

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 20, 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 and Ken Ondich

Others Present Online: City Attorney Scott Riggs, City Engineer Chris Cavett,

Motion by Seiler, seconded by Nickolay to approve the Agenda. By roll call vote, all voted in favor. Motion carried (5-0).

City Engineer Chris Cavett provided the City Council with his update on the TH#19/Main Street Reconstruction Project (2020 CIP).

City Administrator Mike Johnson presented the memo and recommendation from Fire Chief Jeremy Tikalsky recommending to the Council that Zachary Dubanowski and Charles Flicek be appointed as firemen effective July 21, 2020. City Administrator Johnson recommended that the appointments should be conditioned on the successful passage of a drug/alcohol test by each of the applicants. After discussion, motion by Nickolay, seconded by Bass to appoint Zachary Dubanowski and Charles Flicek to the New Prague Fire Department effective as of July 21, 2020 conditioned upon the successful passage of a drug/alcohol test by each of the applicants. By roll call vote, all voted in favor. Motion carried (5-0).

Mayor Nickolay introduced the second reading of Ordinance No. 316, an Ordinance Amending Title VII of the City of New Prague City Code Related to All-Terrain Vehicles and Utility Task Vehicles. The ordinance was initially introduced at the July 6, 2020 Council meeting. The ordinance is scheduled to be published in the New Prague Times on July 23, 2020 and to be effective upon publication. The estimated cost of a permit under this ordinance is projected at \$25.00, similar to a golf cart permit. After discussion, motion by Ryan, seconded by Bass to approve the second and final reading of the ordinance and adopt ORDINANCE NO. 316 AMENDING TITLE VII OF THE CITY OF NEW PRAGUE CITY CODE RELATED TO ALL-TERRAIN VEHICLES AND UTILITY TASK VEHICLES. By roll call vote, all voted in favor. Motion carried (5-0).

Mayor Nickolay introduced the request from the New Prague EDA Board seeking an allocation of \$108,000 from the City's CARES Act Funding to assist local businesses adversely impacted by the COVID-19 Pandemic. City Administrator Johnson explained that the City's estimated CARES Act Funding would be about \$606,941. He went on to explain that qualifying expenses must meet three distinct elements to satisfy the Funds eligibility criteria and the six categorical areas or eligible type of uses for these funds. City Staff is in the process of attempting to identify potential eligible uses for these funds, but that the EDA Board is requesting funding to address an area under the "Economic Support" category. Under that category (#5), "Grants to small businesses to reimburse the cost of business interruption caused by required closures" is an eligible categorical expense and has been preliminarily identified and listed on City Staff's possible list of CARES Act Funding ideas

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If the Council were to give approval to the EDA's request, it is the intent of the EDA to model their program similar to what was recently developed and advertised by the Scott County CDA for Small Business Recovery (with changes). The EDA Board was tentatively thinking of making available one-time emergency forgivable loans up to \$5,000 based on economic injury from COVID-19. The EDA Board is recommending that they work with Mr. Lee Hall and NextStage to aid in the set-up and administration of the proposed business forgivable loans program. There were significant questions and debate on how the program would work and the details on how funds would be made available to businesses. Councilmember Bass supports the program but thinks that maybe an additional \$100,000 should be reserved for the program. Councilmember Seiler agreed with the program outline with some apprehension and was concerned about distribution of funds and that funding needed to go to failing businesses. Councilmember Ryan was concerned about who would be determining eligibility for funding, who would be making a final decision on business selection and that the Council should have some say in the process besides just the Board. Councilmember Wolf provided a number of comments on the EDA's request including program creation/staffing, compliance with Federal regulations, viability to businesses, awards larger or smaller based on merit or need and contracting with NextStage. There was discussion about having a Special Meeting by the EDA the week of July 27th, and the possibility of a Joint meeting with the City Council, to discuss the program outline and process to determine business eligibility and distribution of the funds. After discussion, motion by Nickolay, seconded by Bass to provide an allocation of CARES Act Funding to the EDA Board from a minimum of \$108,000 up to a maximum of \$214,000 to assist local businesses adversely impacted by the COVID-19 Pandemic. By roll call vote, all voted in favor. Motion carried (5-0).

Mayor Nickolay introduced Ordinance No. 317 Amending Section 117 of the New Prague Code pertaining to Tobacco. City Attorney Scott Riggs was present and explained that the proposed ordinance changes were designed to ensure that the City's Tobacco regulations would be consistent and align with the Federal Law that was passed in December 2019 and with State Law that will be effective August 1, 2020. The proposed ordinance showed all of the changes in detail to align with the state regulations but did not include any other modifications to the current tobacco requirements. The City is required to provide at least 30 days' notice to tobacco license holders prior to adopting the final ordinance. Councilmember Bass indicated that under Ordinance Section 117.06 (C.) that the MS 257.351 cite could not be accessed and should be reviewed. After discussion, motion by Ryan and seconded by Wolf, to introduce and approve the 1st Reading of ORDINANCE NO. 317 AMENDING SECTION 117 OF THE NEW PRAGUE CODE PERTAINING TO TOBACCO and that the 2nd Reading be scheduled for September 8, 2020. By roll call vote, all voted in favor. Motion carried (5-0).

Mayor Nickolay re-introduced the discussion with the Council on the issue of trying to decide on the need to adopt a City Resolution requiring face coverings in indoor areas accessible to the public. This matter had been previously discussed at the July 6, 2020 Council meeting and was deferred to this meeting. Governor Walz still has not adopted a state-wide face mask requirement at this time, but locally the Coborn's Grocery Store has implemented this new requirement as of today. Other large retailers who have

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imposed a facemask requirement have included Walmart, Hy-Vee, Costco, Target, Best Buy plus others.

Councilmember Bass stated that emails to her have been mixed on both sides of the issue. She is not in favor of the City taking action to adopt a facemask requirement. She would prefer to leave this decision in the hands of the business owners to make that decision. Masks are a personal responsibility as well as social distancing. There could be some loss of business because masks may not be worn. Salons do require masks. Ms. Bass thought that Governor Walz should make the decision on a state-wide basis and that the City Council doesn't need to adopt this regulation at the local level.

Councilmember Seiler indicated that he would have seconded Councilmember Bass's comments had it been a motion.

Councilmember Wolf stated that he would support the requirement for masks in public places. He stated that the City should take action to adopt such a resolution for public health and economic reasons. Wearing masks helps prevent the spread of the disease (although uncertain of the degree). He feels that it is in the City's purview to do this because it is a public health issue. On the economic front, he believes that it helps reduce risks to business openings and removes the burden of not having businesses individually make their own decisions to do this. Finally, he believes that having a facemask requirement reduces health risks to customers and employees. Mr. Wolf said he would support a City-adopted policy that would require facemasks to be worn indoors.

Councilmember Bass raised questions about facemasks being worn in schools, gym facilities; what are other cities doing; what about the age for mask wearers or people with health issues; and believes that the choice should be up to the local business to determine an individual's responsibility on entering their premises.

Councilmember Seiler stated the City has no Public Health Department to enforce the regulation and that it should come from either the County or State.

Councilmember Ryan indicated that he agreed with bits and pieces of the three previous Councilmember's comments about wearing a mask. He would not want the City to force a facemask law on local residents. It should be a state guided law and he did not want to force his will on others. He could support a requirement to wear a mask in City facilities.

Mayor Nickolay stated that he had similar feelings to Councilmember Ryan. Masks are a benefit and should be worn in a building but outside with social distancing you shouldn't need a mask.

After discussion, motion by Bass, seconded by Seiler that the City not adopt a mandate to wear facemasks and to wait until a decision is made at the state level by the Governor.

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Mayor Nickolay opened-up discussion on the proposed action to public input prior to the final vote.

1. Kristin Blinkinstop-O'Connor, New Prague expressed her opinion that there should not be a mandate to wear masks.
2. Curt Guerrette at 603 Doherty Ave SE felt that the facemask decision should be left up to businesses and not the City.
3. Kris Solheid at 7000 Union Hill Blvd stated it was not appropriate for the City to mandate the wearing of facemasks.

By roll call vote, Ryan, Bass, Seiler and Nickolay voted aye and Wolf voted Nay. Motion carried (4-1).

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

CONSENT AGENDA:

- A. July 6, 2020 Special City Council Meeting Minutes
- B. Claims for Payment - July 20, 2020
- C. Second Quarter Financial Report - (April - June 2020)

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

Miscellaneous Items:

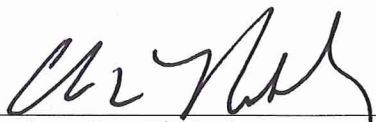
Ken Ondich - Informed the Council of the need to move and the reasons to move the Election Polling Location from the St. Wenceslaus Parish Activity Center back to the gym at the Fitness & Aquatics Center. Notices have been sent to all properties and public notices and information is being published.

There being no additional business, motion by Councilmember Nickolay, seconded by Ryan to adjourn the meeting at approximately 7:56 p.m. All voted in favor of the motion. Motion carried (5-0).

ATTEST:



Michael J. Johnson
City Administrator



Charles L. Nickolay
Mayor