

# City Council Proceedings

1473

State of Minnesota

Counties of Scott & Le Sueur

City of New Prague

}

City Council Meeting

Monday, July 19, 2021

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

Staff Present at Meeting: Ken Ondich, Matt Rynda, and Deb Wegner

Others Present at Meeting: Chris Cavett - City Engineer (on-line); Jon Peterson P.E. - Bolton & Menk; Mitch Peterson

Mayor Jirik asked if there were any additions to the Council agenda. Wolf requested a couple additions be added: 1. Add a resident's concern regarding 5<sup>th</sup> Ave. NW, added as Agenda Item 6a. 2. Had a question regarding the Administration's Transition proposal, added as Agenda Item 6b. Motion by Seiler, seconded by Bass to approve the amended Agenda. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ken Ondich explained to the Council that James Pint at 505 Autumn Ave. SE has applied for a partial vacation (625 sq.ft.) of a drainage and utility easement in order to construct a small 8' x 10' deck addition onto an existing deck which is only 6' x 14'. The existing deck was built to its maximum size based on the platted drainage and utility easement as part of the Eastland Third Addition plat. This easement precludes the construction of any structures, including decks, within the easement area as it is reserved for drainage and utility purposes. In the case of this plat, the drainage and utility easement actually function as a wetland buffer.

The drainage and utility easement on this lot is not a specific wetland buffer easement or conservation easement, but it is notable that the proposed deck and even the proposed area of the drainage and utility easement to be vacated (625 sq. ft. area) would still provide for a 50.1' buffer around the wetland edge. It would also allow the deck addition to be located not closer than 56' to the delineated wetland edge which would still meet the 50' setback for structures per the ordinance requirement.

The owner is still maintaining the City's current 2020 zoning ordinance buffer of 50' from wetland, even with that vacation. Just carving out a little area for the deck and a little excess buffer around that. Not an issue for the properties around them as far as building decks and patios.

Director Ondich indicated that Staff does not believe there are any utility lines (public or private) located in the drainage and utility easement to be vacated and notices would be provided to all utility companies. Since the Introduction of the Ordinance, the public notice was published in the New Prague Times.

Mayor Jirik officially opened the public hearing at 6:08 p.m. and allowed for public comment.

There were no additional comments, motion by Ryan, seconded by Bass to close the Public Hearing at 6:08 p.m. All voted in favor. Motion carried (5-0).

# City Council Proceedings

1474

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

}

City Council Meeting  
Monday, July 19, 2021

After discussion, motion by Ryan, seconded by Bass to approve the *ADOPTION OF ORDINANCE #322 VACATING A PORTION OF A CERTAIN DRAINAGE AND UTILITY EASEMENT IN THE PLAT OF EASTLAND 3<sup>RD</sup> ADDITION*. All voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided an update on the TH#19/Main Street Reconstruction Project (2020-2021 CIP). Mr. Cavett shared that the project is on-schedule and a bit ahead of schedule in some areas. Shared the progress being made this week and projected what will take place next week and into the weeks that follow.

Utility work is almost close to being completed. Roadwork is ahead of schedule and now focusing on the sidewalk work. Mill and overlay last week went well and was completed in one day and before the afternoon rush hour.

The roadwork will easily be completed up to east of the 1<sup>st</sup> Avenue roundabout prior to Dožinky days as the contract states. The completion of the finishing work (lights) up to 1<sup>st</sup> Avenue looks promising as well, (weather permitting).

Some discussion took place between the Mayor, Councilmembers and Mr. Cavett.

On a side note, Councilmember Wolf reminded all about a Block Party (west side of the project where the road is completed and open) which is sponsored by the Main Street Committee on Wednesday, July 28<sup>th</sup> from 11 am to 1 pm. Skluzacek Meats will be providing the hot dogs and chips. Encouraged all to stop in and show your support of the local businesses.

Public Works Director Matt Rynda explained that the City of New Prague is seeking assistance in completing a Toxicity Reduction Evaluation (TRE) for the 2021 Whole Effluent Toxicity (WET) test failure. WET testing is required on an annual basis as a condition of the National Pollutant Discharge Elimination Discharge System (NPDES) permit for the wastewater treatment facility. This has been a condition of the City's NPDES permit for over 15 years, and the testing has previously shown the facility discharge was within permit limits. A WET test was conducted in May 2021 which resulted in a failed result for the facility. Per NPDES permit conditions, a retest of the WET test was conducted in June 2021 which also resulted in a failed result. Under the conditions of the permit, the City is now required to conduct a TRE. To expand upon this topic more, Mr. Rynda introduced Bolton & Menk's Principal Engineer Jon Peterson.

Bolton & Menk Inc. (BMI) has proposed to perform this work on an hourly basis per the standard rates. The estimated budget for these engineering services is \$25,000-\$30,000 depending on the testing results. In order to meet the initial timeline for preparing a TRE plan for submittal to the MPCA, it is anticipated that this work will take approximately 8 hours of staff time. BMI will also assist in identifying required testing and lab work and will help the City procure the services of a testing firm and coordinate lab and testing

City Council Proceedings

1475

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

} City Council Meeting  
Monday, July 19, 2021

services. Our experience with other facilities TRE testing is to budget \$30,000-\$50,000 for this lab work, depending on the testing results.

After discussion, it was moved by Wolf, seconded by Seiler to *APPROVE THE AGREEMENT WITH BOLTON & MENK TO UNDERTAKE A TOXICITY REDUCTION EVALUATION (TRE) STUDY AT THE WWTF PLANT*. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich presented the award details of the Southside Park Drainage Improvement Project to Chard Grading & Excavating. The past three years, \$20,000 has been set aside for a drainage improvement project at Southside Park at the existing ballfield. The field has been vastly underutilized (the outfield is also large enough for a full-size soccer field) due to the poor drainage that has existed there for many years. About four years ago, staff worked with the City Engineer on a concept design and budget in order to set aside money for the completion of the work in 2021.

Quotes were put out on July 6, 2021 and proposals were received on July 15<sup>th</sup>. Two quotes were received, one from Chard Grading & Excavation for \$60,019.37 and another from K.A. Witt Construction for \$67,618.30. While the entire project, including engineering was \$60,000, staff believes that the quotes received are competitive and within a reasonable range (and will only get more expensive in future years). In moving forward, the amount of \$60,019.37 will be paid from the 2021 Park Board Budget. The project requires the work to be completed in 21 days with the work completed no later than September 15<sup>th</sup>. The field will be ready for use by spring of 2022.

Staff also noted SEH's Engineering fee totaled \$7,446.50 (within the estimated range), so the total project cost was \$67,465.87. Staff also looked at the last remaining project from the Park Board Budget for 2021 and noted that the \$2,000 budgeted for the demo of the old bathroom in Memorial Park will only cost \$500 (for dumpster fees) vs the original budgeted amount of \$2,000 being the demo of the old bathroom will be done in-house with a savings of \$1,500. The savings can be shifted to the drainage project budget. In total, the 2021 Park Board Budget will be \$5,965.87 over the planned total budget for year end.

It was moved by Bass and seconded by Seiler to *AWARD SOUTHSIDE PARK DRAINAGE IMPROVEMENT PROJECT TO CHARD GRADING & EXCAVATING IN THE AMOUNT OF \$60,019.37*. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich presented on behalf of Police Chief Gareis (not available to attend this evening's meeting) a resolution terminating the local emergency related to COVID-19 declared by Mayoral Declaration No. 2020-1 on March 16, 2020 and extended on March 16, 2020 by City Council Resolution No. 20-03-16-04 to be terminated, effective immediately. This Resolution will be given prompt and general publicity and filed in accordance with Minnesota Statutes, section 12.29.

# City Council Proceedings

1476

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

} City Council Meeting  
Monday, July 19, 2021

Motion by Seiler, seconded by Bass to *APPROVE RESOLUTION #21-07-19-01 TERMINATING THE LOCAL EMERGENCY RELATED TO COVID-19*. All voted in favor. Motion carried (5-0).

Planning/Community Development Director Ondich provided an overview regarding residents concerns about a crosswalk at Praha Village / Hy-Vee Food Store at 10<sup>th</sup> Avenue SE & 1<sup>st</sup> Street SE, especially when Hy-Vee opens to the public. Concerns about heavy pedestrian traffic and a lot going on at this intersection. Plan to do data collection on the area. Mr. Ondich assured that Staff takes this matter seriously and the safety of all residents is very important. Discussions will take place with City Staff on how to make this crosswalk area safer (traffic counting and monitor speed of vehicles/traffic patterns).

Emma Jean Tikalsky - Resident of Praha Village. Concerned about the fast-moving traffic at 10<sup>th</sup> Avenue SE & 1<sup>st</sup> Street SE. Definitely need to make this area more visible and safer.

After discussion, motion by Seiler seconded by Bass for *CITY STAFF TO REVIEW AND STUDY THE CROSSWALK AREA AT PRAHA VILLAGE / HY-VEE FOOD STORE AT 10<sup>TH</sup> AVENUE SE / 1<sup>ST</sup> STREET SE AND PROVIDE RECOMMENDATIONS AT A FUTURE CITY COUNCIL MEETING*. All voted in favor. Motion carried (5-0).

Another traffic safety concern brought to the Council and added to the agenda this evening as item 6a. by Mr. Leonard Kriha who lives at the corner of 5<sup>th</sup> Ave NW and 1<sup>st</sup> Street (behind Kwik Trip). Currently 5<sup>th</sup> Ave NW is a one-way street but may make into a two way because people drive both north and south on this one way. Mr. Ondich provided more details on this issue and explained that this area has more traffic since Kwik Trip was built. Signage placement was discussed between Mr. Rynda and Councilmembers.

After discussion, motion by Wolf, seconded by Seiler to have Staff *LOOK INTO WHAT OPTIONS MAY BE AVAILABLE FOR 5<sup>TH</sup> AVENUE NW'S ONE WAY (AGENDA ITEM 6A)*. All voted in favor. Motion carried (5-0).

Another item added to the agenda is 6b - Transition Plan and Appointing someone to be Acting City Administrator in case our City Administrator is absent. Mr. Wolf would like to coordinate activities with the Mayor as a Transition Subcommittee of the Council to help coordinate various transition activities and communications with the staff on the transition of the new City Administrator. One of the purposes would be to put together a document compiling the Council's expectations of the City Administrator prior to Joshua Tetzlaff's first day. What items should be sent to him prior to his first day to help him make a successful transition. Council agreed this is a good idea.

Also, who would be in charge after Mike Johnson's last day on August 20<sup>th</sup> and before Joshua Tetzlaff starts on August 30<sup>th</sup>? Bass said she would like to see these responsibilities reflected in the Staff's job description. Council would like City Attorney Scott Riggs to set up a Resolution for the next Council meeting's approval.

City Council Proceedings

1477

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

City Council Meeting  
Monday, July 19, 2021

Mayor Jirik asked if there were any questions on the Consent Agenda. There being no questions, motion by Ryan, seconded by Seiler to approve the Consent Agenda as follows:

- A. July 6, 2021 City Council Meeting Minutes,
- B. Claims for Payment - July 19, 2021
- C. Second Quarter Finance Report (April - June 2021) - Finance Director Patty Solheid
- D. Release of Deferred Assessment for PID #23.560.0060 - Planning/Community Development Director Ken Ondich
- E. Resolution #21-07-19-02 Setting Public Hearing Date and Introduce Ordinance for Vacation of Drainage Utilities Easement - Planning/Community Development Director Ken Ondich
- F. Satisfaction of Assessment for PID #23.605.0200 - Planning/Community Development Director Ken Ondich
- G. Purchase of a 4-Wheel Drive  $\frac{3}{4}$  Ton Pick Up - Public Works Director Matt Rynda
- H. Cancellation of Flipside Pub & Grill Inc. dba Flipside Pub & Grill Liquor Licenses
- I. Second Amendment to SCDP Contract for Administrative Services with Southwest MN Housing Partnership - City Administrator Mike Johnson

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

Miscellaneous Items:

Maggie Bass - Question about one of the business updates from the June 9<sup>th</sup> EDA minutes on the Consent Agenda. The 15-lot development north of the Coborn's strip mall. Mr. Ondich clarified that it's actually the last phase of Eastland Development, South of Coborn's on Summer Avenue and it is well under way in its final phase.

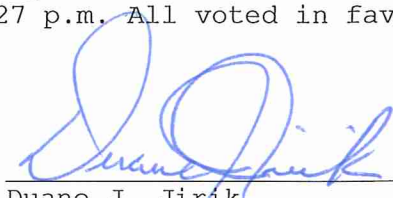
Rik Seiler - Questioned the sheep around the Wastewater Treatment facility. Mr. Rynda explained they have been there a long time and are there to eat the grass around the treatment pond vs. having to mow it.

Matt Rynda - Shared that the Public Works Department is finally fully staffed.

There being no additional business, motion by Seiler, seconded by Ryan to adjourn the meeting at approximately 7:27 p.m. All voted in favor. Motion carried (5-0).

ATTEST:

  
Kenneth D. Ondich  
Planning/Community Development Director  
Acting City Administrator

  
Duane J. Jirik  
Mayor

