

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, July 6, 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, Glen Sticha, Jim Gareis, and Barb Ulschmid

Others Present Online: City Attorney Scott Riggs, City Engineer Chris Cavett, Scott County Community CDA Linda Janovsky, Mark & Melissa Ellman, Doug Pint and Dan Valek

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

City Engineer Chris Cavett provided an update on the TH #19 / Main Street Reconstruction Project (2020 CIP) and the progress of construction activity. Current activities taking place include getting the site prepared for the underground crossings that will take place next week. Most signage is already in place. Discussion on the detours and how residents and visitors can get to downtown businesses. City Administrator Johnson explained that The Car Lot is temporarily located to the south lot of the Emergency Facilities building.

City Administrator Mike Johnson presented a request to the Council asking for their approval on a resolution that approves Amendment #1 to MnDOT Agency Agreement No. 1035763 for Federal Participation in Force Account for Lighting on Trunk Highway #19. This amendment and agreement is intended to amend a prior action taken by the City Council on January 7, 2020 whereby Resolution No. 20-01-07-02 was adopted which approved the MnDOT Agency Agreement No. 1035763 for Federal Participation in Force Account for Lighting on TH #19 Reconstruction Project.

The new Agreement amendment is adding in additional eligible costs of \$137,580 to the Force Account for the lighting on Highway #19 that is being done by the New Prague Electric Department. The total estimated project costs that are eligible to be considered for reimbursement with Federal Funds (materials, labor and trucks) is now \$937,100. Federal participation will pay the City up to 80% of the cost of the Force Account items which is \$749,680, leaving us with a balance of \$187,420 to come from local funds.

Motion by Seiler, seconded by Bass on the approval of *RESOLUTION #20-07-06-01 APPROVING AMENDMENT #1 TO MNDOT AGENCY AGREEMENT NO. 1035763 FOR FEDERAL PARTICIPATION IN FORCE ACCOUNT FOR LIGHTING ON TRUNK HIGHWAY #19 REONSTRUCTION PROJECT*. All voted in favor, motion carried. (5-0)

Police Chief Jim Gareis took direction from the Council at the May 4, May 18th and June 15th Council meetings on providing a proposed Class 2 ATV and UTV Ordinance for discussion that would allow for general use on the roadways. An ordinance Chapter 76: All-Terrain Vehicle (Class 2) or a Utility Task Vehicle was developed to cover the use, operation, permitting, and enforcement of these vehicles on designated roadways within the New Prague city limits. Authorized vehicles in this ordinance only include ATV

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Class 2 Vehicles and Utility Task Vehicles as defined in Minnesota statutes. Class 1 ATV's would not be allowed for general use and would remain as recreation vehicles only covered by Chapter 73: Snowmobiles and ATVs.

The culmination of this ordinance is the result of many hours of research that will provide a solid foundation for the use of all-terrain vehicles Class 2 or utility task vehicles, while balancing the need for public safety. By developing a strong ordinance, we can serve all people involved.

At the June 15th Council Meeting a discussion elicited several changes to the draft ordinance. These changes were added to develop this final ordinance. Upon review by the office of Kennedy & Graven, Scott Riggs, City Attorney, believe this is a strong ordinance that will serve public safety in the City of New Prague while allowing use of Class 2 All-Terrain Vehicles and Utility Task Vehicles to be used on designated streets in New Prague. July 20th would be the adoption. If no changes on the 20th, the ordinance would be published on July 23rd. Wording changes were recommended in 76.03(A)(b), "16 years of age or older" and 76.04 "A driver and".

After discussion, a motion was made by Ryan and seconded by Bass to approve the Introduction of Ordinance #316 Amending Title VII of the City of New Prague City Code Related to All-Terrain Vehicles and Utility Task Vehicles. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich asked the Council to consider a Scott County Community CDA - Community Land Trust Homes permit fee reduction request. Director Ondich explained that previous City Councils have granted a 50% reduction in permit fees for the construction of new Habitat for Humanity homes within the city. The fees that have been reduced included: building permit, plan review, park fees and water/sewer connector fees. The most recent fee reduction as a savings of over \$5,200 in permit fees was for a Habitat home constructed in 2018.

Director Ondich explained that he had recent conversations with the Scott County CDA about the construction of four new homes that would be a part of their new "Community Land Trust" program. Essentially it takes the cost of land out of the cost of homeownership for those that purchase homes on land within the Community Land Trust Area, thereby creating a more affordable option for home ownership. The CDA has submitted a letter requesting a 50% reduction in the fees for 4 new homes located at 912-918 Wencel Ave. NE. The reduction is the same request made by Habitat for Humanity. Staff believes the request is reasonable and will provide an affordable housing option for families that does not exist today.

Staff would suggest that the building permit and plan review fees, park fee, and water and sewer connection fees be reduced by 50% to remain consistent with the previous request from Habitat for Humanity. A 50% reduction in these fees would be a savings of about \$6,138.23 to the Scott County CDA for each new home. Scott County Community CDA Linda Janovsky thanked the Council for this opportunity and was online for any questions.

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After discussion, a motion was made by Seiler and seconded by Ryan to approve a 50% reduction in the fees for 4 new homes located at 912-918 Wencel Ave. NE for the Scott County CDA Community Land Trust Homes. All voted in favor, motion carried. (5-0)

Planning/Community Development Director Ken Ondich asked for approval of a resolution covering a variance request presented at the June 24, 2020 Planning Commission meeting where it was unanimously approved. The applicants, Mark and Melissa Ellman are proposing to install a 6' tall vinyl privacy fence along their corner side property line of their back yard. The zoning ordinance only allows 4' tall fences within 30' of a property line along a right of way. The request was made to provide an area for their dog to be contained and for privacy reasons and to utilize an area of roughly a third of the size of their backyard that would not otherwise be allowed to be fenced in with the 6' tall fence.

The only public comment received on this matter was from the applicant, Mark Ellman who noted that a downspout on the southwest side of his house would outlet within the proposed fenced-in area, as it related to a question by Commissioner Meyer regarding the downspout in it's relation to the proposed fence.

A motion by Nickolay, seconded by Bass to approve *RESOLUTION #20-07-06-02 APPROVING VARIANCE (#V4-2020) FROM THE FENCE REGULATIONS IN THE RL-90 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AT 300 KENNEDY AVE. NW, AS PROPOSED BY MARK AND MELISSA ELLMAN, NEW PRAGUE, MINNESOTA.* All voted in favor, motion carried. (5-0)

Director Ondich presented another item reviewed and unanimously recommended at the June 24, 2020 Planning Commission, the Preliminary and Final Plat of Suerai which contains three lots on 0.70 acres of land. There is an existing home that will remain on the property as the corner lot (is being renovated by Doug Pint) and the other two lots will be available for new single-family home construction. Additional discussion took place on the lot details.

There was a required public hearing where comments were received from Paul Kraft at 302 Lyndale Ave. N. and Wendy Mathiowetz at 310 Lyndale Ave. N. Both indicated that they were concerned about the number of lots in the plat and felt that only one new lot should be allowed to be created and they believed that all three lots should be required to have a driveway installed to Lyndale Ave. N. It was noted that the lots meet all size requirements and since the lots all have access to an alley, there is no requirement that they are required to have a driveway to the street when an alley is available. Director Ondich stated that this is a "transitory" neighborhood with homes from the early 1900's and some from the 1950's and an alley driveway would not be out of place.

After discussion, it was moved by Seiler and seconded by Bass to approve *RESOLUTION #20-07-06-03 GRANTING APPROVAL OF THE PRELIMINARY AND FINAL PLAT OF SUERAI CONSISTING OF THREE LOTS ON 0.70 ACRES, NEW PRAGUE, MN.* All voted in favor, motion carried. (5-0)

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Emergency Management Director (EMD) Jim Gareis provided the Council with a COVID-19 order update. With the recent increase in COVID cases in New Prague, it was decided to keep the City Hall closed for the time-being. Will revisit around mid-July and see if Governor Walz decides to extend the executive order. Discussion took place on the mandating of wearing masks as recently passed in Mankato and Rochester. Lengthy discussion between Councilmembers and staff as to whether or not a mask mandate would be beneficial for this community. Mayor questioned if a public hearing should be set up? Council decided to wait and see if the Governor approves a state-wide mask ordinance next week and if not, will revisit this topic at the July 20th council meeting. Also shared that staff continues to follow cleaning policies and procedures in the City.

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

CONSENT AGENDA:

- A. June 15, 2020 and June 29, 2020 Special City Council Meeting Minutes
- B. Claims for Payment - July 6, 2020
- C. Chamber of Commerce - Czech Out New Prague Event:
 - 1. Temporary On-Sale 3.2 Beer Permit for August 6, 2020 at Memorial Park - 400 East Main Street

All voted in favor. Motion carried (5-0).

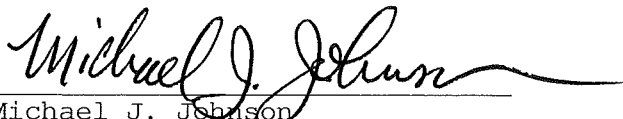
Miscellaneous Items:

Mike Johnson - Shared details on the CARES Act. The Governor decided to provide federal monies to the state, county and some of the cities. The City of New Prague is eligible to receive around \$606,000. Mike, Ken Ondich and Patty Solheid attended a webinar to learn how this money can be used for the City such as medical expenses, public health measures, economic support, etc. Also talked about setting up a grant program for local businesses to help them while they were closed for several months. This money will need to be used by November or must be turned back into the U.S. Treasury which may then go out to the Counties.

Maggie Bass - Shared a comment/concern from a local resident stating they were golfing at the New Prague Golf Course and there was white foam blowing around them and was concerned what it was. Glen Sticha assured it was nothing toxic but rather soap used to mark areas that have been sprayed.

Following discussion, it was moved by Councilmember Nickolay, seconded by Ryan to adjourn the meeting at approximately 8:03 p.m. All voted in favor of the motion. Motion carried, 5-0.

ATTEST:



Michael J. Johnson
City Administrator


Charles L. Nickolay
Mayor