

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



City Council Meeting
Monday, July 18, 2022

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

Absent: Councilmember Bass

Staff Present at Meeting: Josh Tetzlaff, Ken Ondich, Tim Applen, Matt Rynda, and City Attorney Scott Riggs

Mayor Jirik asked if there were any additions/updates to the Council Agenda. There being none, motion by Ryan, seconded by Seiler to approve the Agenda. All voted in favor. Motion carried (4-0).

Mayor Jirik asked if there were any comments on the Consent Agenda, some discussion took place regarding the financials. Motion by Seiler and seconded by Wolf.

CONSENT AGENDA as follows:

- A. July 5, 2022 City Council Meeting Minutes
- B. Claims for Payment: **\$558,544.80** (July 18, 2022)
- C. Second Quarter Finance Report (April-June 2022)
- D. LG220 MN Lawful Gambling for Exempt Permit for Scott Le Sueur Waterfowlers Inc Event on November 17, 2022 including a Raffle at The Park Ballroom, 300 Lexington Avenue South, New Prague.

All voted in favor. Motion carried (4-0).

APPEAL OF NOTICE OF VIOLATION - 1214 Olivia Street SE. City Administrator Joshua Tetzlaff explained that the original appeal took place at the last City Council meeting on July 5th where the Council heard from both staff and Justin McCormick regarding who is responsible for the mowing of a portion of grass between a trail that is located in an easement across his property and County Road 29. The City had 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. The City had previously been mowing this portion of grass but due to changes in what the City mows to create a more equitable situation for all landowners across the City has now shifted that responsibility to the landowner. 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. After much discussion between Staff, Council, City Attorney Riggs and Mr. McCormick, motion by Ryan that CITY STAFF RETURN TO MOWING ALL AREAS THAT WERE PREVIOUSLY BEING MOWED PRIOR TO THE MAP UPDATES, INCLUDING BOTH RESIDENTIAL AND COMMERCIAL PROPERTIES, AND SHOULD NOT BE THE PROPERTY OWNERS' RESPONSIBILITY, seconded by Seiler. Ryan, Seiler and Jirik voted in favor. Wolf opposed. Motion carried (3-1).

NEW PRAGUE COMMUNITY BAPTIST CHURCH CONDITIONAL USE APPLICATION

(#C2-2022)- Planning/Community Development Director Ken Ondich explained this Conditional Use Permit (CUP) is amending a CUP back from 1988 for Community Baptist Church located at 500 10th Ave. NE. The Church is requesting to add: 4 turf fields (not lighted/irrigated) for 12U soccer, a Pavilion & Playground. The parking lot would be repaved and striped with 196 parking stalls including ADA spaces. The Planning Commission reviewed this request at their April 27, 2022 meeting where 10 residents provided

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commentary during the public hearing. Continued discussions took place after the public hearing on June 15, 2022 with an additional 8 residents providing comments. Main concerns at both meetings mainly focused on noise and parking. The Planning Commission did approve the CUP at the June 15th meeting by a 3-0 vote with the findings and conditions listed in the staff report and one revision to a finding regarding parking to be modified before coming before the City Council. Additional details on the fields were provided including the fencing placed on three sides of the three fields and the church's parking lot providing enough spaces for those using the fields along with the 14 conditions.

Mayor Jirik explained that the Council had read all the residents' comments. There were 19 residents present at the meeting and the Mayor welcomed them to speak if they wanted to address the Council. One resident addressed the Council - Dick Jordan, lives at 712 Highland Dr. and he shared his concerns.

After discussion, motion by Ryan, seconded by Wolf to approve RESOLUTION #22-07-18-01 APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT (AND TO ASSIGN IT A NEW FILE #C2-2022) TO ALLOW THE EXPANSION OF A RELIGIOUS INSTITUTION WITH THE ADDITION OF FOUR ATHLETIC FIELDS, PAVILION, AND PLAYGROUND AREA LOCATED AT 500 10TH AVE. NE AS PROPOSED BY COMMUNITY BAPTIST CHURCH. ALSO, COUNCIL AGREED TO INCLUDE THE ADDITION OF CONDITION #15 - SHOULD THERE BE TRESPASSING AND/OR PUBLIC/SAFETY ISSUES DOCUMENTED BY THE N.P. POLICE DEPT., THE CITY COUNCIL CAN REQUIRE FENCING AND WOULD BE HANDLED SIMILAR TO CONDITION #4. Roll call vote: Ryan - aye, Wolf - aye, Seiler - nay, Jirik - aye. Motion carried (3-1).

Took a recess at 7:04 p.m. Reconvened meeting at 7:10 p.m.

GENERAL BUSINESS:

PIONEER SALOON - Mark Michel, owner of Pioneer Saloon revisited the topic about the process involved in buying the land near the wall of his building and the cost of it. Initially when this process began, Mr. Michel's was told the cost would be around \$2,500-\$3,000 (\$1,500 legal, \$600 for the land, and \$1,000 for surveying). Currently, the cost is up to about \$6,500 and the process is not complete. Would like to know how much more this will cost. Director Ondich shared that the land price and surveying cost did not change, however, the legal fees did because the County rejected the Deeds. City Attorney Riggs shared there shouldn't be much more to do but it all depends what the County still needs to get this recorded. The City provided all that was initially requested of them and the City Attorney has been working with the County. The Staff and Council agreed that Mr. Michael's does not need to make payment at this time. Staff and the City Attorney's office will talk about absorbing some of the costs to get Mr. Michael's amount due close to what was initially agreed upon. City Attorney Riggs and Staff will revisit this with Council at a later time once this issue is resolved with the County.

WOLD ARCHITECTS AND ENGINEERS FOLLOW UP - FACILITIES ASSESSMENT UPDATES - John McNamara with Wold summarized the scope of this project which focused on what the process would entail, and discussed the goals, expectations, and processes in how data was gathered and the schedule for how this all is expected to run. John shared they are currently on Task 2 (Surveys and

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City of New Prague

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Existing Utilization) of 7. Task 1 being Organization Meetings. From a schedule side of things, this summer (July-Oct.) will focus on coming to an agreement on Space and Needs. Will walk through all the facilities and look at the conditions of each. As a result of the walk-throughs, Wold will come back with a Facility Assessment and Condition Assessment on long-term and short-term facility needs and share with City Administration/Staff. Assessment details will come back to Council once there is some consensus. Will schedule tours to other Municipalities to see how their facilities are set up.

NEW PRAGUE POST OFFICE - City Administrator Tetzlaff shared that there is a growing group in New Prague promoting the need for a new post office which has been in the same location for over 100 years. The Mayor and City Administrator did have a meeting scheduled in April with Representative Angie Craig in hopes she could bring this topic to the Federal level. However, this meeting ended up getting cancelled due to COVID but has been rescheduled for a tentative date of August 18th. In the mean-time Administrator Tetzlaff has had the chance to meet with several members of the public and they asked if the City could get more involved in potentially heading a committee that will be able to disseminate information and keep people moving forward on this project. City Administrator Tetzlaff asked Council how involved they would like staff to be in this process. Mayor and Councilmembers have had meetings with residents as well and support the City's involvement. City Administrator Tetzlaff's goal is to find that right person to actually move this process forward. Council asked for a follow up on this topic after their meeting with Representative Craig.

SET CITY ADMINISTRATOR REVIEW DATE - Mayor and Council agreed to schedule a Closed Session for after the August 1, 2022 City Council meeting.

SET FIRST BUDGET MEETING - Council suggested receiving the materials prior to Labor Day, allowing more time to review, and also begin talking about the American Recovery Act money and how will that money be used. City Administrator Tetzlaff agreed and will include within the first budget workshop. Council and Staff agreed the first budget workshop date can be decided at the August 1st City Council meeting when all Councilmembers are present.

MISCELLANEOUS:

1. Meeting Minutes - Informational only - EDA
2. April 1, 2021 Population Estimate - Some discussion took place on this topic.
3. Seiler - A. If a board/commission doesn't have enough members to attend a meeting and make a quorum, can a councilmember step in? Can alternate people show up if a quorum is needed? City Attorney Riggs said it all depends on what committee it is and explained the various requirements. Discussion took place between Staff and Council and Administrator Tetzlaff agreed to collect more information and bring back to Council.
B. Began discussions on the licensing process for the City dealing with the sale of THC Products.

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- 4. Wolf - A. Asked if wildflowers could be planted in easement areas vs homeowners/staff having to mow these areas, similar to an area by Parkview Clinic. Looking for cost-saving alternatives. Staff will look into options. B. Asked for a copy of Wold's presentation.

There being no additional business, motion by Seiler, seconded by Jirik to adjourn at approximately 8:34 p.m. All voted in favor. Motion carried (4-0).

ATTEST:

Duane J. Jirik
Mayor

Joshua M. Tetzlaff
City Administrator