

City Council Proceedings

1594

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

} City Council Meeting
Tuesday, July 5, 2022

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

Absent: Councilmember Wolf

Staff Present at Meeting: Josh Tetzlaff, Ken Ondich, Jim Gareis, and Barb Ulschmid

Mayor Jirik administered the Oath to Police Officer Nickolas Orrie as his family, Council and Staff looked on.

Mayor Jirik asked if there were any additions/updates to the Council Agenda and suggested moving Agenda Item 11A - Appeal of Notice of Violation - 1214 Olivia Street SE to after the Consent Agenda. Motion by Bass, seconded by Seiler to approve the Amended Agenda. All voted in favor. Motion carried (4-0).

Mayor Jirik asked if there were any comments on the Consent Agenda. There being none, motion by Bass and seconded by Ryan.

CONSENT AGENDA as follows:

- A. June 20, 2022 City Council Meeting Minutes
 - B. Claims for Payment: **\$1,644,558.11** (July 5, 2022)
 - C. Chamber of Commerce - Liquor License Requests:
 1. Temporary On-Sale 3.2 Beer Permit - Czech Out New Prague Event on Thursday, August 4, 2022 at Memorial Park, 400 Main Street E, 5 p.m. to 8 p.m.
 2. Two Temporary On-Sale Liquor Licenses - Dožinky Days Festival/Cruise Night on Friday-Sunday, September 16-18, 2022 (one per location) at:
 - a. Chamber Beer Garden - Central Ave. N. (on street)
 - b. Memorial Park Concession Stand - 400 Main Street E.
 - D. Rental Dwelling Unit Inspection Task Force - Final Appointment
- All voted in favor. Motion carried (4-0).

GENERAL BUSINESS:

A. Appeal of Notice of Violation - 1214 Olivia Street SE. City Administrator Tetzlaff explained that on June 15th, the City issued a notice of violation for Tall Grass and Weeds to Justin McCormick, property owner at 1214 Olivia Street SE. Specifically, the nuisance was addressing the height of the grass in the back yard, adjacent to County Road 29. While this street is maintained by the County, the boulevard maintenance responsibilities fall on the adjacent property owner, similar to all property owners whose property is adjacent to rights-of-way across the City. For this boulevard, this grass had been previously mowed by the City but as of this summer with the update to what the City is mowing, had reverted back to the adjacent property owner. Mr. McCormick called the City Hall on 6/20/22 and requested a hearing to dispute the violation. While called a hearing in the code, this is not a traditional public hearing but more like a judicial hearing disputing a violation. Planning/Community Development Director Ken Ondich provided some additional background on the situation and Mr. McCormick stated his case before the Council. After much discussion, Council asked to table this agenda item until Public Works Director Matt Rynda was back to provide

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RESOLUTIONS:

#22-07-05-01 - Director Ondich presented a sign variance for New Prague High School. The Planning Commission heard about this variance at their June 22nd meeting and approved unanimously. The applicant, New Prague Schools, representative was Craig Most and requested to install an electronic variable sign near the main entrance of the school along 12th Street NE. The variance requested would allow the applicant to have a 69-sf electronic variable message sign rather than a standard 32-sf sign and to also keep the existing "Home of the Trojans" monument sign.

Motion by Seiler, seconded by Ryan to approve *RESOLUTION #22-07-05-01 AND VARIANCE #V3-2022 FOR A 69 SQUARE FOOT ELECTRONIC VARIABLE MESSAGE SIGN RATHER THAN THE STANDARD 32 SQUARE FOOT SIGN, AND TO KEEP THE EXISTING MONUMENT SIGN AT 221 12TH STREET NE., AS PROPOSED BY NEW PRAGUE AREA SCHOOLS.* All voted in favor. Motion carried (4-0).

#22-07-05-02 - Director Ondich presented a variance for MVE Biological Solutions located at 201 7th Street NW. The applicant is requesting a front yard setback variance along 7th Street NW from 40' to 27' and a maximum building coverage variance from 40% to 42.1%. The additions include 14,080 sq. ft. for production, 9,600 sq. ft. for warehousing and 2,848 sq. ft. for pallet storage (moving their exterior stored materials to within the building). The additions will allow their fulltime work force to increase by approximately 25%.

Motion by Bass, seconded by Ryan to approve *RESOLUTION #22-07-05-02 AND VARIANCE #V4-2022 FROM THE FRONT YARD SETBACK ALONG 7TH STREET NW AND FROM THE MAXIMUM BUILDING COVERAGE FOR A BUILDING ADDITION LOCATED AT 201 7TH STREET NW, NEW PRAGUE, MN.* All voted in favor. Motion carried (4-0).

#22-07-05-03 and #22-07-05-04 - Director Ondich presented two Resolutions to the City Council in the appointing of the 2022 Election Judges and setting their rate of pay by resolution as required by M.S. 204B.21 Subd. 2. The staff is requesting the Council to set the 2022 Election Judges pay at \$13.00/hr. and \$15.00/hr. for the head judges. Resolution #22-07-05-03 is for appointing judges for the State Primary Election and Resolution (#22-07-05-04) is for appointing judges for the General Election.

The Primary Election is on Tuesday, August 9th and the General Election is on Tuesday, November 8th. Also, as general information, filing for the City offices include Mayor (2 years); 2 Regular Council seats (4 years), opens on Tuesday, August 2nd and closes on Tuesday, August 16th at 5 p.m. The Primary Election will take place at the New Prague Fitness & Aquatic Center and the General Election will take place at the St. Wenceslaus Parish Activity Center. Staff and judges are participating in mandatory training and getting prepared.

After discussion, motion by Jirik, seconded by Ryan to approve *RESOLUTION #22-07-05-03 APPOINTING ELECTION JUDGES AND SETTING PAY FOR THE 2022 STATE PRIMARY ELECTION.* All voted in favor. Motion carried. (4-0)

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Motion by Seiler, seconded by Ryan to approve *RESOLUTION #22-07-05-04 APPROVING ELECTION JUDGES AND SETTING PAY FOR THE 2022 GENERAL ELECTION*. All voted in favor. Motion carried. (4-0)

#22-07-05-05 - Director Ondich explained that back in 2012, the City was awarded grant funds from MnDOT to install a bituminous trail from Philipps Park west along TH19 to the Raven Stream Village development on the west side of town. As part of the grant, the city was required to enter into a Limited Use Agreement (LUP) for a 10-year period which required that the City would maintain the trail (including repairs and snow removal). The original agreement will run out on 8/6/22. The City intends to keep this trail in the long term and therefore is required to enter into another LUP Agreement with MnDOT for another 10 years (until 8/6/2032). If the City were not to enter into a new agreement, the City would be required to remove the trail and all improvements from MnDOT's right of way. Staff sees no reason to believe the trail segment will not continue to exist well beyond the new permit end date in 2032.

Director Ondich shared that there may be one item that may come back to Council pertaining to the ADA Transmission Plan on curb approaches. If MnDOT does come back with changes, there would be an amendment to this agreement and Staff would address at that time.

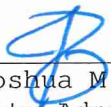
Motion by Jirik, seconded by Ryan to approve *RESOLUTION #22-07-05-05 APPROVING LIMITED USE PERMIT WITH MNDOT FOR WEST TH19 TRAIL*. All voted in favor. Motion carried (4-0).

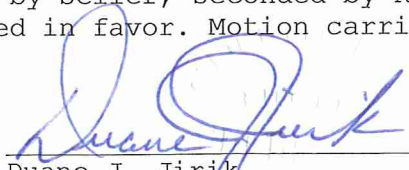
MISCELLANEOUS:

1. Meeting Minutes - Informational only - Planning (Special & Regular Meetings), Utilities, and Golf
2. Joint Powers - May Financial Updates
3. Ryan - Asked if there could be two councilmembers temporarily on the Planning Commission (vs. one) until the two open seats are filled? Ondich needs to verify with City Attorney on this.
4. Gareis - 1. Provided details regarding an on-going posting for a police officer position as a backfill for when he retires. A retirement date has not been set at this time. Received a couple applicants and will be interviewing in the near future. 2. Working with the State on providing a traffic plan to get a permit for the upcoming two-day Dožinky event.
5. Jirik - Inquired about the Main Street closing this weekend. Tetzlaff explained that the work got pushed back until later in August.

There being no additional business, motion by Seiler, seconded by Ryan to adjourn at approximately 6:58 p.m. All voted in favor. Motion carried (4-0).

ATTEST:


Joshua M. Tetzlaff
City Administrator


Duane J. Jirik
Mayor

