconded Seiler to adjourn the meeting at approximately 7:02 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:

  
Michael J. Johnson  
City Administrator

  
Charles L. Nickolay  
Mayor

